PROCEEDINGS

OF THE

Constitutional Convention

HELD IN

DENVER, DECEMBER 20, 1875

TO FRAME A CONSTITUTION

FOR THE

STATE OF COLORADO

TOGETHER WITH

THE ENABLING ACT

Passed by the Congress of the United States and
Approved March 3, 1875

THE ADDRESS TO THE PEOPLE

Issued by the Convention

THE CONSTITUTION AS ADOPTED

AND

THE PRESIDENT'S PROCLAMATION

PUBLISHED BY AUTHORITY
TIMOTHY O'CONNOR, SECRETARY OF STATE

DENVER, COLORADO
THE SMITH-BROOKS PRESS, STATE PRINTERS
1907

CERTIFICATE.

STATE OF COLORADO,
OFFICE OF THE SECRETARY OF STATE, } ss.

I, TIMOTHY O'CONNOR, Secretary of State of the State of Colorado, do hereby certify that, in accordance with the provisions of Chapter 135 of the laws of 1907, (S. B. No. 21, by Senator Barela, approved April 5, 1907), I have had prepared for publication, and caused to be printed, bound in book form, all records of the Constitutional Convention of Colorado held in 1876 and all records of the meetings and proceedings thereof and all records and documents pertaining thereto; that the said printed records have been carefully compared with the original documents on file in my office, and that the following are full, true and correct copies thereof.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado.

(Seal)

Done at Denver, this first day of August, A. D. 1907.

TIMOTHY O'CONNOR,
Secretary of State.

PREFACE.

In the following pages, the text of the original manuscript minute-book of the proceedings of the Convention has been followed closely, the only changes not indicated in the text being of misspelled words and manifestly wrong punctuation.

Parentheses in the text indicate insertions, and have been used only when the meaning was manifest, and the omission was clearly a mere clerical error. Brackets have been used for substitutions, indicating that the word or words contained therein are to be used instead of the word or words immediately preceding. They also have been used sparingly, and for the most part in case of purely clerical errors.

In the punctuation and capitalization of the Enabling Act and the President's Proclamation, the Congressional style has been followed. In the case of the Address to the People, the original copy, as reported to the Convention by its committee, has been followed. The Constitution itself is punctuated and capitalized exactly like the original enrolled copy on file in the office of the Secretary of State. Any discrepancies in the spelling of proper names are chargeable to the original manuscript.

AN ACT

To Publish and Bind in Book Form All Records of the Constitutional Convention of Colorado, Held in 1876, and All Records of the Meetings and Proceedings Thereof and All Records and Documents Pertaining Thereto.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That the Secretary of the State of Colorado shall as soon as possible after the passage of this act, cause to be published and bound 1,000 copies in book form all records of the meetings and proceedings of the Constitutional Convention of the State of Colorado, held in 1876 and all records and documents pertaining to said Constitutional Convention with such other facts as shall make the same a complete and concise redord [record] of said convention, which record shall contain certificate by the Secretary of State that said records are full and complete so far as the records in this office disclose. And said copies shall be distributed as follows: One to each living member and one to each family of a deceased member of said Constitutional Convention; one to each member of the Sixteenth General Assembly and each State officer; one to each public library in this State, and one copy to the Secretary of State of each State and territory of the United States; the remaining copies to be preserved in the office of the Secretary of State, to be disposed of by the Secretary of State at $5.00 per copy.

Sec. 2. The necessary work to be done for carrying out the provisions of this act, shall be done under the personal direction of the Secretary of State of the State of Colorado.

Sec. 3. There is hereby appropriated out of the general funds in the State Treasury, the sum of twenty-five hundred dollars ($2500.) or so much thereof as may be necessary, to carry out the provisions of this act.

Sec. 4. Whereas, In the opinion of the General Assembly, an emergency exists; therefore, this act shall be in force from and after its passage.

Approved April 5th, 1907.

ENABLING ACT.

FORMATION OF STATE AUTHORIZED.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled;

Sec. 1. That the inhabitants of the Territory of Colorado, included in the boundaries hereinafter designated, be and they are, hereby, authorized to form, for themselves, out of said Territory, a state government, with the name of the State of Colorado; which State, when formed, shall be admitted into the Union upon an equal footing with the original States in all respects whatever, as hereinafter provided.

BOUNDARIES OF STATE.

§ 2. That the said State of Colorado shall consist of all the territory included within the following boundaries, to wit: 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 same 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.

CONVENTION—ELECTION—APPORTIONMENT—PROCLAMATION—TIME.

§ 3. That all persons qualified by law to vote for representatives to the General Assembly of said Territory, at the date of the passage of this act, shall be qualified to be elected and they are, hereby, authorized to vote for and choose representatives to form a convention, under such rules and regulations as the Governor of said Territory, the Chief Justice, and the United States attorney thereof may prescribe; and all who are qualified voters of said Territory under the laws thereof, at such time as the constitution to be framed shall be submitted to the people for ratification or rejection, shall be entitled to vote upon the question of such ratification or rejection, under such rules and regulations as said convention may prescribe; and the aforesaid representatives, to form the aforesaid convention, shall be apportioned among the several counties in said Territory in proportion to the vote polled in each of said counties at the last general election as near as may be; and said apportionment

shall be made for said Territory by the Governor, United States district attorney, and Chief Justice thereof, or any two of them; and the Governor of said Territory shall, by proclamation, order an election of the representatives aforesaid to be held throughout the Territory at such time as shall be fixed by the Governor, Chief Justice and United States attorney, or any two of them; which proclamation shall be issued within ninety days next after the first day of September, eighteen hundred and seventy-five, and at least thirty days prior to the time of said election; and such election shall be conducted in the same manner as is prescribed by the laws of said Territory regulating elections therein, for members of the House of Representatives; and the number of members to said convention shall be the same as now constitutes both branches of the legislature of the aforesaid Territory. [As amended, March 3, 1876. 19 U. S. Stat. at L., p. 5.]

CONVENTION MEET—CONSTITUTION U. S.—REQUIREMENTS—RELIGION—LAND—TAXATION.

§ 4. That the members of the convention thus elected shall meet at the capital of said Territory, on a day to be fixed by said Governor, Chief Justice, and United States attorney, not more than sixty days subsequent to the day of election, which time of meeting shall be contained in the aforesaid proclamation, mentioned in the third section of this act, and after organization shall declare on behalf of the people of said Territory, that they adopt the constitution of the United States; whereupon the said convention shall be and is, hereby, authorized to form a constitution and state government for said Territory; *Provided,* That the constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except Indians not taxed, and not be repugnant to the constitution of the United States and the principles of the Declaration of Independence; *And, provided, further,* That said convention shall provide by an ordinance irrevocable without the consent of the United States and the people of said State; *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; *Secondly,* That the people inhabiting said Territory 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 disposition of the United States; and that the lands belonging to the 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.

ELECTION ON CONSTITUTION—RETURNS—CANVASS—CERTIFICATE—PRESIDENT PROCLAIM.

§ 5. That, in case the constitution and state government shall be formed for the people of said Territory of Colorado, in compliance with the provisions of this act, said convention forming the same shall provide by ordinance for submitting said constitution to the people of said State for their ratification or rejection, at an election to be held at such time, in the month of July, eighteen hundred and seventy-six, and at such places and under such regulations as may be prescribed by said convention, at which election the lawful voters of said new State shall vote directly for or against the proposed constitution; and the returns of said election shall be made to the acting Governor of the Territory, who, with the Chief Justice and United States attorney of said Territory, or any two of them, shall canvass the same; and if a majority of the legal votes shall be cast for said constitution in said proposed State, the said acting Governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances; whereupon it shall be the duty of the President of the United States to issue his proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress.

ONE REPRESENTATIVE—ELECTION—OFFICERS.

§ 6. That until the next general census said State shall be entitled to one representative in the House of Representatives of the United States, which representative, together with the Governor and state and other officers provided for in said constitution, shall be elected on a day subsequent to the adoption of the constitution, and to be fixed by said constitutional convention; and, until said state officers are elected and qualified under the provisions of the constitution, the territorial officers shall continue to discharge the duties of their respective offices.

LANDS FOR SCHOOLS.

§ 7. The sections numbered sixteen and thirty-six in every township, and where such sections have been sold or otherwise disposed of by any act of Congress, other lands equivalent thereto in legal sub-divisions of not more than one-quarter section, and as contiguous as may be are, hereby, granted to said State for the support of common schools.

LAND—FIFTY SECTIONS FOR PUBLIC BUILDINGS.

§ 8. That, provided the State of Colorado shall be admitted into the Union in accordance with the foregoing provisions of this act, fifty entire sections of the unappropriated public lands within

said State, to be selected and located by direction of the Legislature thereof, and with the approval of the President, on or before the first day of January, eighteen hundred and seventy-eight, shall be and are, hereby, granted, in legal sub-divisions of not less than one quarter section, to said State for the purpose of erecting public buildings at the capital of said State, for legislative and judicial purposes, in such manner as the Legislature shall prescribe.

LAND—FIFTY SECTIONS FOR PENITENTIARY.

§ 9. That fifty other entire sections of land, as aforesaid, to be selected and located and with the approval, as aforesaid, in legal sub-divisions, as aforesaid, shall be, and they are, hereby, granted, to said State for the purpose of erecting a suitable building for a penitentiary or state prison in the manner aforesaid.

LAND—SEVENTY-TWO SECTIONS FOR UNIVERSITY.

§ 10. That seventy-two other sections of land shall be set apart and reserved for the use and support of a state university, to be selected and approved in manner as aforesaid, and to be appropriated and applied as the Legislature of said State may prescribe for the purpose named and for no other purpose.

LAND—SALT SPRINGS, SIX SECTIONS—PROVISO.

§ 11. That all salt springs within said State not exceeding twelve in number, with six sections of land adjoining, and as contiguous as may be to each, shall be granted to said State for its use, the said land to be selected by the Governor of said State within two years after the admission of the State, and, when so selected to be used and disposed of on such terms, conditions and regulations as the legislature shall direct; *Provided,* That no salt spring or lands, the right whereof is now vested in any individual or individuals, or which hereafter shall be confirmed or adjudged to any individual or individual, shall by this act be granted to said State.

PUBLIC LANDS—5 PER CENT. FOR IMPROVEMENTS—PROVISO—HOMESTEADS.

§ 12. That five per centum of the proceeds of the sales of agricultural public lands lying within said State, which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making such internal improvements within said State as the Legislature thereof may direct; *Provided,* That this section shall not apply to any lands disposed of under the homestead laws of the United States, or to any lands now or hereafter reserved for public or other uses.

UNEXPENDED BALANCE OF APPROPRIATIONS.

§ 13. That any balance of the appropriations for the legislative expenses of said Territory of Colorado remaining unexpended, shall be applied to and used for defraying the expenses of said convention, and for the payment of the members thereof, under the same rules and regulations and rates as are now provided by law for the payment of the territorial legislature.

SCHOOL LANDS—HOW SOLD—PRICE.

§ 14. That the two sections of land in each township herein granted for the support of common schools, shall be disposed of only at public sale and at a price not less than two dollars and fifty cents per acre, the proceeds to constitute a permanent school fund, the interest of which to be expended in the support of common schools.

MINERAL LANDS EXCEPTED.

§ 15. That all mineral lands shall be excepted from the operation and grants of this act.

JOURNAL OF THE CONVENTION.

In pursuance of an Act of Congress, dated March 3, 1875, 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, the following members of said Convention appeared in Odd Fellows Hall, in the First National Bank Building, in the City of Denver, at 2 o'clock p. m. on Monday, the 20th day of December, A. D. 1875, to wit:

From the First District, composed of the County of Weld, S. J. Plumb and J. S. Wheeler.

From the Second District, composed of the Counties of Weld and Larimer, A. K. Yount.

From the Third District, composed of the County of Larimer, W. C. Stover.

From the Fourth District, composed of the County of Boulder, Wm. E. Beck and Byron L. Carr.

From the Fifth District, composed of the County of Gilpin, Alvin Marsh and L. C. Rockwell.

From the Sixth District, composed of the County of Clear Creek, Wm. M. Clark and Wm. H. Cushman.

From the Seventh District, composed of the Counties of Clear Creek, Summit and Grand, W. W. Webster.

From the Eighth District, composed of the County of Jefferson, Geo. G. White and Wm. Lee.

From the Ninth District, composed of the County of Arapahoe, E. T. Wells, H. P. H. Bromwell, L. C. Ellsworth, F. J. Ebert, C. P. Elder and Daniel Hurd.

From the Tenth District, composed of the Counties of Arapahoe and Douglas, P. P. Wilcox.

From the Eleventh District, composed of the County of Bent, J. W. Widderfield.

From the Twelfth District, composed of the Counties of Bent and Elbert, John S. Hough.

From the Thirteenth District, composed of the County of El Paso, J. C. Wilson and Robert Douglas.

From the Fourteenth District, composed of the Counties of Park and Lake, Wm. H. James and Geo. E. Pease.

From the Fifteenth District, composed of the County of Saguache, W. B. Felton.

From the Sixteenth District, composed of the County of Fremont, A. D. Cooper.

From the Seventeenth District, composed the County of Pueblo, Henry C. Thatcher and Wilbur T. Stone.

From the Eighteenth District, composed of the County of Las Animas, Jesus M. Garcia, Casimiro Barela and George Boyles.

From the Nineteenth District, composed of the Counties of Las Animas and Huerfano, Agapeta Vijil.

From the Twentieth District, composed of the County of Huerfano, Robert A. Quillian.

From the Twenty-first District, composed of the County of Costilla, Wm. H. Meyer.

From the Twenty-second District, composed of the County of Conejos, La Fayette Head.

From the Twenty-third District, composed of the Counties of Rio Grande and Hinsdale, Wm. R. Kennedy.

From the Twenty-fourth District, composed of the County of La Plata, Henry R. Crosby.

Mr. Douglas, of El Paso County, called the Convention to order, and on motion of Mr. Thatcher, of Pueblo, Wilbur F. Stone was unanimously elected President pro tem.

On motion of Mr. Kennedy, of Rio Grande, George Boyles, of Las Animas, was unanimously elected Secretary pro tem.

Mr. Marsh, of Gilpin, moved that a committe of three on credentials be appointed by the Chair, which was agreed to.

The President pro tem. appointed as such committee Messrs. Alvin Marsh, of Gilpin; C. P. Elder, of Arapahoe, and Robert A. Quillian, of Huerfano.

Mr. Marsh, Chairman of the Committee on Credentials, reported the following as entitled to seats in the Convention, viz.:

From the First District—S. J. Plumb and J. S. Wheeler.

From the Second District—A. K. Yount.

From the Third District—W. C. Stover.

From the Fourth District—Wm. E. Beck and Byron L. Carr.

From the Fifth District—Alvin Marsh and L. C. Rockwell.

From the Sixth District—Wm. M. Clark and Wm. H. Cushman.

From the Seventh District—W. W. Webster.

From the Eighth District—Geo. G. White and Wm. Lee.

From the Ninth District—E. T. Wells, H. P. H. Bromwell, L. C. Ellsworth, F. J. Ebert, C. P. Elder and Daniel Hurd.

From the Tenth District—P. P. Wilcox.

From the Eleventh District—J. W. Widderfield.

From the Twelfth District—John S. Hough.

From the Thirteenth District—J. C. Wilson and Robert Douglas.

From the Fourteenth District—Wm. H. James and Geo. E. Pease.

From the Fifteenth District—W. B. Felton.

From the Sixteenth District—A. D. Cooper.

From the Seventeenth District—Henry C. Thatcher and Wilbur F. Stone.

From the Eighteenth District—Jesus M. Garcia, Casimiro Barela and George Boyles.

From the Nineteenth District—Agapeta Vijil.

From the Twentieth District—Robert A. Quillian.

From the Twenty-first District—Wm. H. Meyer.

From the Twenty-second District—La Fayette Head.

From the Twenty-third District—Wm. R. Kennedy.

From the Twenty-fourth District—Henry R. Crosby.

On motion of Mr. Clark, the Convention proceeded to elect a Sergeant-at-Arms pro tem.

And on motion of Mr. Kennedy, Moritz Koch was unanimously elected Sergeant-at-Arms pro tem.

On motion of Mr. Stover, the report of the Committee on Credentials was adopted and the committee discharged.

Mr. Thatcher offered the following resolution, which was adopted:

Resolved, That the members of this Convention, before entering upon the discharge of their duties as such, take the following oath: You, and each of you, do solemnly swear, in the presence of the ever living God, that you will support the Constitution of the United States and faithfully discharge the duties devolved upon you by law as representatives in this Convention; and

Resolved, That Andrew W. Brazee, Associate Justice of the Supreme Court of Colorado, be invited to attend this Convention to-morrow at nine (9) o'clock a. m. for the purpose of administering the above oath to the members of this Convention.

Mr. Beck moved that the thanks of this Convention be tendered to the citizens of Denver and to the Mayor and City Council of the City of Denver for the tasteful manner in which they have ornamented the Hall and the care they had exercised in providing for the comfort of the members, which was agreed to.

On motion of Mr. Kennedy, the Convention adjourned until 10 o'clock a. m. to-morrow.

TUESDAY, DECEMBER 21, A. D. 1875, 10 O'CLOCK A. M.

The Convention met pursuant to adjournment.

On motion of Mr. Elder, the Rev. Professor Haskell was invited to open the session with prayer.

The Rev. Professor Haskell then offered prayer.

Roll called.

Absent—Mr. White.

The following oath was then administered to the assembled members by Andrew W. Brazee, Associate Justice of the Supreme Court of Colorado:

You, and each of you, do solemnly swear, in the presence of the ever living God, that you will support the Constitution of the United States and faithfully discharge the duties devolved upon you by law as representatives in this Convention.

Mr. Marsh moved that the Convention do now proceed to permanent organization and the election by viva voce on call of the roll, which was agreed to.

Mr. Beck nominated Mr. J. C. Wilson, of El Paso, for President.

Mr. Boyles nominated Mr. Wheeler, of Weld, for President.

The roll was then called, and Messrs. Stover, Lee, Hough, Pease, Stone, Boyles, Garcia, Barela, Vijil, Quillian and Kennedy and Mr. Widderfield voted for Mr. Wheeler.

Messrs. Bromwell, Beck, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Hurd, Head, James, Marsh, Meyer, Plumb, Rockwell, Thatcher, Webster, Wells, Wilcox and Yount voted for Mr. Wilson.

Mr. Wheeler voted for Mr. Kennedy.

For Mr. Wilson, 25.

For Mr. Wheeler, 11.

For Mr. Kennedy, 1.

Mr. Wilson having received a majority of all the votes cast, was declared elected President of the Convention.

Mr. Douglas moved that the Chair appoint a committee of two to conduct the President-elect to the chair, which was agreed to.

The President pro tempore appointed as such committee Messrs. Wells, of Arapahoe, and Crosby, of La Plata.

The committee having performed this duty, Mr. Wilson, on taking the chair as President, addressed the Convention as follows:

Gentlemen of the Convention—In assuming the duties of the position to which through your partiality I have been assigned, I desire to express to you my sincere thanks for the honor that

you have conferred upon me. I assure you, that not the least of my regret is that I do not bring a greater ability to the discharge of the important duties intrusted to me; that I will commit errors I doubt not, but that they will be willingly and speedily corrected when informed of them, if within my power to do so, I solemnly assure you. I therefore ask you to extend to me your patient forbearance and considerate indulgence in the performance of all the duties devolving upon me. I shall endeavor to so discharge them as to commend my actions to all for their impartiality at least, if they may be deficient in wisdom. There perhaps never was a convention similar to your honorable body convened to whom were entrusted greater or more delicate responsibilities than those which have been entrusted to you.

The eyes of not only the people of Colorado are upon this Convention, but the whole Nation is watching it with an interest—an unusual degree of interest. It is no part of my duty to dictate to you in any way as to the course of action to pursue.

I may say, however, that as for myself, no act of mine shall be tainted with the slightest semblance of partisanship or sectional spirit. Here I know no party but the entire people; no section but the whole Territory. And now permit me to express the hope that as we are necessarily compelled to look to the older Commonwealths for many of the guides to aid in the work before us, may the result of our labors be such as to produce a Constitution for the Centennial State which will in all cases hereafter serve as the model for all the people of our country who may similarly seek an admission into the proud sisterhood of States.

On motion of Mr. Carr, the Convention proceeded to the election of a permanent Secretary of the Convention.

Mr. Carr nominated W. W. Coulson for Secretary.

Mr. Stone nominated Charles D. Cobb for Secretary.

On motion of Mr. Rockwell, the Convention adjourned until tomorrow at (9) nine o'clock a. m.

WEDNESDAY, DECEMBER 22, 1875, 9 A. M.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. P. Voorhees French.

Roll called. Absent—Mr. White.

Mr. Bromwell offered the following resolution, which was adopted:

Resolved, that the Governor and Territorial officers, members of the Legislature and Judiciary and the Mayor and City Council of the City of Denver be invited to seats within the bar of this hall.

Mr. Crosby offered the following resolution, which was adopted:

Resolved, That the ministers of the various denominations of Denver or other ministers present in the city be respectfully invited by the Chair to officiate alternately as chaplains of the Convention.

Mr. Stone offered the following resolution:

Whereas, We believe that the people of the Territory of Colorado, irrespective of party organs or office, desire that their Constitutional Convention meet, organize and perform its legitimate duties on the basis and in the spirit of strict non-partisanship; therefore,

Resolved, That it is the sense of the members of this body in convention assembled that all the proceedings herein, as well as [in] the organization as in the framing of a Constitution for the State of Colorado, shall be begun, continued and ended in strict and honest compliance with such non-partisan spirit as required of us by the people of this Territory.

Mr. Wells moved to amend the resolution by striking out the word organization wherever it occurred.

The ayes and nays being called for, it was decided in the affirmative. Ayes, 24; nays, 14. Those voting in the affirmative are Messrs. Bromwell, Beck, Carr, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Hurd, Head, James, Marsh, Meyer, Plumb, Rockwell, Thatcher, Webster, Wells, Wilcox, Yount and Mr. President. Those voting in the negative are Messrs. Barela, Boyles, Cushman, Garcia, Hough, Kennedy, Lee, Pease, Quillian, Stone, Stover, Vijil, Wheeler, Widderfield. So the amendment was agreed to. Thereupon the resolution so amended was adopted.

On motion of Mr. Carr, the Convention proceeded to elect officers of permanent organization.

Mr. Carr nominated W. W. Coulson for permanent Secretary.

Mr. Stone nominated Charles D. Cobb for permanent Secretary.

The roll was then called, and Messrs. Bromwell, Beck, Carr, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Hurd, Head, James, Marsh, Meyer, Plumb, Rockwell, Thatcher, Webster, Wells, Wilcox, Yount and Mr. President voted for Mr. Coulson.

Messrs. Barela, Boyles, Cushman, Garcia, Hough, Kennedy, Lee, Pease, Quillian, Stone, Stover, Vijil, Wheeler and Widderfield voted for Mr. Cobb.

For Mr. Coulson there were 24 votes; for Mr. Cobb there were 14 votes. W. W. Coulson, having received a majority of all the votes cast, was declared duly elected Secretary of the Convention.

The Convention then proceeded to the election of First Assistant Secretary.

Mr. Clark nominated Mr. Herbert Stanley for First Assistant Secretary.

Mr. Kennedy nominated G. D. Gove for First Assistant Secretary.

Those voting for Herbert Stanley are Messrs. Bromwell, Beck, Carr, Cushman, Clark, Cooper, Douglas, Ellsworth, Elder, Ebert, Felton, Hurd, Head, James, Marsh, Meyer, Plumb, Rockwell, Thatcher, Webster, Wells, Wilcox, Yount and Mr. President.

Those voting for G. D. Gove are Messrs. Barela, Boyles, Garcia, Hough, Kennedy, Lee, Pease, Quillian, Stone, Stover, Vijil, Wheeler and Widderfield.

For Herbert Stanley, 24; for G. D. Gove, 13. Herbert Stanley, having received a majority of all the votes cast, was declared duly elected First Assistant Secretary.

The Convention proceeded to the election of Second Assistant Secretary.

Mr. Ellsworth nominated H. A. Terpening for Second Assistant Secretary.

Mr. Stone nominated Mr. Sullivan for Second Assistant Secretary.

Those voting for H. A. Terpening are Messrs. Bromwell, Beck, Carr, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Head, Hurd, James, Marsh, Meyer, Plumb, Rockwell, Thatcher, Webster, Wells, Wilcox, Yount and Mr. President.

Those voting for Mr. Sullivan are Messrs. Barela, Boyles, Cushman, Garcia, Hough, Kennedy, Lee, Pease, Quillian, Stone, Stover, Vijil, Wheeler and Widderfield.

For H. A. Terpening 24 votes; for Mr. Sullivan 14 votes.

H. A. Terpening, having a majority of all the votes cast, was declared duly elected Second Assistant Secretary.

The Convention then proceeded to the election of an Engrossing and Enrolling Clerk.

Mr. Stone nominated Fred J. Stanton for Engrossing and Enrolling Clerk.

Mr. Crosby nominated G. D. Gove for Engrossing and Enrolling Clerk.

Mr. Stanton received 22 votes; Mr. Gove received 14 votes, and Mr. Galloway 1 vote.

Fred J. Stanton, having received a majority of all the votes cast, was declared duly elected.

[NOTE.—The list of votes for election of Enrolling and Engrossing Clerk can not be found.]

The Convention then proceeded to the election of a Sergeant-at-Arms.

Mr. Ellsworth nominated A. H. Barker.

Mr. Stone nominted Geo. B. Allen.

Those voting for A. H. Barker are:

Messrs. Bromwell, Beck, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Hurd, Head, James, Marsh, Meyer, Plumb, Rockwell, Thatcher, Webster, Wells, Wilcox, Yount and Mr. President.

Those voting for Geo. B. Allen are:

Messrs. Barela, Boyles, Garcia, Hough, Kennedy, Lee, Pease, Quillian, Stone, Stover, Vijil, Wheeler and Widderfield.

For A. H. Barker, 25 votes.

To Geo. B. Allen, 13 votes.

A. H. Barker, having received a majority of the votes cast, was declared duly elected Sergeant-at-Arms.

The Convention then proceeded to the election of Assistant Sergeant-at-Arms.

Mr. Felton nominated R. A. Kirker.

Mr. Stover nominated Thos. McElmore.

Those voting for R. A. Kirker are:

Messrs. Bromwell, Beck, Carr, Clark, Cooper, Douglas, Ellsworth, Elder, Ebert, Felton, Hurd, Head, James, Marsh, Meyer, Plumb, Rockwell, Thatcher, Webster, Wells, Wilcox, Yount and Mr. President.

Those voting for Mr. McElmore are:

Messrs. Barela, Boyles, Cushman, Garcia, Kennedy, Lee, Pease, Quillian, Stone, Stover, Vijil, Wheeler and Widderfield.

For R. A. Kirker there were 23 votes.

For Thos. McElmore there were 13 votes.

R. A. Kirker, having received a majority of all the votes cast was declared duly elected Assistant Sergeant-at-Arms.

The Convention then proceeded to the election of a Doorkeeper.

On motion of Mr. Elder, Andrew Schmidt was elected by acclamation as Doorkeeper to the Convention.

The Convention then proceeded to the election of a Janitor.

Mr. Webster nominated Clay Forbes.

Mr. Stone nominated W. A. Allison.

Those voting for Clay Forbes are:

Messrs. Bromwell, Beck, Carr, Cushman, Clark, Crosby, Cooper, Douglas, Ellsworth, Elder, Ebert, Felton, Hurd, Head, James, Marsh, Meyer, Plumb, Rockwell, Thatcher, Webster, Wells, Wilcox, Vijil, Yount and Mr. President.

Those voting for W. A. Allison are:

Messrs. Barela, Boyles, Garcia, Kennedy, Hough, Lee, Pease, Quillian, Stone, Stover, Wheeler and Widderfield.

Clay Forbes received 26 votes.

W. A. Allison received 12 votes.

Clay Forbes, having received a majority of all the votes cast, was declared duly elected Janitor to the Convention.

The Convention then proceeded to the election of a Page.

On motion of Mr. Barela, Robert Frreaz was elected by acclamation.

The Convention then proceeded to the election of an interpreter.

On motion of Mr. Barela, David Wilkins was elected by acclamation.

The President then administered the oath to the several officers of the Convention just elected.

Mr. Crosby offered the following resolution, which was adopted:

Resolved, That a committee of three be appointed to devise means for obtaining stationery for use of the officers and members of the Convention.

And the President appointed Messrs. Crosby, Ellsworth and Wheeler as such committee.

Mr. Beck offered the following resolution, which was adopted:

Resolved, That a committee of five be appointed by the Chair to report to this Convention the number and names of the standing committees of this House.

And the President appointed as such committee Messrs. Stone, Beck, Marsh, Kennedy and Mills.

Mr. Bromwell offered the following resolution, which was adopted:

Resolved, That a committee of five be appointed by the Chairman to report on order of business and proper rules for the government of the Convention.

And the President appointed as such committee Messrs. Bromwell, Boyles, Carr, Webster and Pease.

Mr. Beck offered the following resolution, which was adopted:

Resolved, That a committee of five be appointed by the Chairman to report to this Convention the number and names of the standing committees of this House.

And the Chairman appointed as such committee Messrs. Stone, Beck, Marsh, Kennedy and Wells.

The following resolution was offered by Mr. Thatcher and was adopted:

Resolved, That in pursuance of the Enabling Act and in behalf of the people of the Territory of Colorado, we, in convention assembled, do adopt the Constitution of the United States.

The following resolution was offered by Mr. Wheeler and was adopted:

Resolved, That all resolutions and amendments thereof offered shall be in writing before put to vote.

Mr. Elder offered the following resolution, which was adopted:

Resolved, That the seats as now occupied by the members be considered belonging to them during the session of the Convention.

On motion of Mr. Stover, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

The Convention met, pursuant to adjournment.

Roll called.

Absent: Messrs. White and Wilcox.

Mr. Stone, Chairman of the Committee on Standing Committees, presented the following report:

Your Committee on Standing Committees begs leave to report a list of such Standing Committees, with the title and number of each, as follows, to wit:

1. Bill of Rights, to be composed of five members.
2. Legislature and Legislation, to be composed of five members.
3. Executive Department, to be composed of five members.
4. Judiciary, to be composed of eleven members.
5. Right of Suffrage and Elections, to be composed of five members.
6. Impeachment and Removal from Office, to be composed of five members.
7. Education and Educational Institutions, five members.
8. Public and Private Corporations, seven members.

9. Revenue and Finance, five members.

10. Counties, five members.

11. Officers and Oath of Office, five members.

12. Military Affairs, three members.

13. Mines and Mining, nine members.

14. Irrigation, Agriculture and Manufactures, nine members.

15. Accounts and Expenditures of Convention, three members.

16. State Institutions and Buildings, five members.

17. Congressional and Legislative Apportionments, nine members.

18. Federal Relations, three members.

19. Future Amendments, five members.

20. Revisions and Adjustments, five members.

21. Schedule, five members.

22. Printing and Binding, three members.

23. Engrossing and Enrolling, three members.

24. Miscellaneous, five members.

All of which is respectfully submitted.

(Signed) WILBUR F. STONE,
Chairman.

On motion, the report was adopted and the committee discharged.

Mr. Bromwell moved that a committee of five members be added to the above report submitted by Mr. Stone, to be designated as Committee on State, County and Municipal Indebtedness; which was agreed to.

Mr. Carr offered the following resolution, which was adopted:

Resolved, That the Secretary is hereby instructed to make the necessary arrangements for such printing as may be required for the temporary use of the Convention.

The following resolution was offered by Mr. Stone and adopted:

Resolved, That the standing committees provided for by the former resolution of this day be appointed by the Chairman.

Mr. Ellsworth offered the following resolution, which was not agreed to:

Resolved, That the President of this Convention be required to order one copy of the Daily Tribune, the Daily News and Daily Times for each member of this Convention during its session.

The Chairman on Stationery reported that they had procured sufficient stationery for the immediate use of the clerks of the Convention, and that by to-morrow he would have ar-

rangements perfected for furnishing all the stationery needed by members as well as clerks.

Mr. Stone offered the following resolution, which was adopted:

Resolved, That the several secretaries, clerks and assistants be required as a part of their duties to perform the work of committee clerks whenever the same will not interfere with their other duties in the Convention.

Mr. Meyer moved that Gabino Pando be appointed assistant fireman to the Convention, which was agreed to.

On motion of Mr. Boyles, the Convention adjourned until 2 o'clock p. m. to-morrow.

THURSDAY, DECEMBER 23, 1875.

Convention met, pursuant to adjournment.

Prayer by Reverend Willis Lord.

Roll called.

Absent: Messrs. Rockwell, Stover, White and Wells.

Journal of preceding days was read.

Mr. Carr moved that the adoption of Journal of preceding days be deferred until the Secretary has conferred with Mr. Boyles, the Secretary of Temporary Organization, and compared the Journal with his minutes of proceedings of Temporary Organization, which was agreed to.

Mr. Boyles, of the Committee on Order of Business and Rules, presented the following report:

Report of the Committee on Rules of the Convention:

1. A majority of the Convention shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

2. The Convention shall keep a journal of its proceedings and the ayes and nays of the members on any question shall, at the desire of any two members, be entered in the Journal.

3. Any member of the Convention shall have liberty to dissent and protest against any act or resolution which he may think injurious to the public or to any individual, and have the reason of his dissent in respectful language entered on the Journal without debate whenever the same shall be filed with the Secretary.

4. The Convention may reprimand or censure its members for disorderly conduct or behavior, and, with the concurrence of four-fifths of all the members elected, expel a member, and the reasons for such expulsion shall be entered upon the Journal, with the names of the members voting on the question.

5. The Convention during its session may punish by expulsion from the hall any person not a member who shall be guilty of disrespectful conduct or any disorderly or contemptuous behavior in its presence.

6. The Sergeant-at-Arms shall not permit any person not a member of the Convention to pass inside the railing in the rear of the seats of the members at any time during the session of the Convention, except the Judges of the Supreme Court, the Governor and the Secretary of the Territory of Colorado, the Mayor and Council of the City of Denver, the reporters of the press duly assigned as such by the President of the Convention, except upon invitation of the Convention.

7. The President shall take the chair every day at the hour to which the Convention shall have adjourned, shall immediate-

ly call the members to order, have the Secretary call the roll, and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read, unless dispensed with by the Convention; and in all cases in the absence of a quorum the members present may take such measures as shall be necessary to procure the attendance of absent members, and the Convention may adjourn from day to day until a quorum shall be present.

8. The President shall preserve decorum and order, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the Convention by any one member, on which appeal no member shall speak more than once, unless by leave of the Convention.

9. He shall rise to put a question, but may put it sitting.

10. Questions shall be distinctly put in this form, viz.: As many as are of the opinion that (as the case may be), say "aye," and after the affirmative voice is expressed as many as are of the contrary opinion say "no." If the President doubt or a division be called for, the Convention shall divide; those in the affirmative shall rise in their seats and afterward those in the negative.

11. The President shall vote on all questions taken by yeas and nays, and on all elections and divisions called for by any member.

12. The President shall examine and correct the Journal before it is read. He shall have the general direction of the hall. He shall have the right to have any member to perform the duties of the Chair, but such substitution shall [not] extend beyond one day and such substitute shall be vested during such time with all the powers of the President.

13. When the Convention adjourns the members shall keep their seats until the President announces the adjournment.

14. Petitions, memorials and other papers, addressed to the Convention, shall be presented by the President or by a member in his place.

15. All committees shall be appointed by the Chair unless otherwise ordered by the Convention.

16. In case of any disturbance or disorderly conduct in the lobby, the President (or Chairman of the Committee of the Whole Convention) shall have power to order the same to be cleared.

17. Every member previous to speaking shall rise from his chair and respectfully address himself to the President and shall confine himself to the question under debate and avoid personality.

18. When two or more members rise at once the President shall designate the member who is first to speak, but in all cases the member who shall first rise and address the Chair shall speak first.

19. A member called to order shall immediately sit down unless permitted to explain, and the Chair shall decide the question of order without debate, subject to an appeal to the Convention.

20. When a motion is made it shall be stated by the President, or, being in writing, shall be handed to the Secretary and read aloud before debate.

21. Every motion shall be reduced to writing if the President or any member desires it.

22. Every member who shall be present before the vote is declared from the Chair, and no other, shall vote for or against the same unless the Convention shall excuse him or he be interested in the question, in which case he shall not vote.

23. When the yeas and nays shall be taken on any question no member shall be permitted to vote after the decision is announced from the Chair unless by the unanimous consent of the Convention.

24. After a motion is stated by the President it shall be deemed in the possession of the Convention and shall be entered upon the Journal with the name of the member offering the same, but may be withdrawn at any time before decision or amendment.

25. All incidental questions of order arising after a motion is made for the previous question, during the pending of such motion or after the Convention shall have determined that the main question shall be now put, shall be decided, whether on appeal or otherwise, without debate.

26. When a question is under debate, no motion shall be received, but to adjourn, to call the house, to lay on the table, the previous question, to postpone indefinitely, to postpone to a day certain, to commit or to amend, which several motions shall have precedence in the order in which they stand arranged.

27. A motion to adjourn shall be decided without debate except to adjourn to a time certain, and shall always be in order except when a member is addressing the Chair or a vote is being taken, and a motion to lay on the table shall be decided without debate.

28. A motion to postpone to a day certain or indefinitely or to commit, being decided, shall not be allowed on the same day and at the same stage of the proposition.

29. A motion to strike out the proposition shall have precedence of a motion to amend, and if carried, shall be deemed equivalent to its rejection.

30. All questions, whether in committee or in the Convention, shall be put in the order they are moved, except in the case of privileged questions, and in filling up blanks the largest sum and the longest time shall be first put.

31. When the President is putting the question no member shall walk out of or across the hall, nor when a member is speaking shall any person entertain any private discourse or pass between him and the Chair or give any sign of approbation or disapprobation, and no smoking shall be allowed in the hall of the Convention.

32. The rules of the Convention shall be observed in Committee of the Whole Convention as far as may be applicable, except the yeas and nays shall not be called nor the previous question enforced.

33. A motion that the Committee rise shall always be in order and shall always be decided without debate.

34. It shall be the duty of the Secretary to keep a book in which he shall record all the proceedings of the Convention and to do and perform all other acts appertaining to his office as may be required of him by the Convention or its presiding officer.

35. It shall be the duty of the Sergeant-at-Arms to attend the Convention during its sittings, to execute the commands of the Convention from time to time, together with all such process issued by authority thereof as shall be directed to him by the President.

36. If the question in debate contains several propositions any member may have the same divided, and, on a motion to strike out and insert, it shall be in order to move for a division of the question, and the rejection of the motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition simply to strike out, nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

37. The unfinished business in which the Convention was engaged at its last adjournment shall at the next meeting of the Convention of the same day have precedence of all business.

38. When a question has been once put and carried in the affirmative or negative it shall be in order for a member of the majority to move for a reconsideration thereof at any time within two days or upon giving two days' notice, and such motion shall take precedence of all other questions except a motion to adjourn.

39. When motions are made for a reference of the same subject to a Select Committee and to a Standing Committee the question of reference to a Standing Committee shall be first put.

40. Upon the call of the Convention the names of the delegates shall be called over by the Secretary and the absentees noted, after which the names of such absentees shall be again called over. The doors shall then be closed and those for whom no excuse or insufficient excuses are made may by order of those present (if a quorum) be taken into custody as they ap-

pear or may be sent for [illegible] taken into custody wherever found by the Sergeant-at-Ar[illegible] of the Convention.

41. In forming a C[illegible] of the Whole, the President shall leave the chair, [illegible] chairman to preside in committee shall be appointed by the President.

42. On propositions being committed to Committee of the Whole they shall be first read throughout by the Secretary and then again read and debated by clauses, leaving the preamble to be considered last; after report by said committee the proposition shall again be subject to debate or amendment before a question is taken.

43. The rules of parliamentary practice comprised in Cushing's Manual shall govern the Convention in all cases in which they are applicable and not inconsistent with the standing rules and orders of the Convention.

44. A motion to commit until it is decided shall preclude all amendments and debate on the main question, and a motion to postpone indefinitely or to a day certain, until it is decided, shall preclude all amendments on the main question.

45. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

46. No rule of the Convention shall be altered, suspended or rescinded without the vote of two-thirds of the members present.

47. The hours of meeting shall be 10 A. M. and 2 P. M., and the hours of adjournment shall be 12 M. and 5 P. M., unless otherwise ordered.

48. Order of business shall be as follows:

1. Prayer by the Chaplain.
2. Calling the roll.
3. Reading the Journal.
4. Communication and presentation of petitions and resolutions.
5. Unfinished business of previous day.
6. Reports from Standing Committees.
7. Reports from Select Committees.
8. Any other business not prohibited by the rules of the Convention.

49. The previous question shall be always in order and shall be put in this form: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate.

50. When on taking the previous question the Convention shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate.

51. The effects of the main question being ordered shall be to put an end to all debate and bring the Convention to direct vote—first, upon all amendments reported or pending, being first applied to the amendment last moved, and then the main question.

52. After the motion for the previous question has prevailed it shall be in order to move a call of the Convention prior to a decision of the main question.

53. The Committee on Engrossment shall examine all articles and propositions after they are engrossed and before action is taken thereon and report the same to the Convention as correctly engrossed.

54. The Committee on Enrollment shall examine all sections and clauses.

55. Any two members may make a call of the Convention and require any absent members to be sent for, but a call of the Convention cannot be made after the voting has commenced, and the call of the convention being ordered, and the absentees noted, the doors shall be closed and no member permitted to leave the room until the report of the Sergeant-at-Arms be received and acted upon or further proceedings in the call be suspended by a two-thirds vote of the Convention.

(Signed) GEORGE BOYLES,
Chairman of Committee.

Mr. Crosby moved that the report be laid on the table and ordered printed.

Mr. Pease moved to amend by inserting one hundred copies.

Amendment accepted by Mr. Crosby. Thereupon the motion of Mr. Crosby, so amended, was agreed to.

Mr. Boyles offered the following resolution:

Resolved, That a committee of three be appointed to select and employ a stenographer to record the proceedings of this Convention.

Mr. Beck offered the following as a substitute, which was not agreed to:

Resolved, That an official reporter be elected by this Convention and charged with the duty of making a verbatim report of the debates and proceedings thereof, and said reporter shall be paid as compensation for such service a total of.....dollars per day during the session of this commission [convention], and the further sum of.....cents per folio for transcribing and properly preparing the said report for printing. The services to be rendered under the direction of the Committee on Printing and Binding and subject to the approval of the Convention.

The question being put, Will the Convention adopt the resolution of Mr. Boyles?

Mr. Kennedy called for the ayes and nays and it was decided in the negative. Ayes—7; Nays—28.

Ayes—Barela, Boyles, Hough, Lee, Thatcher, Wilcox and Wheeler—7.

Nays—Bromwell, Beck, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Garcia, Hurd, Head, James, Kennedy, Marsh, Meyer, Plumb, Pease, Sullivan, Stone, Vijil, Webster, Widderfield, Yount and Mr. President —28.

So the resolution of Mr. Boyles was not accepted.

Mr. Pease offered the following resolution and moved that it be laid on the table and referred to the Committee on Printing and Binding, which was agreed to:

Resolved, That for the purpose of keeping their constituents thoroughly informed of the proceedings of this Convention during its session, the members of the Convention be authorized to order to be mailed to their constituents ten copies of such daily newspaper published in the city of Denver and containing the proceedings of this Convention as the Committee on Printing and Binding shall designate, having first made a contract therefor as to price and pay acceptable to this Convention.

Mr. Boyles asked that the following rule be added to the rules of the Convention, and that it be laid on the table and printed with the said rules and form a portion thereof, which was agreed to:

56. A second shall not be required in making a motion or offering a resolution or proposition in this Convention.

Mr. Beck offered the following resolutions, which were adopted:

Resolved, That a Committee of Ways and Means be appointed by the Chair, to consist of five members.

Resolved, That said committee, when appointed, be instructed to inquire into the means that have been employed to procure the necessary appropriation to defray the expenses of this Convention, and also to ascertain whether any immediate arrangements can be effected to obtain advances to the officers and members of this Convention upon the mileage and per diem now due them.

Resolved, That the officers of the Convention be paid at the same rate of compensation as allowed similar officers of the Territorial Legislature.

The President appointed as such committee, Messrs. Beck, Cushman, Head, Quillian and Wheeler.

Mr. Thatcher offered the following resolution, which was adopted.

Resolved, That the number of members of the Committee on Legislature and Legislation be increased from five to nine and that the number of the members of the Committee on Corporations be increased from five to seven.

Mr. Pease asked leave of absence for Mr. Stover.

Mr. Wilcox stated that he was authorized by the several lodges of Odd Fellows of Denver to tender the members of the Convention an invitation to the opening exercises at their new hall, and afterwards to the ball this evening.

The invitation was accepted by the Convention.

Mr. Ebert offered the following resolution, which was adopted:

Resolved, That a committee of three on Forest Culture be added to the list of Standing Committees.

On motion of Mr. Elder, the Convention adjourned until 10 a. m. to-morrow.

FRIDAY, DECEMBER 24, 1875.

Convention met pursuant to adjournment.

Prayer by the Rev. J. R. Eads.

Roll called.

Absent—Messrs. Cushman, Hough, Rockwell, Webster, White and Wells.

Mr. Widderfield moved that the reading of so much of the Journal as covered the report of the Committee on Rules should be dispensed with, which was agreed to.

Journal of preceding day read, corrected and approved.

Mr. Stone moved that a committee of three be appointed by the President to ascertain and report to the Convention the approximate cost of having the full proceedings and debates of the Convention reported in shorthand and transcribed for printing.

Mr. Hurd moved as an amendment that said committee also report as to cost of printing said proceedings and debates.

The amendment was accepted by Mr. Stone; thereupon, the motion as amended was agreed to.

The President appointed as such committee, Messrs. Stone, Boyles and Carr.

Mr. Cushman appeared and took his seat.

Mr. Crosby offered the following resolution:

Resolved, That inasmuch as Congress has made no appropriation for the expenses of this Convention; and,

Whereas, We are informed that the Honorable, the Secretary of the Territory, will have no unexpended balance on his appropriation for Legislative expenses, wherewith to meet the expenses of this Convention; and,

Whereas, The Honorable Thomas Patterson, Delegate to Congress from Colorado Territory, has signified his intention to endeavor to secure an appropriation from the Forty-fourth Congress for a sufficient sum to meet the legitimate expenses of this Convention; therefore,

Resolved, That this Convention does hereby authorize and request the Hon. John Taffe, Secretary of Colorado Territory, to take charge of the purchase of supplies and such expenditures as may be incident to this Convention, except stationery and printing, with the definite understanding, however, that he is not to be held officially or personally responsible for any debt incurred by this Convention, until fully empowered to discharge the same by act of Congress.

Mr. Clark offered the following as a substitute, which was accepted by Mr. Crosby:

Resolved, That the Sergeant-at-Arms be instructed to procure the necessary furniture for the committee rooms used by this Convention.

On motion, the Convention refused to adopt the substitute which had been accepted by Mr. Crosby.

Mr. Pease offered the following resolution:

Resolved, That the term of office of Treasurer, whether of State or of any county, town, township, school district or other municipality whatever, shall in no case be for a longer time than two years; nor shall any officer or any other person or persons elected to such office or any person or persons to or with whom the public money is directed by law to be paid or deposited in trust for public uses, hold his office for any longer term, nor shall any such officer be eligible to election to a second term without an intervening term.

On his own motion the resolution was laid on the table and referred to the Committee on Officers and Oath of Office.

Mr. Yount offered the following resolution:

Resolved, That when this Convention adjourns it adjourn to meet on Wednesday, the 5th day of January, 1876, at 10 o'clock a. m.

The resolution was withdrawn by Mr. Yount.

The President announced the following Standing Committees:

Bill of Rights—Messrs. Marsh, Widderfield, Hurd, Ellsworth and Wheeler.

Legislature and Legislation—Messrs. Thatcher, Stover, Elder, James, Meyer, Wilcox, Clark, Boyles and Cushman.

Executive Department—Messrs. Elder, Hough, James, Head and White.

Judiciary—Messrs. Stone, Wells, Thatcher, Beck, Marsh, Rockwell, White, Boyles, Kennedy, Pease and Felton.

Rights of Suffrage and Elections—Messrs. Webster, Bromwell, Stone, Beck and Vijil.

Impeachment and Removal from Office—Messrs. Crosby, White, Wilcox, Meyer and Garcia.

Education and Educational Institutions—Messrs. Hurd, Stone, Carr, Wheeler and Douglas.

Public and Private Corporations—Messrs. Rockwell, Cooper, Ellsworth, Thatcher, Wheeler, Meyer, Douglas, Webster and Barela.

Revenue and Finance—Messrs. Cushman, Yount, Hough, Plumb and Ellsworth.

Counties—Messrs. Boyles, James, Stover, Hurd and Plumb.

Officers and Oath of Office—Messrs. Felton, Wells, Lee, Crosby and Quillian.

Military Affairs—Messrs. Carr, Cooper and Pease.

Mines and Mining—Messrs. Clark, James, Kennedy, Rockwell, Crosby, Stover, Ebert, Carr and Webster.

Irrigation, Agriculture and Manufactures—Messrs. Plumb, Head, Barela, Felton, Wheeler, Lee, Ebert, Widderfield and Cooper.

Accounts and Expenditures of Convention—Messrs. Yount, Ebert and Barela.

State Institutions and Buildings—Messrs. Douglas, Hurd, Quillian, Cushman and Kennedy.

Congressional and Legislative Apportionments—Messrs. Beck, Thatcher, Quillian, Ellsworth, White, Meyer, Pease, Kennedy and Clark.

Federal Relations—Messrs. Wilcox, White and Garcia.

Future Amendments.—Messrs. Pease, Elder, Boyles, Wilcox and Marsh.

Revisions and Adjustments—Messrs. Wells, Bromwell, Carr, Lee and Rockwell.

Schedule—Messrs. Quillian, Wells, Stone, Marsh and Carr.

Printing—Messrs. Hough, Bromwell and Webster.

Enrolling and Engrossing—Messrs. Cooper, Crosby and Widderfield.

Miscellaneous—Messrs. Head, Beck, Garcia, Lee and Elder.

State, County and Municipal Indebtedness—Messrs. Bromwell, Cushman, Hough, Douglas and Yount.

Forest Culture—Messrs. Ebert, Felton and Stover.

Mr. Elder offered the following resolution:

Resolved, That for the purpose of giving the committees an opportunity for preparing their different reports, therefore,

Resolved, That when the Convention adjourns to-day it will stand adjourned until Tuesday, January 4th, A. D. 1876, at 10 o'clock a. m.

Mr. Bromwell moved as an amendment to strike out of the resolution the words "for the purpose of giving the committees an opportunity for preparing their diffeffrent reports."

Mr. Head offered the following substitute to the resolution of Mr. Elder and the amendment offered by Mr. Bromwell, which was not agreed to:

Resolved, That this Convention adjourn until the 4th day of March A. D., 1876, at 10 a. m.

Mr. Boyles moved the previous question, and the question, [being] Shall the main question be now put? it was ordered.

The question recurring upon Mr. Bromwell's amendment and being put, the amendment was decided in the negative.

Mr. Bromwell calling for a division, the Convention was divided.

Yeas, 6; nays, 22.

So the amendment offered by Mr. Bromwell was not agreed to.

The question then being on the adoption of the resolution of Mr. Elder, it was agreed to.

Mr. Thatcher announced that he was authorized by the Executive Committee of the Keystone Club to place the rooms of the club at the disposal of the members of the Convention during the remainder of its session.

Accepted.

Mr. Beck, Chairman of the Committee on Ways and Means, brought up the following report:

The Committee of Ways and Means, to whom were referred the resolutions in reference to the payment of the officers and members of this Convention, have attended to those duties and beg leave to report progress, as follows:

That they conferred with the First, the Colorado and the City National Bank and Collins, Snyder & Co., or the Exchange Bank of Denver, requesting them to advance each the sum of one thousand dollars, making a fund of four thousand dollars to be paid on the President's certificate, to be issued to the members and officers for mileage and per diem, to an amount not exceeding seventy-five dollars each. The First National, the City National and the Colorado National Banks consent to accept the certificates of the President of the Convention to the amount of one thousand dollars each, for the payment to each officer and member of a sum not exceeding seventy-five dollars each, taking the indorsement of the members to whom such certificates are issued, holding such members individually responsible for the payment of such certificate within six months from date, without interest. Collins, Snyder & Co. say they are about to dispose of their banking business to the Exchange Bank of Denver, the arrangement to take effect January 1st, 1876, at which time they gave us every reason to suppose that the Exchange Bank will advance the balance of the four thousand dollars. From the Territorial Secretary's office the committee obtained the following information in reference to the compensation of the officers and members of the Territorial Legislature, viz.: That the following circular was issued by the Treasury Department at Washington on the 14th day of August, 1874:

Department No. 78, First Comptroller's Office.

Treasury Department, First Comptroller's Office,

Washington, D. C., August 14th, 1874.

By act of January 23d, 1873, members of each branch of Territorial Legislature are allowed a compensation of six dollars per day and mileage as allowed by law. The President of the Council and the Speaker of the House are each allowed ten dollars per day.

The following officers are allowed to each branch of the Legislative Assembly; viz.: One Chief Clerk at a compensation of eight dollars per day, one Assistant Clerk, one Enrolling Clerk, one Engrossing Clerk, one Sergeant-at-Arms, one Door Keeper, one Messenger and one Watchman, at five dollars per day each. No other officers or employes are authorized and none others can be paid by the Secretary of the Territory.

(Signed) R. W. TYLER,
Comptroller

That the only instructions to Territorial Secretary previously issued by said department in reference to payment of Territorial Legislatures was the circular of date May 8th, 1863, which is the only one prescribing mileage. This circular prescribes mileage as follows, to the two Houses of Territorial Legislatures: Three dollars for every twenty miles' travel to and from the residence of the members, to be estimated according to the nearest traveled route. No mileage to officers except presiding officers, who receive theirs as members.

From the Secretary's Office the committee obtained official information that there remains on hand of the appropriation by Congress for the Legislative expenses of this Territory for the fiscal year ending June 30, 1875, the sum of 88 cents only.

The committee further report that they have no information as to the measures being taken to obtain an appropriation by Congress for the payment of the expenses of this Convention, but they recommend the passage by the Convention of the accompanying resolution upon the subject.

All of which is respectfully submitted,

WM. E. BECK, Chairman.
CUSHMAN,
HEAD,
QUILLIAN,
WHEELER.

Resolved, That it is the sense of this Convention that our Delegate in Congress, the Hon. T. M. Patterson, be requested to ask for an immediate appropriation by Congress of the sum of twenty-five thousand dollars, to be applied, or so much thereof as may be necessary, to defray the expenses and pay the members and officers of this Convention.

Resolved, That a committee of three be appointed by the Chair to prepare a suitable memorial to Congress to accompany the foregoing resolution.

Mr. Elder moved that the report and resolutions be received and adopted, which was agreed to.

Mr. Carr offered the following resolution, which was adopted:

Whereas, A large number of the members of this Convention are attorneys-at-law, who have cases pending in the different courts of this Territory, which demand their personal attention; therefore,

Resolved, That the judges of the several courts of this Territory are requested to take notice of the fact that this Convention is in session and grant continuances when desired on all causes in which members of this Convention are interested as attorneys.

Mr. Stone moved that all that portion of the Constitution relating to the Bill of Rights be referred to the Standing Committee on Bill of Rights; that all that portion of the Constitution relating to the Legislature and the subject of legislation be referred to the Standing Committee on that subject, and that in the same manner and order, each subject-matter and division of the Constitution be referred to the appropriate Standing Committee: such subject [Standing Committees] to frame the several portions of the Constitution, embracing such division so referred to each, and report the same to the Convention as soon as may be.

Mr. Hurd offered the following resolution, which was adopted:

Resolved, That the Committee on Printing and Binding be instructed to have one hundred copies of the list of the Standing Committees printed, as announced by the President.

The President appointed Messrs. Carr, Kennedy and Crosby a committee of three to prepare a memorial to Congress, as recommended in report of Committee on Ways and Means.

On motion of Mr. Kennedy, the Convention adjourned until Tuesday, January 4th, 1876, at 10 a. m.

TUESDAY, JANUARY 4TH, 1876, 10 A. M.

The Convention met pursuant to adjournment.

Prayer was offered by the Rev. Sturtevant.

Roll called.

Absent—Messrs. Barela, Beck, Carr, Ebert, Marsh, Plumb, White, Wells, Wheeler and Yount.

The Journal of proceedings read, corrected and approved.

Messrs. Marsh, White, Wells and Wheeler entered and took their seats.

Mr. Douglas moved that the oath be administered by the President to Mr. White, a member, and to David Wilkins, Interpreter of the Convention, which was agreed to.

Thereupon the President administered the oath to Mr. White and David Wilkins.

Mr. Pease offered the following resolution:

Resolved, That the resignation of Robert A. Kirker, Assistant Sergeant-at-Arms elect of this Convention, be accepted, and that he be elected by acclamation to the office of Postmaster of this Convention.

Mr. Elder offered the following as an amendment to the resolution, which was accepted by the mover:

And that the office of the Assistant Sergeant-at-Arms is hereby abolished, whereupon the resolution as amended was adopted.

Mr. Kennedy offered the following resolution, and on his own motion it was referred to the Committee on State, County and Municipal Indebtedness:

Resolved, That the Legislative Assembly shall not authorize any county, city, town, village or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

A communication from B. Van Zandt, enclosing certain documents relating to the election of delegate to the Convention from the Eleventh district and contesting the seat of Mr. Widderfield for that district.

On motion of Mr. Thatcher, the communication and other papers were referred to a select committee of five members to be appointed by the President.

The President appointed as such committee Messrs. Thatcher, Elder, Pease, Marsh and Kennedy.

On motion of Mr. Crosby the report of the Committee on Order of Business and Rules was taken from the table for consideration.

On motion of Mr. Stone the Convention resolved itself into Committee of the Whole, to consider the report of the Committee on Order of Business and Rules, Mr. Kennedy in the chair.

After some time spent therein, the President resumed the chair and Mr. Kennedy reported that the Committee of the Whole Convention, having, according to order, had under consideration the report of the Committee on Order of Business and Rules, had made some progress therein and asked leave to sit again this afternoon at 2 o'clock, which was granted.

On motion of Mr. Wells, the Convention adjourned until 2 o'clock p. m.

TWO O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Barela, Carr and Yount.

On motion of Mr. Felton the Convention resolved itself into Committee of the Whole to further consider the report of the Committee on Order of Business and Rules, Mr. Kennedy in the chair.

After some time spent therein the President resumed the chair, and Mr. Kennedy reported that the Committee of the Whole, having, according to order, had said report under consideration, made some progress therein, and asked leave to sit again at 10:30 o'clock to-morrow, which was granted.

Mr. Carr appeared and took his seat.

Mr. Hurd offered the following resolution, which was adopted:

Resolved, That, in the judgment of this Convention, it is necessary that an additional Page be elected.

On motion of Mr. Hurd, Willie McCord was elected Page to the Convention by acclamation.

On motion of Mr. Kennedy, the Convention adjourned until 10 o'clock a. m., tomorrow.

WEDNESDAY, JANUARY 5, 1876, 10 A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Reverend F. C. Millington.

Roll called.

Absent—Messrs. Barela, Wells and Stone.

The Journal of preceding day was read and approved.

Mr. Beck offered the following resolution, which was referred to the Committee on Miscellaneous Subjects:

Resolved, That the preamble to the Constitution be as follows:

We, the People of the Territory of Colorado, in order to form a more perfect Government, establish justice, insure domestic tranquillity, 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 a State Government with the name of the State of Colorado.

Also, the following, which was referred to the Committee on Education:

Resolved, That the State of Colorado shall never pass any law respecting an establishment of religion or prohibiting the exercise thereof; but Church and State shall forever be separate and distinct, and each be free within its proper sphere.

Neither the Legislature, nor any county, city, town, township, school district or other municipal or public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or literary or scientific institution controlled by any church or sectarian denomination whatever, nor shall any grant or donation of land, money or other personal property ever be made by the State or by any county, city, town, township, school district or other municipal or public corporation, to any church or for any sectarian purpose.

The Legislature shall provide for the establishment and maintenance of a thorough and efficient system of free schools, whereby all children of the State between the ages of six and twenty-one years, irrespective of color, birthplace or religion, shall be afforded a good common school education.

No theological, religious or sectarian tenets or instructions shall ever be imparted; nor shall any theological or religious book or any version of the Bible be introduced as a text book, or read as a school exercise; nor shall any religious services or worship be permitted in any school, college, academy, seminary or university supported in whole or in part by taxation or by money or property derived from public sources.

Mr. Carr offered the following resolution, which was referred to the Committee on Irrigation, Agriculture and Manufactures:

Resolved, That the following sections shall be a part of the Constitution of the State:

Sec.— The primary right of ownership in the waters of all the streams in this State is and shall be at all times in the State, and the said streams and the waters therein are and shall be subject to the control of the Legislature.

Sec.— It shall be the duty of the Legislature from time to time to pass such laws as may be necessary to secure a just and equitable distribution of the water in the streams of the State, for mining, irrigating and manufacturing purposes, in such a manner as to best foster and encourage these great industries of the State; promote the greatest good to the greatest number of the citizens of the State; and at the same time to provide for the security and protection of all persons in their individual rights.

Sec.— The Legislature may pass general laws authorizing the use of water for mining, agricultural and manufacturing purposes by corporations, associations or individuals, which laws may be altered or repealed at any time.

Also, the following, which was referred to the Committee on Revenue and Finance:

Resolved, That the following shall be a part of the Constitution of the State:

Sec.— All property within the State except property of the State and municipal corporations shall be taxed according to its value.

Mr. Clark offered the following resolution, which was referred to Committee on Revenue and Finance:

Resolved, That on making up the list of property subject to general or special taxation, that the net product of mineral bearing veins, lodes or ledges be taken as the proper valuation for the basis of taxing in the same.

Mr. Wilcox offered the following resolution, which was referred to Committee on Rights of Suffrage and Elections:

Resolved, That in time of war, no elector in the actual military service of the State or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district, and the Legislature shall have power to provide the manner in which, and the time and place at which, such electors may vote and for the return and canvass of their votes in the election district in which they respectively reside.

Also, the following, which were referred to Committee on Judiciary:

DISTRICT COURTS.

Resolved, That there shall be until such time as the Legislature [Legislative] Assembly shall otherwise direct, four judicial districts within the State of Colorado, to be fixed by counties, and a District Judge assigned to each district, who shall be elected by the electors of such judicial district, and who shall hold their respective offices until the first Monday in January, A. D., 1878.

Resolved, That ever thereafter it shall be the duty of the Governor of said State to appoint a suitable person, who is learned in the laws and without regard to his political affiliation, a judge of the several judicial districts within said State, each of which shall be confirmed by the Senate of said State and commissioned by the Governor, and who shall hold their offices for the term of six years respectively, except the first appointed, who shall hold their offices for the term of two, four and six years from the first Monday of January following the date of their confirmation and appointment, with an annual salary of three thousand dollars each.

SUPREME COURT.

Resolved, That the judicial powers of this State, both as to matters of law and equity, shall be vested in a Supreme Court, district courts, probate courts and justices of the peace and such other courts as may hereafter be created by law.

Resolved, That the Supreme Court shall have a general superintending control over all inferior courts.

Resolved, That the Supreme Court shall, for the term of one year from the first Monday in January, A. D., 1877, and until the Legislative Assembly shall otherwise provide, consist of three judges, to be elected by general ticket, who shall hold their office for one year from the first Monday in January in the year aforesaid.

Resolved, That ever thereafter the said judges shall be appointed by the Governor and confirmed by the Senate of said State, who shall hold their office for six years, except the first appointed; they shall hold their office for two, four and six years, to be designated upon their commissions, and the said judges to be commissioned by the Governor so soon as confirmed by the Senate, with an annual salary of three thousand dollars each.

Mr. Boyles offered the following resolution, which was referred to Committee on State, County and Municipal Indebtedness:

Resolved, That the Legislative Assembly is hereby prohibited from authorizing any county, city, town, village or incorporated district to become a stockholder in any company, association or corporation; or to obtain or appropriate money for

or to loan its credit to any corporation, association or individual to exceed ten per cent. of the valuation of the taxable property of said county, city, town, village or incorporated district so desiring to become a stockholder or appropriate money as aforesaid.

Mr. Stone offered the following resolution, which was referred to the Committee on Legislature and Legislation:

Resolved, That the Legislature and Legislation Committee be requested to inquire into the expediency of so framing the Constitution that no law shall embrace more than one subject, which shall be named in the title; but if the title contain only one subject, the law shall be valid as to that, and void as to all other subjects.

No law shall be revised, altered or amended by reference to its title only, but the act revised, or the section or sections thereof, as altered or amended, shall be re-enacted and published at length.

Mr. Bromwell offered the following resolution, which was referred to the Committee on State, County and Municipal Indebtedness:

Resolved, That the Committee on State, County and Municipal Indebtedness be instructed to inquire in [into] and report what reasonable restrictions and limitations should be put upon the issuance of bonds by the State, by counties, cities, towns and school districts, and for what purpose, if any, such indebtedness should be permitted; and that said committee report an article or sections of an article for regulation of said matter.

Also, the following, which was referred to the Committee on Judiciary:

Resolved, That no witness should be imprisoned to secure his testimony, in any case, longer than may be necessary to take his deposition; but if he be able to give security he shall be discharged, and if he cannot give security, his deposition shall be taken before the judge of the court where his evidence is required, and he be discharged on his own recognizance.

Mr. Carr, Chairman of the Select Committee to prepare a Memorial to the Congress of the United States, presented the report of that committee as follows:

To the Honorable, the Constitutional Convention of Colorado:

Gentlemen: Your committee to whom was referred the matter of preparing a Memorial to the Congress of the United States, asking an appropriation for the purpose of defraying the expenses of this Convention, respectfully present the following as their report:

To the Honorable, the Senate and House of Representatives of the United States of America in Congress Assembled:

Your Memorialists, the Constitutional Convention of Colorado, respectfully represent to your Honorable Body, that,

whereas, the act of Congress of March Third (3rd), 1875, entitled an act 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, provides that the expenses of this Convention, and for the payment of the members thereof, shall be defrayed out of the balance of the appropriations for the Legislative expenses of this Territory remaining unexpended; and,

Whereas, An act of Congress entitled, An Act Making Appropriations for the Legislative, Executive and Judicial expenses of the Government for the Year Ending June Thirtieth, 1876, and for other purposes, approved March 3rd, 1875, provides that the following sums be and the same are hereby appropriated for the Legislative expenses of said Territory of Colorado; Namely:

For mileage and per diem of members and per diem of officers	$13,000
For Printing	4,000
For rents of Legislative Halls and Rooms	600
Coal, Light, Labor and Incidental Expenses	1,800
Total	$19,400

Which amount is all that now remains in the hands of the Territorial Secretary for the payment of Legislative expenses, all prior appropriations for said expenses having been expended; and,

Whereas, Said amount is barely sufficient to defray the expenses of the Legislative Assembly of this Territory, now about to convene, leaving no funds on hand at the command of this Convention wherewith to pay its ordinary contingent expenses, or the mileage and per diem of its members; and

Whereas, The necessary expenses of this Convention, including mileage and per diem of members, per diem of officers, printing, rent, lights, fuel and other contingent expenses will amount to not less than Twenty-five thousand dollars, for the payment of which this Convention has no power to levy a tax or make an appropriation; therefore,

Your Memorialists would respectfully request that a law be enacted by your honorable body appropriating the sum of Twenty-five Thousand dollars as an increase to the Legislative appropriation for this Territory for the current year for the purpose of defraying the expenses of this Convention.

B. L. CARR,
H. R. CROSBY,
WM. R. KENNEDY,
Committee on Memorial.

Mr. Kennedy moved that the report be received and the committee discharged, which was agreed to.

Mr. Pease moved to amend the report by striking out the words, "Twenty-five Thousand" and inserting the words "Forty Thousand."

Mr. Bromwell moved that the report of the Committee on Memorial be recommitted to said committee, with instructions to set forth therein the circumstances of the meeting of this Convention and calling attention to the fact of its being held under the United States laws, and all other facts proper to be considered by Congress in the premises, and that they report at 10 o'clock a. m. to-morrow.

Mr. Stone moved that the report be referred to a special committee, the members of which should be the members of the former committee.

Mr. Carr moved to amend the motion of Mr. Stone by the addition of Mr. Bromwell to such select committee, which amendment was accepted by Mr. Stone.

Mr. Crosby moved as a further amendment to the motion by Mr. Stone, that the number of the committee be increased to five members, which was agreed to.

Thereupon the motion of Mr. Stone so amended was agreed to.

The President appointed as such committee, Messrs. Carr, Crosby, Kennedy, Bromwell and Marsh.

On motion of Mr. Felton the Convention resolved itself into Committee of the Whole to again consider the report of the Committee on Order of Business and Rules, Mr. Kennedy in the chair.

After some time spent therein, the President resumed the chair, and Mr. Kennedy submitted the following report, viz.:

The Committee of the Whole Convention, to whom was referred the report of the Committee on Order of Business and Rules, beg leave to report that they have had the same under consideration and have directed me to report the same back with sundry amendments, and ask the concurrence of the Convention therein in the words following, to-wit:

Rule No. 1. A majority of the Convention shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

Rule No. 2. The Convention shall keep a Journal of its proceedings, and the ayes and noes of the members on any question shall at the desire of any two members be entered on the Journal.

Rule No. 3. Any member of the Convention shall have liberty to dissent and protest against any act or resolution which he may think injurious to the public or to any individual and have the reason of his dissent in respectful language entered on the Journal without debate whenever the same shall be filed with the Secretary.

Rule No. 4. The Convention may reprimand or censure the members for disorderly behavior.

Rule No. 5. The Convention, during its session, may punish by expulsion from the hall any person not a member who shall be guilty of disrespectful conduct or any disorderly or contemptuous behavior in its presence.

Rule No. 6. The Sergeant-at-Arms shall not permit any person not a member or officer of this Convention to pass inside the railing, in the rear of the seats of the members at any time during the session of the Convention, except the Judges of the Supreme Court, the Governor and the Secretary of the Territory of Colorado and the members of the Legislature of Colorado, the Mayor and Council of the city of Denver, [and] the reporters of the press, duly assigned as such by the President of the Convention, except upon the invitation of the Convention.

Rule No. 7. The President shall take the chair every day at the hour to which the Convention shall have adjourned; shall immediately call the members to order, have the Secretary call the roll, and on the appearance of a quorum shall cause the Journal of the preceding day to be read, unless dispensed with by the Convention, and in all cases in the absence of a quorum the members present may take such measures as shall be necessary to procure the attendance of absent members and may adjourn from day to day until a quorum shall be present.

Rule No. 8. The President shall preserve decorum and order, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to appeal to the Convention by any one member, on which appeal no member shall speak more than once unless by leave of the Convention.

Rule No. 9. The President shall rise to put a question, but may state it sitting.

Rule No. 10. Questions shall be distinctly put in this form: As many as are of the opinion that (as the case may be), say aye, and after the affirmative voice is expressed, as many as are of the contrary opinion, say no; if the President doubt or a division is called for, the Convention shall decide; those in the affirmative shall rise from their seats and afterwards those in the negative.

Rule No. 11. The President shall vote on all questions taken by the ayes and noes, and on all elections and divisions called for by any member, but if in such vote a tie occurs, the question shall be declared lost.

Rule No. 12. The President shall examine and correct the Journal before it is read; he shall have the general direction of the hall; he shall have the right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond one day, and such substitute shall be vested during such time with all the powers of the President.

Rule No. 13. When the Convention adjourns, the members shall keep their seats until the President announces the adjournment.

Rule No. 14. Petitions, memorials and other papers addressed to the Convention shall be presented by the President or by a member in his place.

Rule No. 15. All committees shall be appointed by the President unless ordered otherwise by the Convention.

Rule No. 16. In case of any disturbance or disorderly conduct in the lobby, the President (or the Chairman of the Committee of the Whole Convention) shall have power to have the same to be cleared.

Rule No. 17. Every member, previous to speaking, shall rise from his chair and respectfully address himself to the President, and shall confine himself to the question under debate and avoid personality.

Rule 18. When two or more members rise at once, the President shall designate the member who is first to speak, but in all cases the member who shall first rise and address the Chair shall speak first.

Rule No. 19. A member called to order shall immediately sit down, unless permitted to explain, and the Chair shall decide the question of order without debate, subject to an appeal to the Convention.

Rule No. 20. When a motion is made it shall be stated by the President, or, being in writing, shall be handed to the Secretary and read aloud before debate.

Rule No. 21. Every motion and resolution shall be reduced to writing, if the President or any member desires it.

Rule No. 22. Every member who shall be present before a vote is declared from the Chair, and no other, shall vote for or against the question under consideration, unless the Convention shall excuse him.

Rule No. 23. When the ayes and noes shall be taken on any question, no member shall be permitted to vote after the decision is announced from the Chair, unless by consent of the Convention.

Rule No. 24. After a motion is stated by the President it shall be deemed in the possession of the Convention and shall be entered upon the Journal, with the name of the member offering the same, but may be withdrawn at any time before decision or amendment.

Rule No. 25. All incidental questions of order arising after a motion is made for the previous question, during the pending of such motion or after the Convention shall have determined that the main question shall now be put, shall be decided, whether on appeal or otherwise, without debate.

Rule No. 26. When a question is under debate no motion shall be received but to adjourn, to call the House, to lay on the table, the previous question, to postpone indefinitely, to postpone to a day certain, to commit or to amend, which several motions shall have precedence in the order in which they stand arranged.

Rule No. 27. A motion to adjourn shall be decided without debate, except to adjourn to a time certain, and shall always be in order except when a member is addressing the Chair or a vote is being taken, and a motion to lay on the table shall be decided without debate.

Rule No. 28. A motion to postpone to a day certain or indefinitely, or to commit, being decided, shall not again be allowed on the same day and at the same stage of the proposition.

Rule No. 29. All questions, whether in committee or in the Convention, shall be put in the order they are moved, except in the case of privileged questions and filling up blanks. [In] blanks, the largest sum and the longest time shall be first put.

Rule No. 30. When the President is putting the question no member shall walk out of or across the hall, nor when a member is speaking shall any person entertain any private discourse or pass between him and the Chair or give any signs of approbation or disapprobation, and no smoking shall be allowed in the hall whilst the Convention is in session.

Rule No. 31. The rules of the Convention shall be observed in Committee of the Whole Convention so far as they may be applicable, except the ayes and noes shall not be called nor the previous question enforced.

Rule No. 32. A motion that the Committee rise shall always be in order and shall be decided without debate.

Rule No. 33. It shall be the duty of the Secretary to keep a book in which he shall record all the proceedings of the Convention and to do and perform all other acts appertaining to his office as may be required of him by the Convention or its presiding officer.

Rule No. 34. It shall be the duty of the Sergeant-at-Arms to attend the Convention during its sittings, to execute the commands of the Convention from time to time, together with all such process issued by authority thereof as shall be directed to him by the President.

Rule No. 35. If the question under debate contains several propositions any member may have the same divided, and on motion to strike out and insert it shall be in order to move for a division of the question, and rejection of the motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent proposition simply to strike out; nor shall the rejection

of a motion simply to strike out prevent a subsequent motion to strike out and insert.

Rule No. 36. The unfinished business on which the Convention was engaged at its last adjournment shall, at the next meeting of the Convention of the same day, have precedence of all other business.

Rule No. 37. After a question has been once put and carried in the affirmative or negative, it shall be in order for a member of the majority to move for a reconsideration thereof, at any time within two days thereafter or upon giving two days' notice.

Rule No. 38. When motions are made for a reference of the same subject to a Select Committee and to a Standing Committee, the question of reference to a Standing Committee shall be first put.

Rule No. 39. Upon the call of the Convention the names of representatives shall be called over by the Secretary and the absentees noted, after which the names of such absentees shall again be called over. The doors shall then be closed and those for whom no excuse or for whom an insufficient excuse is made, may, by the order of those present (if a quorum), be taken into custody as they appear or may be sent for and taken into custody wherever found by the Sergeant-at-Arms of the Convention.

Rule No. 40. In forming a Committee of the Whole the President shall leave the Chair and a chairman to preside in committee shall be appointed by the President.

Rule No. 41. On propositions being committed to Committee of the Whole, they shall be first read throughout by the Secretary and then again read and debated by clauses, leaving the preamble to be considered last. After report of said committee the proposition shall again be subject to debate or amendment before a vote is taken.

Rule No. 42. The rules of parliamentary practice comprised in Cushing's Manual shall govern the Convention in all cases in which they are applicable and not inconsistent with the standing rules and orders of the Convention.

Rule No. 43. A motion to commit, until it is decided, shall preclude all amendments and debates on the main question, and a motion to postpone indefinitely, or to a day certain, until it is decided, shall preclude all amendments on the main question.

Rule No. 44. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Rule No. 45. No rule of the Convention shall be altered, suspended or rescinded, without the vote of two-thirds of the members present.

Rule No. 46. The hours of meeting shall be 10 o'clock a. m. and 2 o'clock p. m., unless otherwise ordered.

Rule No. 47. Order of business shall be as follows:

1. Prayer by the Chaplain.

2. Calling the roll.

3. Reading the Journal.

4. Communications and presentations of petitions and resolutions.

5. Unfinished business of previous day.

6. Reports from Standing Committees.

7. Reports from Select Committees.

8. Any other business not prohibited by the rules of the Convention.

Rule No. 48. The previous question shall be always in order and shall be put in this form: Shall the main question be now put? and, until it is decided, shall preclude all amendments or debate.

Rule No. 49. When, on taking the previous question, the Convention shall decide that the main question shall not now be put, the main question shall be considered as remaining under debate. The main question may be moved by any member, but a majority of those present shall be necessary to order the main question.

Rule No. 50. The effect of the main question being ordered shall be to put an end to all debate and bring the Convention to a direct vote, first, upon all amendments reported or pending being first applied to the amendment last moved, and on the main question.

Rule No. 51. After the motion for the previous question has prevailed, it shall be in order to move a call of the Convention prior to a decision of the main question.

Rule No. 52. The Committee on Engrossment shall examine all articles and propositions after they are engrossed and before action is taken thereon, and report the same to the Convention when correctly engrossed.

Rule No. 53. The Committee on Enrollment shall examine all sections and clauses contained in the Constitution previous to the same being signed by the members of the Convention and report the same to the Convention correctly enrolled.

Rule No. 54. Any two members may move a call of the Convention and a majority of those present may require absent members to be sent for, but a call of the Convention cannot be made after the voting has commenced, and the call of the Convention being ordered, and the absence noted, the doors shall be closed and no member permitted to leave the room until the report of the Sergeant-at-Arms be received and acted upon, or further proceedings in the call be suspended by a two-thirds vote of the members present.

Rule No. 55. A second shall not be required in making a motion offering a resolution or proposition in this Convention.

Rule No. 56. Resolutions relating to the subject-matter of the Constitution, giving rise to debate, shall lie over one day before being acted upon, if upon their introduction any member shall give notice of a desire to discuss the proposition therein contained.

Rule No. 57. No committee shall sit during the daily session of the Convention unless by special leave.

Rule No. 58. In case of the absence of the President the Convention shall elect a President pro tem.

Rule No. 59. All petitions, memorials and resolutions of a public character shall, upon their introduction, be read in full and thereupon be laid upon the table, unless otherwise ordered by the Convention.

Rule No. 60. All so-called substitute motions and resolutions shall be considered as amendments only, and shall be subject to the rules relating thereto, except such matters as may be reported by committee.

Rule No. 61. There shall be a Standing Committee, to consist of five members (of which the President shall be ex-officio a member), on rules.

Rule No. 62. All rules heretofore adopted are hereby suspended and all restrictions and orders inconsistent with these rules are hereby rescinded.

WILLIAM R. KENNEDY,
Chairman Committee of the Whole.

Mr. Kennedy moved that the report of the Committee of the Whole be made the special order for two o'clock this afternoon, which was agreed to.

On motion of Mr. Kennedy, the Convention adjourned until two o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Barela, Boyles, Hurd, Lee, Meyer, Pease and Wells.

The President announced as the business first in order, the consideration of the report of the Committee of the Whole on the report of the Committee on Order of Business and Rules.

Mr. Bromwell moved that the report of the Committee of the Whole be adopted, which was agreed to.

Mr. Crosby offered the following resolution, and, on motion of Mr. Kennedy, it was adopted.

Resolved, That 100 copies of the rules of the Convention be published in pamphlet form for the use of the members, to which shall be added the Enabling Act, a list of the committees

of the Convention, the names of the members arranged in the order of their representative districts, with their postoffice address.

On motion of Mr. Felton, the report of the Committee of the Whole on order of business and rules was ordered to be engrossed.

Mr. Kennedy offered the following resolution, which was referred to the Committee on Public and Private Corporations.

Resolved, That no railroad, railway or other transportation company shall grant free passes or passes at a discount to any person except officers and employes of the company.

Mr. Wilcox offered the following resolution, which was referred to the Committee on Executive Department:

Resolved, That the Executive and Administrative Department shall consist of a Governor, Lieutenant Governor, Secretary of State, who shall be Ex-officio State Auditor; Treasurer, Attorney General, Superintendent of Public Instruction, who shall be Ex-officio State Librarian, who shall be chosen by the electors of the State at the time of holding the general election to be held every two years, and who shall hold their offices for two years from the first Monday of January after their election, and until their successors are elected and qualified, except those first elected, who shall enter upon the duties of their respective office [offices] at the time provided by the Constitution of the State of Colorado.

Resolved, That the officers chosen shall receive for their services a compensation which shall be neither increased nor diminished during the term for which they shall be elected, as follows:

The Governor shall receive the sum of two thousand dollars per year.

The Lieutenant Governor the sum of one thousand dollars per annum.

The Secretary of State shall receive the sum of one thousand five hundred dollars per annum.

Treasurer of State, the sum of one thousand dollars per annum.

Superintendent of Public Instruction, one thousand dollars per annum.

The Attorney General, fifteen hundred dollars per annum.

The President appointed the Standing Committee on Rules, as follows:

Messrs. White, Bromwell, Marsh, Webster and Stone.

Mr. James offered the following resolution, which was referred to the Committee on Education and Educational Institutions:

Resolved, That all public school funds shall remain in the hands of the County Treasurer, and shall be disbursed to the

different districts by warrant, drawn by the County Superintendent of Schools upon the Treasurer.

Mr. Cooper offered the following resolution, which was referred to the Committee on Counties:

Resolved, That the Legislative Assembly of this State shall have power to remove the county seat of any county, but the removal of county seats shall be provided for by general laws, and no county seat shall be removed unless three-fifths of the qualified voters of the county vote therefor, and no such proposition shall be submitted oftener than once in five years.

Mr. Plumb offered the following resolution, which was referred to the Committee on Revenue and Finance:

Resolved, That no person who shall be in default as collector or custodian of money or property belonging to the State of Colorado or any county, road or school district, shall be eligible to any office of public trust in this State during the remainder of their residence in this State.

On motion of Mr. Kennedy, the Convention adjourned until 10:00 o'clock a. m., to-morrow.

THURSDAY, JANUARY 6, 1876, 10:00 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Adams.

Roll called.

Absent—Messrs. Barela, Pease, Rockwell and Webster.

The Journal was partially read, when Mr. Carr moved that the further reading of the Journal be dispensed with.

A division being called for on the question, it was decided in the negative—Ayes 9, noes 20. So the motion of Mr. Carr was not agreed to.

Mr. Felton moved that the reading of so much of the Journal as contained the report of the Committee of the Whole on Order of Business and Rules, be dispensed with until the rules are printed, which was agreed to.

Thereupon, the remaining portion of the Journal was read and approved.

Messrs. Rockwell and Webster appeared and took their seats.

On motion of Mr. Bromwell, leave was granted to Mr. Beck to read a communication which had been directed to him personally by Mr. J. J. Cranmer, of Nederland, Boulder County, on the subject of the Constitution.

Thereupon, Mr. Beck read the communication, and moved that it be referred to the Committee on Legislature and Legislation.

Mr. Carr moved that the communication be referred to the Committee on Miscellaneous Subjects.

Mr. Marsh moved that the communication be referred to the Committee on Congressional and Legislative Apportionments.

And the question being on Mr. Beck's motion to refer to the Committee on Legislature and Legislation, and a division being called, it was decided in the affirmative—ayes 17, noes 16.

So the communication was referred to the Committee on Legislature.

Mr. James offered the following resolution, which was referred to the Committee on Mines and Mining:

Resolved, That whereas, for ten years past the National Government has supported a Bureau of Mining Statistics, whose province it was to prepare an annual report on the condition of the gold and silver mining industry. During the first two years of its existence the bureau was in charge of the Hon. J. Ross Browne and during the last eight under Mr. R. W. Raymond. The publications of this commission are well known all over the west, and, being prepared by men of known ability, are

highly valued, not only by Americans interested in our mines, but by foreigners. It is quite likely, owing to the disposition of the Congress now assembled to cut down every expenditure possible, that this commission will not be renewed for 1876, and the report for 1875, now in course of preparation, will be the last of the series. As it has been proven by the great demand for these reports that they are considered most valuable to the growth of the mining industry, it should be the aim of the members of this Convention to supply their place by a State commission, whose work should be of a similar nature to that of the National one, confining its labors, of course, only to the State of Colorado. Almost every State in the Union has its geologist, whose province it is to report each year on the work done in mining and the discoveries in kindred branches. Sometimes this office is confined merely to geological affairs, and at others to the general growth of the mining industries. I would suggest, therefore, the formation of an office, to be known as the Colorado Commissioner of Mines and Geology, to be filled by one officer appointed by the Governor and to be completely a non-political appointment, the duties of this officer to be the preparation of an annual report on the condition of the mines of gold and silver, copper, lead, coal, iron and the various other minerals so abundant in Colorado, to prepare an official statement of the production and growth of this industry, and to be ready at all times to furnish to inquirers correct information of the technical nature of our mines. No report of this kind having ever been made on Colorado, the first one (that for 1876) would necessarily be more voluminous than any subsequently made, as it should embrace a history of the discovery of the precious metals in this State and the rise and growth of this industry; and there should be an appropriation made to defray the cost of such a report and publish an edition of at least 1,500 copies. After the first year the commission could be carried on at a much less cost than that of 1876. That such a bureau would be of immense advantage to the State is not to be doubted, if it is carried on in a manner worthy of the work.

Mr. James offered the following resolution:

Resolved, That the Executive Committee be instructed to create such an office.

Mr. Bromwell moved to amend the resolution by striking out all after the word "to" and inserting the words "inquire and report as to the expediency of creating the office of Commissioner of Mines and Geology."

Which amendment was accepted by Mr. James.

Thereupon the resolution so amended was adopted.

Mr. Wilcox offered the following resolutions, which were referred to the Committee on Legislature and Legislation:

LEGISLATURE.

Resolved, That the legislative powers of the State shall be vested in a Senate and House of Representatives, which shall be called the Legislative Assembly; the enacting clause of all bills shall be: The State of Colorado, represented in the Legislative Assembly, enact as follows; and no laws shall be enacted except by bill.

Resolved, That the Senate shall consist of thirteen members, and the House of Representatives of twenty-six members, which respective members may be increased no more than one-third after the year A. D. 1880, and each six years thereafter, until the whole number shall reach twenty-nine in the Senate and sixty-nine in the House of Representatives, which respective members shall in no case be exceeded; members of the Senate and House of Representatives shall not be under twenty-five years of age, and they shall be elected at a regular annual election by the electors of the respective counties or districts in which the State may be from time to time divided.

Resolved, That no person shall be a member of the Legislative Assembly who is not at the time of his election a citizen of the United States and a resident in and a qualified voter in the county and district for which he is elected.

Mr. Wilcox offered the following resolution, which was referred to the Committee on Legislature and Legislation:

Resolved, That no local or special bill shall be passed unless [upon] previous notice of the intention to apply therefor; and, if the general object thereof shall have been previously given, that the Legislature shall from time to time prescribe the time and mode of giving such notice.

Mr. Cooper offered the following resolution, which was referred to the Committee on Public and Private Corporations:

Resolved, That railroads heretofore constructed or that may hereafter be constructed in this State are hereby declared public highways, and railroad companies common carriers. The Legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in rates of freight and passenger tariffs on the different railroads in this State; and shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on said railroads, and enforce the same by adequate penalties.

Also, the following, which was referred to the same committee:

Resolved, That no discrimination in charges or facilities in transportation shall be made between transportation companies and individuals, or in favor of either by abatement, drawback or otherwise, and no railroad company or any lessee, manager or employe thereof shall make any preference in furnishing cars or motive power.

Mr. James offered the following resolutions, which were referred to the Committee on Revenue and Finance:

Resolved, That all non-residents and corporations shall be taxed equally with residents on all bonds, mortgages and trust deeds, etc.

Resolved, That the Committee on Revenue and Finance be instructed to prepare and report to this Convention an article embracing proper and reasonable provisions on the subject.

Mr. Clark offered the following resolution, which was referred to the Committee on Revenue and Finance:

Resolved, That all taxes shall be uniform on the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but that public property—used for public purposes—actual places of religious worship, places of burial not used or held for private or corporate profit, property owned by colleges, academies or other institutions of learning not used for private gain, institutions of public charity and hospitals shall be exempted from taxation, and none other.

Mr. Clark offered the following resolutions, which were referred to the Committee on Judiciary:

Resolved, That the Supreme Court shall make general rules establishing, modifying and simplifying the practice in such and in the District Courts, and may alter and amend the same from time to time; the Legislature shall as far as practicable abolish all distinctions between law and equity proceedings.

Resolved, That the right of trial by jury shall remain inviolate. A lawful jury may consist of six or twelve men. In cases of a jury of twelve men a majority shall be required to render a verdict, but in case of a jury of six men a unanimous verdict shall always be required. In trials before Justices of the Peace a jury shall consist of six men.

Resolved, That any person convicted of crime for which the penalty or judgment of the court is imprisonment in the penitentiary, that after said criminal shall have served out the term for which he was sentenced it shall be held sufficient and final punishment under said judgment for that offense, and that he shall not thereafter be harassed with disfranchisement or other political disabilities, but shall be restored to all the rights and privileges of other persons in the State.

Mr. Wilcox offered the following resolution, which was referred to the Committee on Revenue and Finance:

Resolved, That property shall be assessed for taxes under general laws and by uniform rules, according to its true value in every respect, and to apply to both real and personal property.

Mr. Douglas offered the following resolution, which was referred to the Committee on State Institutions and Buildings:

Resolved, That the several grants of land made by the United States to this State, when located by proper authority, shall be

held as separate and distinct trusts, the proceeds of which shall be faithfully applied to the objects specified in said grants.

Mr. Lee offered the following resolutions, which were referred to the Committee on State, County and Municipal Indebtedness:

Resolved, That the voting of bonds is wrong in principle and unconstitutional, and that they should not be voted in any instance.

Resolved, That none but taxpayers should be entitled to vote any tax on the people of Colorado.

Also, the following, which was referred to the Committee on Rights of Suffrage and Elections:

Resolved, That no distinction should be made as to sex in extending the right of franchise to the citizens of our new State.

Mr. Carr offered the following resolution, and on his own motion it was referred to the Committee on Education and Educational Institutions, with instructions to said committee to embody in their report a clause or section containing such provision:

Resolved, That the Legislature at its first session, or as soon thereafter as possible, shall pass such laws as will require the attendance on the public (schools) of this State of all persons between the ages of six and sixteen years for the period of at least three months during each and every year. Provided, That when any such person shall be shown to have received regular instruction from any qualified private teacher for said period of time during each and every year, they shall be exempted from the operation of the laws contemplated by this section.

Mr. Bromwell offered the following resolutions and moved that they be adopted:

Resolved, That the Constitution should contain a provision continuing and making effectual the provision of our statute for the determination of the rates of charges upon water furnished for irrigation by the County Commissioners, and that suitable provision be made in the Constitution for the continuance of said power in the county board in case of any change by law in the organization of counties or of county boards.

Resolved, That the Committee on Irrigation be instructed to prepare and report a proper section or sections fixing the principal features of the mode of determining and adjusting such rates or water charges by the county boards, so as to effectually protect the rights of the parties furnishing and of those consuming water for agricultural and mining purposes.

On motion of Mr. Rockwell, the resolutions were ordered printed and made the special order for Monday next at 2 o'clock p. m.

Mr. Kennedy offered the following resolution, which was referred to the Committee on Officers and Oath of Office:

Resolved, That Senators, Representatives and all judicial, State and county officers shall before entering on the duties of their respective offices take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination (or appointment) except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election laws of this State, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.

The President presented the following communication:

Denver, January 5, 1876.

Hon. J. C. Wilson, President Constitutional Convention, Denver:

Dear Sir—I am directed by the board of direction of the Denver Library Association to tender to your members the privileges of our rooms during your session. Enclosed you will find tickets for each member.

Hoping you will find our books and newspapers of value, I am, Respectfully,

WM. D. TODD,
President.

On motion of Mr. White the invitation was accepted and the thanks of the Convention tendered to the Library Association.

Mr. Cooper, Chairman of Committee on Enrolling and Engrossing, presented the following report:

Denver, January 6, 1876.

To the Hon. President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Engrossment beg leave to report that they have compared the engrossed copy of the standing rules of the Convention with the original and find it correctly engrossed.

(Signed) A. D. COOPER,
Chairman of Committee.

Mr. Beck moved that the report from the Standing Committee on Enrolling and Engrossing be referred to the Committee on Rules, with instructions to rearrange and number the rules

before printing the same, so that those relating to the same subject-matter may be grouped together, which was agreed to.

Mr. Carr, chairman of the Select Committee on the preparation of a memorial to Congress, presented the following report:

Denver, January 6, 1876.

To the Hon. President and Constitutional Convention of Colorado:

Gentlemen—Your committee, to whom was referred the matter of preparing a memorial to the Congress of the United States asking an appropriation for the purpose of defraying the expense of this Convention, respectfully present the following as their report:

To the Honorable the Senate and House of Representatives of the United States of America in Congress Assembled:

The memorial of the Convention assembled for the purpose of framing a Constitution for the State of Colorado respectfully represents that under and by virtue of an act of Congress approved March 3, A. D. 1875, entitled, "An act to Enable the People of Colorado to Form a Constitution and State Government," &c., the members of this Convention were elected and have duly assembled at Denver, in said Territory, and are now engaged in the work for which they were so elected under said (act); that said (act) fixed the number of representatives and it was and is out of the power of said Territory to diminish said number or provide any other mode of framing such Constitution than that specified in said law.

That by an act of Congress entitled, "An Act Making Appropriations for the Legislative, Executive and Judicial Expenses of the Government for the Fiscal Year Ending June 30, 1876, and for Other Purposes," approved March 3, 1875, the following sums and no more were appropriated for the legitimate expenses of said Territory, to wit:

For per diem and mileage of members and per diem of officers	$13,000
For printing	4,000
For rent of halls and rooms	600
For fuel, lights and incidentals	1,800
Total	$19,400

Which amount is all that now remains in the hands of the Territorial Secretary for the payment of the legislative expenses, all prior appropriations for that purpose having been exhausted.

That said amount is barely sufficient to defray the expenses of the Legislative Assembly now about to convene, leaving no funds which can be applied to the purpose of defraying the expenses of this Convention. So that this body is now sitting without any means whatever of meeting even ordinary

contingent expenses, to say nothing of the compensation of its members and officers, while the Convention has no power in any way to raise funds for any purpose.

Your memorialists further show that the Territory of Colorado is of great extent, embracing more than one hundred and five thousand square miles, being over three hundred miles from north to south and near four hundred miles from east to west, traversed by numerous ranges of snow-covered mountains, many of them passable only at widely separated points, so that many of the members are obliged to travel from four hundred to ten hundred and sixty miles, crossing several ranges of mountains at the line of perpetual snow, in coming to and returning from this Convention, while the labor and expense of such journey are enhanced to more than fourfold that which would attend journeys of like distances in the older States by reason of the want of suitable means of conveyance through such wide and unimproved regions.

At the same time, the great extent of territory and the diverse character of the productions and industries of the different portions thereof give rise to varied and complicated interests which must be of vital importance in the future and which should be carried forward, or the welfare of the great State we purpose to establish will be seriously jeopardized.

On this account, the Convention is called upon to exercise great deliberation in its work, which must be thoroughly done in order to effect the intention of the law of your honorable body which called us to act in this responsible capacity.

As this Convention is wholly the creature of the Congress of the United States and is now engaged in carrying out in part the wise purposes of the National Government in building up free and self-supporting States in this great central region of the continent, your memorialists feel they may justly expect that the request herein made will be readily granted.

In consideration of the premises and in view of the important and complicated interests confided to this convention and of the length of time it may require to complete the work with which it is charged by the act aforesaid, your memorialists pray that your honorable body will enact a law appropriating the sum of forty thousand dollars as an addition to the legislative appropriation for this Territory for the purpose of defraying the expenses of this convention.

Done in Convention this 6th day of January, A. D. 1876.

.....

President.

Attest:

.....

Respectfully submitted,

B. L. CARR,

Chairman of the Committee.

On motion of Mr. Kennedy, the report was received.

Mr. Kennedy moved that the blanks in the memorial be filled by inserting the words forty thousand.

Mr. Bromwell moved to amend by inserting the words thirty thousand.

And the question being on the motion of Mr. Kennedy, and, a division being called, it was decided in the affirmative—ayes 15, noes 12.

So the motion of Mr. Kennedy was agreed to.

On motion of Mr. Kennedy, the Convention adjourned until 10 o'clock a. m. to-morrow.

OFFICE OF
ATTORNEY GENERAL
STATE OF COLORADO

FRIDAY, JANUARY 7, 1876, 10 O'CLOCK A. M.

Convention met, pursuant to adjournment.

Prayer was offered by the Rev. Mr. Frost.

Roll called.

Absent—Messrs, Barela, Bromwell, Hurd, Pease, Webster, White and Wheeler.

The Journal of preceding day was read and approved.

Messrs. White, Wheeler, Hurd, Bromwell and Webster entered and took their seats.

Mr. Felton offered the following resolution, which was referred to Committee on Congressional and Legislative Apportionment:

Resolved, That the Congressional and Legislative Apportionment Committee inquire into the expediencey of apportioning the State so that each county shall be entitled to one Senator and no more. Senators to be elected for four years, the term of office of one-half of whom shall expire every two years. Representation in the House of Representatives to be apportioned upon a ratio of five hundred votes, taking the vote of September 14, 1875, as the basis for said apportionment; provided, that each county shall have one Representative.

Mr. Ebert offered the following preamble and resolution and moved that it be referred to the Committee on Forest Culture:

Whereas, The devastation of the forests in Colorado is progressing at a rapid rate, so that their destruction will probably be completed before another generation will have passed away, and thus gradually deprive us of the means of developing the resources of the natural wealth of this country and at the same time diminish the chances of our prosperity and progress and expose us besides to many other dangers and discomforts; and,

Whereas, It would be an unpardonable mistake in a wise government not to provide in time against such evils, and a shame for an intelligent people to look with indifference upon such a prospective calamity; and,

Whereas, The Government of the United States, sole proprietor of the forests of Colorado, except some comparatively small portions of them, is not able, as experience has shown, to protect them from being destroyed; and,

Whereas, The people of this Territory, appreciating the value of their forests, being able and willing to take care of them if put under their control; therefore,

Resolved, That this Constitutional Convention memorialize Congress to desist from the present policy of allowing forest lands to be entered by private persons and to place all those lands in the mountains not sold or otherwise disposed of, to-

gether with one-fourth of all the public lands on our plains, for the purposes of forest culture, under the exclusive control of the future State of Colorado, with such provisions, rules, regulations or laws as will effectually prevent the further devastation of them and bring them finally into a flourishing condition, provided that the same do not interfere with the development of our mining interests.

Resolved, That if the following principles should be embodied in our Constitution, now in progress of being framed, for the future State of Colorado, it is believed it would greatly influence Congress to transfer the control of the forests of this Territory to the future State of Colorado. Said principles would be as follows: First—No persons shall be allowed to cut on public forest lands any tree, trees or bushes without having first obtained permission from and entered into a contract with such authorities as future legislation hereafter may establish, and having given full guarantees of a strict compliance with those conditions contained in such a contract.

Second—The forests shall be divided into districts in conformity with the boundary lines of the counties, and it shall be ascertained in each of them the quantity of the yearly increase of wood therein as near as possible, and under no circumstances, except with the consent of the State Legislature, shall it be permitted to cut more wood in any such districts than the quantity of such increase amounts to.

Third—Each district shall be provided with one or more nurseries, which shall constantly be stocked with such a quantity of young plants as may seem needed for replanting vacant forest ground.

Fourth—Timber or bushes growing on steep slopes, small ridges or high plateaus shall not be cut at all, except with the special permission of the Legislature.

Fifth—The price of wood, or the license to (be) paid for cutting timber, shall be regulated by the Legislature.

Sixth—In case of fires breaking out in the forests, all possible means for extinguishing the same shall be promptly employed, and the Legislature shall not only enact the proper laws for this purpose, but also such others as will best prevent them from originating.

Seventh—Private persons cultivating new forests at their own expense shall not be taxed for such property as long as the taxes [trees] are growing thereon. Private forests put under the general control of the State and submitted to its rules and regulations for the management of them, shall also be exempt from taxation.

Eighth—There shall be a forest bureau established for the purpose of superintending the State and private forests under the State control, to gather statistics relative to forest culture in the State of Colorado, to report yearly to the Legislature on

all subjects important and interesting to the administration of those forests, to give information on all subjects connected herewith, if demanded by the Legislature, to propose laws concerning the forests of Colorado, and it shall keep a record of all proceedings.

Mr. Beck, as an amendment, moved that it be printed and made the special order for Tuesday next at 2 o'clock, which was agreed to.

Mr. White offered the following resolution, which was referred to the Committee on Public and Private Corporations:

Resolved, That all toll roads owned and controlled by specially chartered corporations may be taken and converted to the use of the public in the discretion of the several counties wherein such roads or parts of roads may be located, upon the payment of just compensation to such corporations.

Mr. Stover offered the following resolutions, which were referred to the Committee on Legislature and Legislation:

Resolved, That the State does agree and declare that it forever disclaims all right and title to the unappropriated public lands lying within the limits of the State, and that the same shall be and remain at the sole and entire disposition of the United States.

Resolved, That the lands belonging to citizens of the United States residing without the State shall never be taxed higher than the lands belonging to residents of the State, 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.

Mr. Wells offered the following resolution, which was referred to the Committee on Forest Culture:

Resolved, That the Committee on Forest Culture take into consideration the propriety of an article providing that the Legislative Assembly enact laws to prevent the destruction of forests growing upon the public or private lands.

Mr. Wilcox offered the following resolution, which was referred to the Committee on Legislature and Legislation:

LEGISLATURE.

Resolved, That the Legislature shall pass no special act conferring corporate powers, but they shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the Legislature.

Mr. Clark presented the following petition from citizens of Clear Creek County, and on his own motion it was referred to the Committee on Impeachment and Removal from Office:

To the Members of the Colorado Constitutional Convention: Gentlemen—Believing that the public interests of our proposed

State of Colorado would be advanced by providing in its Constitution for a pure and just administration of all laws made by virtue thereof, we, the citizens of Clear Creek County, in the Territory of Colorado, do ask and pray that the following may be made a part of said Constitution, to wit:

IMPEACHMENT.

Section 1. The Legislature shall provide by law for the impeachment and removal of State, county and township officers in such a manner as shall be a speedy means of so doing for each county in the State.

Sec. 2. The causes of impeachment shall be: First, whenever any officer shall wilfully perform any official act or duty in an improper manner which might lawfully have been done properly, whereby any person, company or body politic has suffered injury; second, has knowingly failed to perform any act or duty which ought by law to have been done or performed by him, whereby any person, company or body politic has suffered injury; third, has received illegal fees or taken a bribe or has corruptly done or failed to do any official act or duty; fourth, is an habitual drunkard.

Sec. 3. The Legislature shall provide for the filling of all such vacancies by appointment.

Sec. 4. The judges of all courts of record shall be considered State officers for the purpose of this article. Signed—

C. H. FROESE.	GEO. DENSMORE.
L. L. CASE.	M. H. NEWVILLE.
H. A. HASKINS.	GEO. E. MARSH.
T. R. ROBEM.	JAMES H. OSBORNE.
JAS. HAMPTON.	P. D. MOFFAT.
L. G. TALMAGE.	J. S. GLAZE.
Z. H. CHAPMAN.	CHAS. A. HASBROUCK.
R. B. GLAZE.	M. MANON.
A. A. SMITH.	THOS. G. ROBERTS.
JAS. M. TAYLOR.	JOHN BURKHOLDER.
D. M. OSTRANDER.	C. M. LELAND.
CHARLES M. GILMORE.	J. M. CROTHERS.
J. M. SMITH.	DEL P. LEWIS.
WM. F. HUNTER.	A. B. CLARK.
W. G. DOUTHY.	H. EDWARDS.
GEO. W. McCLELLAN.	JOHN BRUCE.
H. HOUSEN.	JOSIAH BELL.
WILLIAM WILSON.	C. H. HURD.
PROF. R. WEISER.	J. H. SHARP.
GEO. B. HOLMES.	H. H. KULLENBUCK.
D. H. SHERWOOD.	JAMES HAFFEY.
W. B. McCLURE.	L. H. ARTHUR.
S. CARTER.	H. L. BEARDSLEY.
E. M. LOCKE.	J. C. WRIGHT.

H. J. EDWARDS.	THOMAS OWENS.
W. H. DOHERTY.	P. C. HALE.
JOSIAH POLGLAZE.	J. J. SALES.
SILAS ROSS.	D. B. RUNKLE.
SAMUEL MOELER.	ELIAS SHERRY.
DANIEL S. KOKER.	W. J. BRANGAN.
H. A. CHOATE.	TIMOTHY H. CHASE.
W. H. ROSS.	GEO. CARNISH.
J. H. WELLS.	A. A. PUGH.
HENRY OWENS.	C. DOMINGUEZ.

Mr. Bromwell offered the following resolutions, which were adopted:

Resolved, That every officer of State, county or precinct should be removable on impeachment by some prompt and effectual mode of proceeding, upon sufficient complaint against such officer, for malfeasance, misfeasance or nonfeasance, or any crime punishable by imprisonment, for acts tending to bring the office into disgrace, or for being under bad reputation for honesty, truthfulness or moral behavior.

Resolved, That the Committee on Officers and Oath of Office be instructed to inquire into the expediency of providing a suitable article in the Constitution for this purpose.

Mr. Bromwell offered the following resolution, and moved that it be adopted:

Resolved, That the Committee on Mines and Mining be and they are hereby instructed to prepare and report suitable sections providing for the proper ventilation of all mines and for the safety of those employed in them, and particularly to provide for safety and escape in coal mines, in case of fire or explosion, and for protection against noxious gases therein.

A division being called for, it was decided in the affirmative. Ayes 24, noes 3. So the resolution was adopted.

Mr. Cooper offered the following resolution, which was referred to the Committee on Rights of Suffrage and Elections:

Resolved, That any person who while a candidate for any office shall be guilty of bribery, fraud or wilful violation of any election law, shall be forever disqualified from holding any office of trust or profit in this State, and any person convicted of willful violation of the election laws shall, in addition to any penalty provided by law, be deprived of the right of suffrage absolutely for a term of five years.

Mr. Wells offered the following resolutions, which were referred to the Committee on Bill of Rights:

Resolved, That the right of trial by jury in criminal cases shall remain inviolable. The Legislature may provide that no jury be summoned to attend statedly in any court for the trial of issues in civil cases, and that the fees of jurors and the costs of summoning them shall not be made a public charge, but shall

be taxed as other costs are. The Legislature may provide that in actions at law involving matters of account, the court wherein such action is pending shall have power at any time to discharge the jury and appoint some fit person to hear the evidence and state and settle the account between the parties and report to the court.

Also, the following, which was referred to the same committee:

Resolved, That all accused persons ought to be entitled to bail with sufficient sureties, except for capital offenses where the proof is evident or the presumption great, but where any person shall have forfeited his recognizance or other undertaking of bail, the court wherein such accusation is pending should have power to commit such person without bail.

Mr. Ebert offered the following resolutions, which were referred to the Committee on Revenue and Finance:

Resolved, That all church property shall be exempted from taxation to the amount of $5,000.00 and no more.

Resolved, That all institutions of learning or charity, except those maintained at public expense, shall be equally taxed with other property.

Mr. Webster offered the following resolution, which was referred to the Committee on Revenue and Finance:

Resolved, That the Legislature of the State of Colorado may contract debts to supply casual deficits or failures in revenue, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, shall never exceed two per cent of the assessed value of the taxable property of the State. Provided, however, that for the purpose of repelling invasion, suppressing insurrection or defending the State in time of war, the Legislature may contract such additional debts as the emergency may seem to require.

Mr. Plumb offered the following resolution, which was referred to the Committee on Public and Private Corporations:

Resolved, That every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors over and above the amount of stock by him or her held to an amount equal to his or her respective shares so held for all its liabilities accruing while he or she remains such stockholder.

Mr. Wheeler offered the following resolutions, and moved that they be referred to the Committee on Education and Educational Institutions:

Resolved, That the Legislature shall provide from time to time for the sale of lands belonging to the public school fund upon such time and terms as it may deem expedient; provided, that in cases of sale the preference shall be given to actual settlers, and provided, further, that the Legislature shall have no

power to grant relief to purchasers by granting further time for payment, but shall in all cases provide for the forfeiture of the land to the State for the benefit of a perpetual school fund, and that all interest accruing upon such sales shall be a part of the income belonging to the school fund and subject to appropriation annually for educational purposes.

Resolved, That the Legislature shall provide for the protection of the occupants of school lands who settled on same prior to survey and in good faith made homestead filings under instructions of the Land Office officials.

Mr. Carr moved, as an amendment, that the resolutions be printed and made the special order for Wednesday next at 2 o'clock p. m., which was agreed to.

Mr. Bromwell offered the following resolutions, and on his own motion they were ordered printed and made the special order for Thursday next after the regular order of business:

Resolved, That the government [governmental] powers of the State are inalienable and can not by any possibility be relinquished, waived, put in abeyance, interrupted, limited or modified by any legislative act, or by any authority whatever, in favor of any man or body of men; still less can they be sold, bartered, assigned, transferred or set over by any charter so called, contract, compact or conspiracy between this Legislature and any other party.

Resolved, That the right or power (which in government means the same thing) to regulate commerce within a State having never been surrendered to the United States, but being expressly reserved to the people of the several States, remains inherent in the people of Colorado, as to all commerce within the State, and is a governmental power to be exercised in all proper cases, and from the exercise of which neither the Legislative, Executive nor Judicial arm of the Government can lawfully shrink.

Resolved, That a committee of five members be appointed to be called the Committee on Commerce, whose duty it shall be to consider and report to this Convention what are the rights and powers of the State over the subject of commerce within the State, as to regulating the shipment, carriage, warehousing and delivery of merchandise by common carriers and warehousemen upon public roads and roads of corporations, and in and from public warehouses, and that they prepare a draft of an article providing for the exercise of such legislative, judicial and executive powers as will secure the regulation of charges upon passenger and transportation traffic at reasonable and just rates in all cases without the necessity of private suits in order to ascertain such reasonable rates.

Mr. Carr offered the following resolution, and moved that it be adopted:

Resolved, That no law impairing the obligation of contracts or weakening the force of any remedy existing at the time of the execution of such contracts shall ever be passed.

Mr. Wells moved, as an amendment, that the resolution be referred to the Committee on Bill of Rights, which was agreed to.

Mr. Beck moved that the Committee on Printing be instructed to cause one hundred copies of all resolutions, motions and other documents ordered printed for the use of the Convention, except where a different number is provided for.

Mr. Rockwell moved as an amendment that the word "one" be stricken out and the word "two" inserted, which was agreed to. Thereupon the motion of Mr. Beck so amended was agreed to.

On motion of Mr. Kennedy, the report of the Special Committee on the Preparation of Memorial to Congress was adopted, and said memorial ordered engrossed and forwarded to our Delegate to Congress for presentation.

Mr. Elder, Chairman of Committee on Executive Department, presented the report of that committee, and on motion of Mr. Carr the report was received.

On motion of Mr. Kennedy, the report was ordered printed and the consideration thereof made the special order for Friday next (January 14th, 1876), at 11 o'clock a. m.

Denver, Colorado, January 7th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Executive Department, to whom was referred the subject-matter pertaining to that branch of the Constitution, beg leave to state that they have had the same under consideration and present the accompanying article as their report. All of which is respectfully submitted.

C. P. ELDER,
Chairman.

EXECUTIVE DEPARTMENT.

Section 1. The Executive Department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor of State, State Treasurer and Superintendent of Public Instruction, each of whom shall hold his office for the term of four years, beginning on the second Tuesday in January next after his election and until his successor is elected and qualified. With the exception of the Lieutenant Governor, they shall each during their term of office reside at the seat of government; where they shall keep the public records, books and papers, and shall perform such duties as are prescribed by this Constitution or by law.

Sec. 2. The supreme executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Gov-

ernor of the State of Colorado. He shall take care that the laws are carefully executed.

Sec. 3. The officers named in section one of this article, with the exception of the Superintendent of Public Instruction, shall be chosen on the day of the general election by the qualified electors of the State at the place where they shall vote for Representatives. The returns of every election for State 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 persons [person] having the highest number of votes shall be declared duly elected to the office for which he has been voted for, but if two or more be equal and highest in votes, one of them shall be chosen to the office by the joint vote of both houses. Contested elections for the said offices shall be determined by both houses of the General Assembly by joint ballot in such manner as may be prescribed by law.

Sec. 4. The Governor and all civil officers shall be liable to impeachment for any misdemeanor in office.

Sec. 5. No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the United States and the State, shall have attained the age of thirty years and has been an inhabitant of the State for three years next preceding his election. No one shall be eligible to the office of Secretary of State, Auditor of State or State Treasurer, unless he shall be of the age of twenty-five years and have all of the other qualifications for Governor and shall have been a resident of the State for two years next preceding his election; nor shall any one be eligible to the office of Superintendent of Public Instruction unless he shall have all of the above named qualifications and have attained the age of thirty years.

Sec. 6. 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.

Sec. 7. The Governor shall nominate and, by and with the advice and consent of the Senate, appoint the Superintendent of Public Instruction. He shall also nominate and by and with the consent of the Senate appoint such other officers of the State as he is or may be authorized by this Constitution or by law. He shall have power to fill vacancies that may happen in offices to which he may appoint during the recess of the Senate, by granting commissions which shall expire at the end of their next session. Should a vacancy occur during the session of the Senate he shall nominate to the Senate before its final adjournment a proper person to fill said vacancy, but in any

case of vacancy in an elective office, a person shall be chosen to said office at the next election for members of the General Assembly, unless the vacancy shall happen within the calendar months [month] immediately preceding such election, in which case the election for said office shall be held at the second succeeding election, the person so elected to serve out the unexpired term. In acting on executive nominations the Senate shall sit with closed doors.

Sec. 8. The Governor shall have power to grant reprieves, commutations and pardons after conviction for all offenses except treason or impeachment, 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 his reasons for his actions, but he shall in no case exercise this authority except upon the written recommendation of the Lieutenant Governor, Secretary of State and Superintendent of Public Instruction, or a majority of them, after they have had a full hearing of the case in open session, in such manner as may be prescribed by law. In every case where a pardon has been granted or a person has served out his full term of punishment, he shall at once, without further action, be invested with all the rights and privileges of a citizen.

Sec. 9. 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; 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, and any such officer or manager who shall make a false report shall be deemed guilty of perjury and punished accordingly. 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.

Sec. 10. The Governor may, on extraordinary occasions, convene the General Assembly by proclamation, stating therein the purposes for which it has been convened, but at such special sessions no business shall be transacted other than that specially named in the proclamation by which it was convened. He may convene the Senate in extraordinary session by proclamation for the transaction of executive business.

Sec. 11. The Governor, in case of disagreement between the two houses as to the time of adjournment, may, upon the

same being certified to him by the house first moving adjournment, adjourn the General Assembly as he may think proper, but in no case for a longer time than the first day of the next regular session.

Sec. 12. The Governor shall have power to remove any officer he may appoint except the Superintendent of Public Instruction; in case of incompetency, neglect of duty or malfeasance in office, he may declare his office vacant and fill the same as herein provided in other cases of vacancy.

Sec. 13. Every bill passed by the General Assembly shall, before it becomes a law, be presented to the Governor. If he approves, 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 shall have been 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 the house, it shall become a law, notwithstanding the objections of the Governor. But in all such cases the vote of each house shall be determined by yeas and noes, to be entered upon the Journal. If any bill shall not be returned by the Governor within two days after it shall have been presented to him the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by their adjournment prevent its return, in which case it shall be filed with his objections in the office of the Secretary of State within thirty days after such adjournment, or else become a law.

Sec. 14. The Governor shall have power to disprove [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 of appropriations disapproved shall be void; if the General Assembly shall be in session he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separated, reconsidered and each item shall then take the same course as is prescribed for the passage of bills over the Executive veto.

LIEUTENANT GOVERNOR.

Sec. 15. In the case of the death, conviction or impeachment, 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 disabilities shall be removed, shall devolve upon the Lieutenant Governor.

Sec. 16. The Lieutenant Governor shall be President of the Senate and shall vote only when the Senate is equally di-

vided. In case of the absence or impeachment of the Lieutenant Governor, or when he shall hold the office of Governor, then the Senate shall chose a President pro tempore, who shall perform the duties of Lieutenant Governor.

Sec. 17. If the Lieutenant Governor shall, for any of the causes named in section 16 of this article, become incapable of performing the duties of the office of President of the Senate, he shall act as Governor until the vacancy is filled or the disability removed, 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.

Sec. 18. Should the office of the Secretary of State, Auditor of State, Treasurer or Superintendent of Public Instruction become vacant by death, resignation, or otherwise, it shall be the duty of the Governor to fill the same by appointment in all respects as provided in section 7 of this article. An account shall be kept by the officers of the Executive Department and all of the public institutions of the State of all moneys received or disbursed by them severally from all sources and for every service performed, and a semi-annual report thereof be made to the Governor under oath, and an officer who makes a false report shall be guilty of perjury and punished accordingly.

Sec. 19. The officers of the Executive Department and all public institutions of the State shall, at least ten days preceding each regular session of the General Assembly, send a full and complete report of their actions to the Governor, who shall transmit the same, together with the reports of the Supreme Court of defects in this Constitution or Laws, to the General Assembly, at their session.

Sec. 20. There shall be a seal of the State which shall be kept by the Secretary of State and used by him officially, as directed by law, and it shall be called the Great Seal of the State of Colorado; the seal of the Territory of Colorado as now used shall be the official seal of the State, until otherwise provided by law.

Sec. 21. The officers named in this article shall perform such duties as required in this Constitution or by law, and shall receive for their service 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 officers to collect in advance all fees for services rendered by them severally and pay the same into the State Treasury.

Sec. 22. The Superintendent of Public Instruction shall be ex-officio State Librarian.

Sec. 23. The General Assembly shall, by law, create the office of Commissioner of Lands and Mines, prescribe the duties and arrange the salary of the same.

Sec. 24. Neither the State Treasurer nor State Auditor shall be eligible for re-election as their own immediate successors.

On motion of Mr. Kennedy, the report was ordered printed and the consideration thereof made the special order for next Friday, at 11 o'clock a. m.

Mr. Hough, chairman of the Committee on Printing and Binding, presented the following report:

Denver, January 7th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Printing, to whom the matter of price and pay for obtaining ten copies for each member of the daily papers published in the city of Denver, containing the proceedings of this Convention, make the following report:

Daily Rocky Mountain News, 2½ cents per copy, 25 cents per day, each member.

Daily Denver Tribune, each number at 2½ cents per copy.

Daily Times 1¼ cents per copy.

JOHN S. HOUGH,
Chairman.

On motion of Mr. Kennedy, the report was received.

Mr. Stone moved that each member of the Convention be furnished with two copies daily of such of the newspapers of the city of Denver as they may order.

Mr. Kennedy moved to lay the motion of Mr. Stone on the table, which was agreed to.

Mr. Bromwell, having asked leave of the Convention to be excused from serving on the Committee on Printing and Binding, on motion of Mr. Boyles, leave was granted and the President appointed Mr. Yount on said committee to fill the vacancy.

Mr. Stone, Chairman of the Special Committee in the matter of the employment of an official stenographer to the Convention, presented the following report of that committee, which was as follows:

To the Hon. Jos. C. Wilson, President Constitutional Convention:

Your Special Committee, to which was referred the matter of ascertaining the probable cost of reporting the proceedings of the Convention in shorthand, beg leave to report that they have examined the proposition and estimate of Messrs. Walsh and Ford, of Michigan, as communicated to Governor Routt, and find that the cost of reporting and transcribing, ready for printing, matter sufficient for one volume of one thousand pages the size of the debates of the Illinois Constitutional Convention, will be about five thousand dollars, including the

proof reading. The cost of printing the same will be from seven to eight thousand dollars and the binding about three thousand dollars more; the cost of printing and binding estimated at Denver prices. The committee further reports that a proposition has been submitted by Messrs. Bennett & Scates, of Chicago, through Mr. Bennett of said firm, who is here at present, offering to report the proceedings and debates of the Convention in full, for the price of fifty dollars per day, including the transcribing of the same ready for the printer, and the additional gross sum of one thousand dollars for the session, providing it is necessary to employ three or more reporters. This estimate would make the total cost of reporting the proceedings in full, for a session of sixty days, amount to about four thousand dollars.

Mr. Bennett estimates the cost of printing and binding one volume of one thousand pages of the size of the Illinois debates at five thousand dollars, and two dollars for each additional volume, based upon Chicago prices, making a total cost of about seven thousand dollars for one thousand bound volumes of reports.

Your committee further report that Mrs. M. E. Wheeler, who is here present, offers a proposition to make and finish a verbatim report of the proceedings and debates of the Convention for the sum of ten dollars per day and to transcribe same into long hand, ready for printing, at the price of fifteen cents per folio. The estimated cost of both reporting and transcribing, under this proposition, will be about forty dollars per day, the reports to be transcribed each day as nearly as may be done.

Both Mr. Bennett and Mrs. Wheeler express their willingness to undertake the work and take the same chances in regard to their pay that are taken by the members and officers of the Convention, and are satisfied that a sufficient corps of reporters can be secured at once, so that there will be no delay in the work after a proposition has been accepted by the Convention.

Your committee therefore submit the foregoing facts and report the same without recommendation for the action of the Convention, and suggest that action of some kind should be taken without delay.

Respectfully submitted,

WILBUR F. STONE,

Chairman.

On motion of Mr. Kennedy, the report was received.

Mr. Bromwell moved that the report be laid upon the table, which was agreed to.

Mr. Thatcher, chairman of the Special Committee to whom was referred the matter of the contested election of Mr. Widderfield to a seat in the Convention, presented the following report:

To the Constitutional Convention:

The undersigned committee, to whom was referred the contested election from the Eleventh Representative District of Colorado, of B. Van Zandt, contestant, against John W. Widderfield, the returned and sitting member of this Convention, respectfully report that Mr. B. Van Zandt contests the seat of Mr. Widderfield on the following grounds:

First. The Canvassing Board of Bent county met and made their abstract of returns from certain precincts on November 1st, 1875, less than ten days after the election and before returns were made from precincts numbered four, six and seven.

Second. The returns from precinct number nine were reported by said board wrongfully and also not counted, to the prejudice of Mr. Van Zandt.

Third. The returns from precincts numbered one and eight were not certified according to law; in this the number of votes was certified in figures and not written out in full, according to law.

Fourth. The judges of election in precinct No. 2 refused the votes of certain electors qualified to vote at said election.

Fifth. The printed copies of blank registry books were not delivered, nor the proper notice to the judges of election served by the sheriff of Bent County in all the precincts of said county, as required by law.

From the evidence submitted to your committee it appeared that the Board of Canvassers did, in fact, make their abstract of returns in less than two days after the election was held and before returns were made from precincts numbered 4, 6 and 7. It further appears that no returns have ever been received from the precincts last named. In the absence of evidence showing that the polls were opened in said precincts, and if opened that the contestant received any votes therein, or that any election was ever held in said precinct, the committee is at a loss to see that the rights of Mr. Van Zandt have in any way been affected or prejudiced by the action of the Board of Canvassers in the premises.

The second ground of contest, viz., that the Canvassing Board wrongfully rejected the returns from Precinct No. 9, to the prejudice of the contestant, has been carefully considered by the committee. It appears from the evidence submitted upon this point that reference being had to the abstract of votes duly certified by the judges of election in said precincts B. Van Zandt received 32 votes and J. W. Widderfield received 12 votes as representatives to the Constitutional Convention from the Eleventh and Twelfth Districts. The Canvassing Board did not feel at liberty to go behind the certified abstract and count the votes for either the contestant or sitting member as representatives of the Eleventh District. Charles Luther testifies that he was clerk of the election in Precinct No. 9,

held Oct. 25th, 1875, and that the votes cast for Mr. Wedderfield and Mr. Van Zandt respectively were cast for them as representatives of the Eleventh District and that the Board of Election were agreed upon this return. The judges of that election, who alone certify to the return, were not called upon to testify, nor was recourse had to an examination of the votes enclosed by the judges of election in the ballot box used in Precinct No. 9 for the purposes of determining whether the ballots cast were polled for the contestant or sitting member as representative of the Eleventh District, or as representative of the Eleventh and Twelfth Districts, as provided in case of contest by Section 6 of an act concerning elections of the Session Laws of Colorado, A. D. 1874.

The third ground of contest, viz., that the votes from precincts numbered one and eight were certified in figures and not written out in full is purely a formal and technical one. The failure of the Clerks of Election to certify the number of votes cast for each candidate in words at full length cannot in the opinion of the committee operate to disfranchise qualified electors, or vitiate an election conducted in other respects in conformity to law.

Upon the fourth ground of contest, viz., that the judges of election in Precinct No. 2 refused the votes of certain qualified electors, no testimony whatsoever was taken.

The fifth ground of contest is not sustained by the evidence, it being clearly established by the contestant's own witnesses that blank registers were delivered by the sheriff personally to the judges of election in all the precincts except precincts numbered 5 and 6, and that the sheriff sent blank registers to the judges of election in the precincts last named. The necessity of delivering blank registry books in the several precincts of Bent County is not apparent as the evidence fails to show that more than 150 votes had been cast at the last preceding General Election. If a smaller number of votes had been cast, no registration is required.

The evidence does not show the total number of votes cast or returned for either the contestant or sitting member in Bent County. Indeed, so meager and incomplete is the testimony submitted to the committee that if all the alleged grounds of contest were admitted to exist and to be waived, the contestant still fails to show that he is entitled to a seat in this Convention. All of which is respectfully submitted.

HENRY C. THATCHER,
ALVIN MARSH,
WILLIAM R. KENNEDY,
C. P. ELDER,
Committee.

Mr. Carr moved that the report be received and adopted.

Mr. Crosby moved as an amendment that the report be laid upon the table and ordered printed, and a division being called for it was decided in the negative. Ayes, 9; noes, 22. So the amendment was not agreed to.

Thereupon the motion of Mr. Carr was agreed to.

On motion of Mr. Clark the Convention adjourned until 10 o'clock A. M., tomorrow.

SATURDAY, JANUARY 8TH, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Haley.

Roll called. Absent—Messrs. Head, Stone, Pease, Rockwell and White.

The Journal having been partially read, Mr. Kennedy moved that so much of the Journal as contained the report of the Committee on Executive Department be dispensed with, which was agreed to.

The Journal having then been read, it was approved.

Messrs. Head, Stone and White entered and took their seats.

Mr. Yount presented the following petition, which was referred to the Committee on Miscellaneous Subjects.

To the assembled delegates to the Constitutional Convention of Colorado:

We, the undersigned citizens of the Territory would most respectfully ask your careful consideration of the following demands of liberalism:

First—That churches and other ecclesiastical property shall no longer be exempt from just taxation.

Second—That the employment of chaplains in the State Legislatures, prisons, asylums, and all other institutions supported by public money, shall be discontinued.

Third—That all public appropriations for educational and charitable institutions of a sectarian character shall cease.

Fourth—That all religious service sustained by public money shall be abolished and especially that the use of the Bible in the public schools, whether ostensibly as a text book or avowedly as a book of religious worship, shall be prohibited.

Fifth—That the appointment by the Governor of all religious festivals and feasts shall wholly cease.

Sixth—That all laws directly or indirectly enforcing the observance of Sunday as the Sabbath shall be prohibited.

Seventh—That all laws looking to the enforcement of Christian morality shall be abrogated and that all laws shall be conformed to the requirements of natural morality, equal rights and impartial liberty.

Eighth—That no privilege or advantage shall be conceded to Christianity or any other special religion; that our entire political system shall be founded and administered on a purely secular basis, and that whatever changes shall prove necessary

to this end shall be consistently, unflinchingly and promptly made. (Signed).

C. F. GARD.	ROBERT STROUSSE.
JOHN PARISH.	JIM E. DUBOIS.
L. R. RHODES.	W. L. BECKFELD.
FORCH M'FADDEN.	J. L. CRASTUN.
JAMES M. EAGLIN.	C. C. HAYS.
H. H. SAMUELS.	ED NARINE.
J. W. ALLMER.	H. B. CHUBBUCK.
J. H. JOHNSON.	OSWALD ALLEN.
J. E. WASHBURN.	IRAD M. HENDERSON.
JEFFERSON KILBURN.	THOS. CROSS.
HUGO HUPPE.	W. A. BEAN.
DOCK SAMUELS.	A. J. DERBY.
GEORGE J. DUBOIS.	F. M. SAMUELS.
JOHN H. DUBOIS.	H. J. HUPPE.
C. F. DUBOIS.	G. S. HILL.
COLLINS DUBOIS.	A. M. HILL.
JOHN BAXTER.	H. C. SMOKE.
NICHOLAS NEWMAN.	THOMAS M'CABE.
HATTEN BAXTER.	J. W. SMOKE.
NANCY JANE BAXTER.	A. L. SMOKE.
WM. SAMUELS.	MANLY MADDEN.
H. F. HYATT.	MARY PARISH.
A. B. STEEL.	JOE ZIMMERMAN.
GEO. M. HOWARD.	ELIZA BERRY.
S. T. WELCH.	BUR ROSWELL.
G. A. MOKE.	J. T. CARWILE.
GEO. W. FOOTE.	PHIL SHABER.
GEO. BERRY.	A. EDWARD DUBOIS.

Mr. Wilcox offered the following resolutions, which were referred to the Committee on Congressional and Legislative Apportionment:

Resolved, That the Congressional and Legislative Apportionment Committee enquire into the expediency of apportioning the State so that there shall be thirteen State Senators, or on a basis of one thousand votes cast at the September election, A. D. 1875.

Resolved, That representation in the House of Representatives be apportioned upon a ratio of five hundred votes, taking the vote of September 14th, 1875, as the basis of said apportionment, provided, that each county shall have one Representative.

Mr. Ebert offered the following preamble and resolutions, which were referred to the Committe on Education and Educational Institutions:

Whereas, The nature of our free institutions pre-supposed a high degree of intelligence of the people, and as the permanence, purity and effectiveness of those institutions become the

more secure and productive of good, the more this intelligence is promoted and spread; and

Whereas, The constant growth of our common country in number, as well as in its commercial, industrial and political relations, admonishes us not to neglect to progress according to the demands of our times; and

Whereas, By so doing we would deliver our government into the hands of demagogism and give rise to corruption and crime; and

Whereas, Science and art are the greatest levers of civilization and afford the surest protection against prejudice, superstition and suppression, therefore

Resolved, That our public schools shall not only embrace the elementary, but also the higher branches of school education, so as to enable scholars after having finished their studies in the highest grades of our public schools to enter upon a so-called academic or university course.

Resolved, That for the beginning at least one state university be established or supported by the future State of Colorado, and this university especially organized for a thorough study of history, natural sciences, philosophy, mathematics, medicines, law, philology, but to be kept free in every respect from sectarian religious influence.

Mr. Beck offered the following resolution, which was referred to the Committee on Education and Educational Institutions:

Resolved, That the Committee on Education and Educational Institutions be instructed to prepare and report for the consideration of this Convention a section in substance as follows:

Section —. The location of the University of Colorado at Boulder, in the County of Boulder, as established by existing laws, is hereby confirmed, and said institution of learning is hereby declared to be the University of the State of Colorado.

All grants, donations, appropriations, rights, immunities and franchises which have in any manner heretofore been given, granted or confirmed upon said institution shall forever remain and inure to its exclusive benefit.

Also the following, which was referred to the Committee on Legislature and Legislation:

Resolved, That the Committee on Legislature and Legislation be instructed to inquire into the expediency of inserting in the Constitution a provision substantially as follows:

It shall be unlawful for any person, company or corporation to require of his or its servants or employes as a condition to 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 per-

sonal injuries received by such servants or employees while in the service of such person, company or corporation, and all such contracts shall be absolutely null and void.

Mr. Lee offered the following resolution, which was referred to the Committee on Forest Culture:

Resolved, That for the purpose of fostering artificial forest and fruit tree culture that the Legislature may exempt from taxation for a period not exceeding fifteen (15) years, such land, not to exceed (10) acres, as may be in actual use for forest or orchard culture. Nothing in this article to be construed as to exempt from taxation shrubs, vines or other small fruits.

Mr. Clark offered the following preamble and resolution and moved that they be adopted:

Whereas, The tedious and vexatious litigation now existing in our courts is detrimental to the best interests of the mining industries of Colorado;

Resolved, That the Committee on Judiciary as well as the Committee on Legislature and Legislation be instructed to take into consideration this fact and seek to report a practice for adoption in courts of law and equity that will give speedy and efficient remedy to mining litigants therein, and that the Legislature be empowered to make special provisions to that effect.

Mr. Quillian moved as an amendment that the preamble and resolution be referred to the committee, and, a division being called for, it was decided in the affirmative; ayes, 19; noes, 15. So the amendment of Mr. Quillian was agreed to.

Mr. Carr offered the following resolution and moved that it be referred to Committee on Bill of Rights with instructions to embody the provision of the same in an article in their report:

Resolved, That the following section shall be a part of the Bill of Rights of the Constitution of this State:

Section —. No person shall be proceeded against criminally otherwise than by information, except in cases arising in the militia when in actual service the grand jury system is hereby abolished.

Mr. Boyles moved that the resolution be laid upon the table, which was not agreed to.

Mr. Stone moved that the resolution of Mr. Carr be indefinitely postponed, and the ayes and noes being called for, it was decided in the affirmative; ayes, 20; noes, 17.

Those voting in the affirmative are Messrs. Barela, Bromwell, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Garcia, Hurd, Hough, Marsh, Quillian, Stone, Stover, Thatcher, Vijil, Wells, Widderfield and Mr. President.

Those voting in the negative are Messrs. Boyles, Beck, Carr, Cushman, Clark, Cooper, Head, James, Kennedy, Meyer, Plumb, Webster, White, Wilcox, Wheeler and Yount.

So the resolution was indefinitely postponed.

Mr. Barela offered the following resolution, which was referred to the Committee on Irrigation, Agriculture and Manufactures:

Resolved, That the Legislative Assembly is hereby prohibited from enacting what is known as a fence law, but may provide a general law to be submitted to a vote of the different counties of the State and be in force in such counties only as shall adopt the same by a majority of the votes cast at a general election, when the proposition shall have been submitted to a vote of the people.

Mr. Douglas presented the following communication or resolution, which were referred to the Committee on Miscellaneous subjects:

Paper adopted by the United Presbyterian Presbytery of Colorado, in session at Evans, Colorado, December 1, 1875:

Whereas, The United States of America have for a hundred years enjoyed God's blessing under Christian laws and institutions and,

Whereas, The State of Colorado is likely to be the continual monument of God's goodness to us as a nation; therefore

Resolved, First, that we urge upon our Constitutional Convention about to meet the importance of recognizing in our organic laws the authority of God and his word, the obligation and necessity of the Sabbath as a civil institution, the sacredness of the oath and the necessity of preserving our present school system against any attempts to divide the school fund for sectarian purposes or to expel the Bible, our only text book of morality and heart culture;

Resolved, Second, that we invite the co-operation of all Christian churches and of every friend of free institutions for the accomplishment of these objects.

Resolved, Third, that Rev. J. T. Graham be appointed to lay the action before the Constitutional Convention.

Signed, W. H. M'CREERY,
Clerk of Presbytery.

Signed, S. B. REED,
Moderator of Presbytery.

Mr. Carr offered the following resolutions, which were referred to the Committee on Education and Educational Institutions:

Resolved, That there shall be elected in each judicial district at the time of the election of the judge of such district a regent of the University of Colorado, whose term of office shall be the same as that of said judge. The regents thus elected and their successors in office shall constitute a body corporate known by the name and title of the Regents of the University of Colorado.

Resolved, That the regents of the University, at their first meeting or as soon thereafter as may be, shall elect a president

of the university, who shall be ex-officio a member of their board with the privilege of speaking but not of voting. He shall preside at the meetings of the Board of Regents and be the principal executive officer of the university. The Board of Regents shall have the general supervision of the university, and the direction and control of all expenditures from the university fund.

Mr. Wilcox offered the following resolution, which was referred to the Committee on Legislature and Legislation:

RIGHTS AND PRIVILEGES.

Resolved, That no donation of land or appropriation of money shall be made by the State or any municipal corporation to or for the use of any society, association or corporation whatever.

The President presented the following communication to the Convention:

Colorado Stock and Exchange Board,
Denver, January 6, 1876.

To the Honorable President of the Constitutional Convention:

Dear Sir—You and the officers and members of the Convention are by resolution of the Colorado Stock and Exchange Board respectfully invited at your individual convenience while you remain in Denver to visit and sit with the board during the call of stocks.

The sessions are daily at 11:45 A. M. in the Tribune building, on Holliday street near 16th.

Respectfully Yours,
A. B. ROBBINS,
President.

Mr. Hough moved that the invitation be accepted and a vote of thanks be returned to the Board, which was agreed to.

Mr. Marsh, chairman of the Committee on Bill of Rights, presented a majority report of that committee, as follows:

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.

Sec. 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.

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

Sec. 4. 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 religious opinions, 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. Nor shall any person be required to attend or support any ministry or place of worship, religious sect or denomination against his consent. Nor shall any preference be given by law to any religious denomination or mode of worship.

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

Sec. 6. That courts of justice shall be open to every person, and certain remedy afforded for every injury to person, property or character, and that right and justice should be administered without sale, denial or delay.

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

Sec. 8. That no person shall, for a felony, be proceeded against criminally otherwise than by indictment, except in cases arising in 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 as concurrent remedies.

Sec. 9. That treason against the State can consist only in levying war against it or 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, and when any

person shall be killed by casualty there shall be no forfeiture by reason thereof.

Sec. 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 abuses of that liberty, and that in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact.

Sec. 11. That no ex parte [post] facto law nor law impairing the obligations of contracts or retrospective in its operation, or making any irrevocable grant or [of] special privileges or immunities, can be passed by the Legislature.

Sec. 12. That imprisonment for debt shall not be allowed except for the nonpayment of fines and penalties imposed for violation of law.

Sec. 13. The rights of no citizen to keep and bear arms in defence 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 is intended to justify the practice of carrying concealed weapons.

Sec. 14. That no person elected or appointed to any office or employment of trust or profit, under the laws of the State or any ordinance of any municipality in this State, shall hold such office without personally devoting his time to the performance of the duties of [to] the same belonging.

Sec. 15. That no person who is now, or may hereafter become, a collector or receiver of public money or assistant as deputy of such collector or receiver, shall be eligible to any office of trust or profit in the State of Colorado under the laws thereof, or any municipality therein, until he shall have accounted for and paid over all the public money for which he may be accountable, unless such disability be removed by act of Legislature.

Sec. 16. That no private property can be taken for private use, with or without compensation, unless by consent of the owner, except for private ways of necessity, and except for drains and ditches across the lands of others for agricultural and sanitary purposes in such manner as may be prescribed by law, and that 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 as such judicially determined without regard to any Legislative assertion that the use is public.

Sec. 17. That private property shall not be taken or damaged for public use without just compensation. Such compensation shall be ascertained by a jury or board of commissioners of not less than three freeholders, 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 disturbed or the proprietary rights of the owner therein divested. The fee of land taken for railroad tracks, without consent of the owner thereof, shall remain in such owner, subject to the use for which it is taken.

Sec. 18. 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 country.

Sec. 19. That no person shall be compelled to testify against himself in a criminal cause, nor shall any person after being once acquitted by a jury be again for the same offence put in jeopardy of his life or liberty; but if the jury, to which the question of his guilt or innocence is submitted, fail to render a verdict, the court before which the trial is had may, in its discretion, discharge the jury and commit on bail the prisoner for trial at the next term of court, or if the State business will permit, at the same term, and if the judgment be arrested after a verdict of guilty on a defective indictment, or if judgment on a verdict of guilty be reversed for error in law, nothing herein contained shall prevent a new trial of the prisoner on a proper indictment or according to correct principles of law.

Sec. 20. That all persons shall be bailable by sufficient sureties, except for capital offences, when the proof is evident or the presumption great, provided the court shall have power to commit at any time on forfeiture of bail or recognizance.

Sec. 21. That excessive bail shall not be required nor excessive fines be imposed, nor cruel and unusual punishment inflicted.

Sec. 22. That the privilege of the writ of habeas corpus shall never be suspended.

Sec. 23. That the military shall always be in strict subordination to the civil power; that no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 24. The right of trial by jury as heretofore enjoyed shall remain inviolate, but a jury for the trial of 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 or a true bill, provided the Legislature may change or abolish the grand jury system or otherwise regulate the same.

Sec. 25. That the people have the right peaceably to assemble for their own good and to apply to those invested with the powers of government for redress of grievances by petition or remonstrance.

Sec. 26. That no person shall be deprived of life, liberty or property without due process of law.

Sec. 27. That there cannot be in this State either slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted.

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

On motion of Mr. Kennedy, the report was received, ordered printed and made the special order for next Saturday, at 11:00 a. m.

Mr. Wheeler gave notice that he would, on Saturday next, present a minority report from the Committee on Bill of Rights.

Mr. Cooper, Chairman of the Committee on Enrolling and Engrossing, presented the following report:

Denver, January 8, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen:—Your Committee on Engrossing, to whom was referred Memorial to Congress of the United States with instructions to have it engrossed, report the same back correctly engrossed.

A. D. COOPER,
Chairman of Committee.

On motion of Mr. Kennedy, the report was received and adopted.

Mr. White, Chairman of the Standing Committee on Rules, presented the following report:

To the Hon. President and Constitutional Convention of Colorado:

Gentlemen:—Your Committee to whom was referred the duty of rearranging, grouping and numbering the rules of this Convention, have had the same under consideration and respectfully submit the following report:

RULES OF THE CONVENTION.

Rule 1. A majority of the Convention shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

Rule 2. The hours of meeting shall be 10:00 a. m. and 2:00 p. m., unless otherwise ordered.

Rule 3. The President shall take the Chair every day at the hour to which the Convention shall have adjourned, shall immediately call the members to order, have the Secretary call the roll, and on the appearance of a quorum shall cause the

Journal of the preceding day to be read unless dispensed with by the Convention, and in all cases in the absence of a quorum the members present may take such measures as shall be necessary to procure the attendance of absent members, and may adjourn from day to day until a quorum shall be present.

Rule 4. Any two members may move a call of the Convention and a majority of those present may require absent members to be sent for, but a call of the Convention cannot be made after the voting has commenced; and a call of the Convention being ordered and the absentees noted, the doors shall be closed and no member permitted to leave the room until the report of the Sergeant-at-Arms be received and acted upon or further proceedings in the call be suspended by a two-thirds vote of the members present.

Rule 5. Upon the call of the Convention the names of representatives shall be called over by the Secretary and the absentees noted, after which the names of such absentees shall again be called over. The doors shall then be closed and those for whom no excuse or for whom an unsufficient excuse is made, may by order of those present (if a quorum) be taken into custody as they appear or may be sent for and taken into custody wherever found by the Sergeant-at-Arms of the Convention.

Rule 6. The President shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the Convention by any one member, on which appeal no member shall speak more than once unless by leave of the Convention.

Rule 7. The President shall rise to put a question, but may state it sitting.

Rule 8. The President shall vote on all questions taken by ayes and noes and on all elections or divisions called for by any member, but if on such vote a tie occurs, the question shall be declared lost.

Rule 9. The President shall examine and correct the Journal before it is read. He shall have the general direction of the hall. He shall have the right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond one day, and such substitute shall be vested during such time with all the powers of the President.

Rule 10. When a motion is made it shall be stated by the President, or being in writing, shall be handed to the Secretary and read aloud before debate.

Rule 11. When two or more members rise at once the President shall designate the member who is first to speak, but in all cases the member who shall first rise and address the Chair shall speak first.

Rule 12. In case of the absence of the President the Convention shall elect a President Pro Tem.

Rule 13. It shall be the duty of the Secretary to keep a book in which he shall record all the proceedings of the Convention and to do and perform all other acts appertaining to his office as may be required of him by the Convention or its presiding officer.

Rule 14. It shall be the duty of the Sergeant-at-Arms to attend the Convention during its sittings, to execute the commands of the Convention from time to time, together with all such process issued by authority thereof as shall be directed to him by the President.

Rule 15. Every motion and resolution shall be reduced to writing, if the President or any member desires it.

Rule 16. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Rule 17. If the question under debate contains several propositions, any member may have the same divided, and on a motion to strike out and insert, it shall be in order to move for a division of the question, and rejection of the motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion to strike out and insert.

Rule 18. Questions shall be distinctly put in this form: As many as are of the opinion that (as the case may be), say aye; and after the affirmative voice is expressed, As many as are of the contrary opinion say no; if the President doubt, or a division is called for, the Convention shall divide; those in the affirmative shall rise from their seats, and afterwards those in the negative.

Rule 19. All questions, whether in Committee or in the Convention, shall be put in the order they are moved, except in the case of privileged questions, and in filling up blanks the largest sum and longest time shall be first put.

Rule 20. When the President is putting the question no member shall walk out of or across the hall; nor when a member is speaking shall any person entertain any private discourse or pass between him and the chair or give any signs of approbation or disapprobation; and no smoking shall be allowed in the hall whilst the Convention is in session.

Rule 21. When a question is under debate no motion shall be received but to adjourn, to call the house, to lay on the table, the previous question, to postpone indefinitely, or to postpone to a day certain, or to commit or to amend, which several motions shall have precedence in the order in which they stand arranged.

Rule 22. After a motion is stated by the President it shall be deemed in the possession of the Convention and shall be entered upon the Journal with the name of the member offer-

ing the same, but may be withdrawn at any time before decision or amendment.

Rule 23. A second shall not be required in making a motion offering a resolution or proposition in this Convention.

Rule 24. The Convention shall keep a Journal of its proceedings, and the ayes and noes of the members on any question shall, at the desire of any two members, be entered on the Journal.

Rule 25. Any member of the Convention shall have liberty to dissent and protest against any act or resolution which he may think injurious to the public or to any individual, and have the reason of his dissent in respectful language entered on the Journal without debate whenever the same shall be filed with the Secretary.

Rule 26. Every member, previous to speaking, shall rise from his chair and respectfully address himself to the President, and shall confine himself to the question under debate and avoid personality.

Rule 27. All incidental questions of order arising after a motion is made for the previous question, during the pending of such motion, or after the Convention shall have determined that the main question shall now be put, shall be decided, whether on appeal or otherwise, without debate.

Rule 28. The previous question shall always be in order and shall be put in this form: Shall the main question now be put? and until it is decided shall preclude all amendments or debate. The previous question may be moved by any member, but a majority of those present shall be necessary to order the main question.

Rule 29. When on taking the previous question the Convention shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate.

Rule 30. The effect of the main question being ordered shall be to put an end to all debate and bring the Convention to a direct vote, first upon all amendments reported or pending, being first applied to the amendment last moved, and then on the main question.

Rule 31. After the motion for the previous question has prevailed, it shall be in order to move a call of the Convention prior to a decision of the main question.

Rule 32. A motion to commit, until it is decided, shall preclude all amendments and debate on the main question and a motion to postpone indefinitely or to a day certain, until it is decided, shall precude all amendment on the main question.

Rule 33. All committees shall be appointed by the President, unless ordered otherwise by the Convention.

Rule 34. In forming a Committee of the Whole, the President shall leave the chair, and a chairman to preside in Committee shall be appointed by the President.

Rule 35. On propositions being committed to Committee of the Whole, they shall be first read throughout by the Secretary and then again read and debated by clauses, leaving the preamble to be considered last; after report of said committee the proposition shall again be subject to debate or amendment before a vote is taken.

Rule 36. A motion that the Committee rise shall always be in order, and shall be decided without debate.

Rule 37. The Rules of the Convention shall be observed in Committee of the Whole Convention, as far as they may be applicable, except that the ayes and noes shall not be called nor the previous question enforced.

Rule 38. No committee shall sit during the daily session of the Convention unless by special leave.

Rule 39. Every member who shall be present before the vote is declared from the chair, and no other, shall vote for or against the question, unless the Convention shall excuse him, or he be interested in the question, in which case he shall not vote.

Rule 40. When the ayes and noes shall be taken on any question, no member shall be permitted to vote after the decision is announced from the chair, unless by the unanimous consent of the Convention.

Rule 41. A motion to postpone to a day certain or indefinitely, or to commit, being decided, shall not again be allowed on the same day and at the same stage of the proposition.

Rule 42. When a question has been once put and carried in the affirmative or negative, it shall be in order for a member of the majority to move for a reconsideration thereof, at any time within two days thereafter, or upon giving two days' notice, and such motion shall take precedence of all other questions except a motion to adjourn.

Rule 43. The unfinished business on which the Convention was engaged at its last adjournment shall, at the next meeting of the Convention of the same day, have precedence of all other business.

Rule 44. A member called to order shall immediately sit down unless permitted to explain, and the chair shall decide the question of order without debate, subject to an appeal to the Convention.

Rule 45. The Convention may reprimand or censure its members for disorderly behavior.

Rule 46. The Convention during its session may punish, by expulsion from the hall, any person not a member who shall

be guilty of disrespectful conduct or contemptuous behavior in its presence.

Rule 47. In case of any disturbance or disorderly conduct in the lobby, the President (or Chairman of the Committee of the Whole Convention) shall have power to order the same cleared.

Rule 48. Petitions, memorials and other papers addressed to the Convention shall be presented by the President or by a member in his place.

Rule 49. All petitions, memorials and resolutions of a public character shall, upon their introduction, be read in full and thereupon be laid upon the table, unless otherwise ordered by the Convention.

Rule 50. When motions are made for a reference of the same subject to a select committee and to a standing committee, the question of reference to a standing committee shall be first put.

Rule 51. The Committee on Engrossment shall examine all articles and propositions after they are engrossed and before action is taken thereon, and report the same to the Convention when correctly engrossed.

Rule 52. The Committee on Enrollment shall examine all sections and clauses contained in the Constitution previous to the same being signed by the members of the same, to the Convention correctly enrolled.

Rule 53. Resolutions relating to the subject matter of the Constitution, giving rise to debate, shall lie over for one day before being acted upon, if, upon their introduction, any member shall give notice of a desire to discuss the proposition therein contained.

Rule 54. All so-called substitutes, motions and resolutions shall be considered as amendments only, and shall be subject to the rules relating thereto, except such matters as may be reported by committees.

Rule 55. There shall be a Standing Committee (to consist of five members, of which the President shall be ex-officio member) on Rules.

Rule 56. No rule of the Convention shall be altered, suspended, or rescinded without the vote of two-thirds of the members present.

Rule 57. The Sergeant-at-arms shall not permit any person not a member or officer of this Convention to pass inside the railing in the rear of the seats of the members at any time during the session of the Convention, except the Judges of the Supreme Court, the Governor and the Secretary of the Territory of Colorado, and the members of the Legislature of the Territory of Colorado, the Mayor and City Council of the City

of Denver, the reporters of the press duly assigned as such by the President of the Convention, except upon invitation of the Convention.

Rule 58. A motion to adjourn shall be decided without debate, except to adjourn to a time certain, and shall always be in order except when a member is addressing the chair or a vote is being taken, and a motion to lay on the table shall be decided without debate.

Rule 59. When the Convention adjourns the members shall keep their seats until the President announces the adjournment.

Rule 60. The rules of parliamentary practice comprised in Cushing's Manual shall govern the Convention in all cases in which they are applicable and not inconsistent with the Standing Rules and Orders of the Convention.

Rule 61. Order of Business shall be as follows:

1. Prayer by the Chaplain.
2. Calling the Roll.
3. Reading the Journal.
4. Communications and Presentation of Petitions and Resolutions.
5. Unfinished Business of Previous Day.
6. Reports of Standing Committees.
7. Reports from Select Committees.
8. Any Other Business not Prohibited by the Rules of the Convention.

Rule 62. All rules heretofore adopted are hereby suspended and all resolutions and orders inconsistent with these rules are hereby rescinded.

On motion of Mr. Kennedy, the report of the Committee on Rules was referred to the Committee on Printing and Binding, which was agreed to.

On motion of Mr. Crosby it was ordered that two hundred copies of the manual be printed instead of one hundred copies, as before ordered.

Mr. Crosby offered the following resolution, which was agreed to:

Resolved, That a watchman be elected to take charge of the hall of the Convention during the night, to guard against fire, and for the preservation of the documents and papers of the Convention.

Mr. Hurd moved that the report of the Special Committee in the matter of the employment of an official stenographer to the Convention be taken from the table for consideration; and a division being called for, it was decided in the affirmative—ayes 24, noes 9. So the report was taken from the table.

Mr. Carr moved that the consideration of the report be indefinitely postponed.

Mr. Kennedy called for the ayes and noes.

The motion of Mr. Carr was decided in the negative—ayes, 14; noes, 22. Those voting in the affirmative are Messrs. Barela, Bromwell, Carr, Cushman, Douglas, Felton, Lee, Meyer, Plumb, Quillian, Stover, Wheeler, Widderfield and Yount.

Those voting in the negative are Messrs. Boyles, Beck, Clark, Cooper, Crosby, Ellsworth, Elder, Ebert, Head, James, Kennedy, Marsh, Stone, Thatcher, Vijil, Webster, Garcia, Hurd, Hough, White, Wilcox and Mr. President.

So the Convention refused to indefinitely postpone.

Mr. Kennedy moved that the further consideration of the report be set for 2 o'clock this afternoon.

Mr. Stover, as an amendment, moved that the further consideration of the report be set for Monday, January 24, 1876, at 2 o'clock.

Mr. Kennedy called for the ayes and noes, and the question being on the adoption of the amendment of Mr. Stover, it was decided in the negative—ayes, 12; noes, 24.

Those voting in the affirmative are Messrs. Bromwell, Carr, Cushman, Felton, Lee, Meyer, Plumb, Quillian, Stover, Wheeler, Widderfield and Yount.

Those voting in the negative are Messrs. Barela, Boyles, Beck, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Garcia, Hurd, Hough, Head, James, Kennedy, Marsh, Stone, Thatcher, Vijil, Webster, White, Wilcox and Mr. President.

So the Convention refused to concur in the amendment of Mr. Stover, and the question recurring, on the motion of Mr. Kennedy to make the consideration of the report the special order for 2 o'clock p. m., and a division being called for, it was decided in the negative—ayes, 16; noes, 19. So the motion of Mr. Kennedy was not agreed to.

Mr. Stone offered the following resolution:

Resolved, That a committee be appointed to make a contract on behalf of the Convention for having the proceedings of the Convention reported and transcribed ready for printing, on the best terms obtainable, subject to the approval of the Convention, and a division being called for, it was decided in the negative—ayes, 13; noes, 22. So the Convention refused to adopt the resolution of Mr. Stone.

Mr. Felton moved that the Convention do now adjourn until Monday next at 10 a. m., and a division being called for, it was decided in the affirmative—ayes, 24; noes, 8. So the Convention adjourned until Monday next at 10 a. m.

MONDAY, JANUARY 10, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Reverend Mr. Lynd.

Roll called. Absent—Messrs. Boyles, Bromwell, Garcia, Marsh, Plumb, Stone, Thatcher, White and Yount.

The Journal having been partially read, Mr. Ellsworth moved that the reading of that part of the Journal containing the report of the Committee on Executive Department be dispensed with, which was agreed to, and Mr. Kennedy moved that the reading of so much of the Journal as contains the report of the Committee on Rules be dispensed with, which was also agreed to. The Journal was read and approved.

Messrs. Bromwell, Boyles, Plumb and Yount appeared and took their seats.

Mr. Hough offered the following resolution and moved that it be referred to the Committee on Miscellaneous Subjects:

Resolved, That all persons residing on Indian lands or government reservations within the State shall enjoy all the rights and privileges of citizens, as though they lived in any other portion of the State, and shall be subject to taxation.

Mr. Beck, as an amendment, moved that the resolution be referred to the Committee on Bill of Rights, which amendment was accepted by Mr. Hough, and the resolution was so referred.

Mr. Hough offered the following resolution and moved that it be referred to the Committee on Miscellaneous Subjects:

Resolved, That all laws, decrees, regulations and provisions which from their nature require publication shall be published in English and Spanish.

Mr. Kennedy, as an amendment, moved that the resolution be referred to Committee on Legislature and Legislation, which amendment was accepted by Mr. Hough.

Mr. Ebert moved to further amend the resolution by inserting the words "and German" after the words "Spanish", which amendment was also accepted by Mr. Hough.

The resolution was thereupon referred to the Committee on Legislature and Legislation.

Messrs. Douglas and White entered and took their seats.

Mr. Yount offered the following resolution, which was referred to the Committee on Education and Educational Institutions:

Resolved, That the Committee on Education and Educational Institutions be instructed to prepare and report for the consideration of this Convention a section in substance as follows:

Section —. The location of the Agricultural College of Colorado at Fort Collins, in the County of Larimer, as established by existing laws, is hereby confirmed and the said institution of learning is hereby declared to be the Agricultural College of the State of Colorado; all grants, donations, appropriations, rights, immunities and franchises which have in any manner heretofore been given, granted or conferred upon said institution, shall forever remain and inure to its exclusive benefit.

Mr. Hough offered the following resolution, which was referred to the Committee on Officers and Oath of Office:

Resolved, That no person who denies the existence of the Supreme Being shall hold any office under this Constitution.

Mr. Hurd presented a proposition from J. L. Bennett, for making a full stenographic report of the proceedings of the Convention as follows:

Denver, January 10, 1876.

To the Honorable the President and Members of the Constitutional Convention of Colorado:

Gentlemen: Believing that a majority of your honorable body are in favor of a stenographic report of the debates, and that the uncertainty as to the mode of compensation is the only thing which prevents the employment of a stenographer to report and transcribe the same, I will make the following proposition:

I will make a full report of the proceedings for the sum of ten dollars per day, and preserve the notes so that they may be transcribed and printed at any future time, by authority of the Legislature, or by private enterprise, with the understanding that no member of this Convention shall ever be called upon in his private capacity to pay anything for any of said work.

I may say here that nothing is more common in stenographic reporting than the taking of notes to be written up at a future time, upon certain contingencies, as for instance the appeal of a law suit to a higher court, the fact that the record may be had if wanted being considered a compensation for the comparatively small expense of taking the notes. Such notes may, in case of necessity, be written out by another person than the one taking them.

I have with me ample testimonials as to my ability to properly perform the work, which have been seen by several of your honorable body.

I will further say that I have taken full notes of proceedings since and including Tuesday last.

If the Legislature order the report written out, the maximum charge shall be 50 dollars per day for time spent in taking the same.

(Signed) J. L. BENNETT.

Messrs. Stone and Thatcher entered and took their seats.

Mr. Hurd moved that the proposition offered by Mr. Bennett to report the proceedings of the Convention be accepted.

On motion of Mr. Beck the Convention granted Mr. Bennett leave to address the Convention and explain his proposition for making the report of the proceedings and debates of the Convention.

Mr. Bennett, having made an explanation of his proposition, and the question being on the motion of Mr. Hurd to accept the proposition of Mr. Bennett, and the ayes and noes being called for, it was decided in the negative—ayes, 7; noes, 28.

Those voting in the affirmative are Messrs. Boyles, Clark, Hurd, Hough, Rockwell, White and Wilcox.

Those voting in the negative are Messrs. Barela, Bromwell, Beck, Carr, Cushman, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Hurd, James, Lee, Hayes, Plumb, Quillian, Stone, Stover, Thatcher, Vijil, Webster, Wells, Wheeler, Widderfield, Yount and Mr. President.

So the motion of Mr. Hurd was not agreed to.

Mr. Carr moved that the matter of reporting the proceedings and debates of the Convention and the consideration of the report of the Select Committee on that subject be indefinitely postponed, which was agreed to.

Mr. Head, chairman of the Committee on Miscellaneous Matters, presented the following report from that committee:

Denver, January 8, 1876.

To the Honorable President and Constitutional Convention:

Gentlemen: Your Committee on Miscellaneous Subjects beg leave to report that they have had under consideration the subject of Preamble to the Constitution and report the following, and recommend its adoption:

PREAMBLE.

We, the People of Colorado, 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 a State Government, to be known as the State of Colorado.

LAFAYETTE HEAD, Chairman.

On motion of Mr. Bromwell, the report was referred to Committee of the Whole Convention.

On motion of Mr. Rockwell, leave of absence until next Wednesday was granted Mr. Marsh.

On motion of Mr. Clark the Convention resolved itself into the Committee of the Whole to consider the report of the Committee on Miscellaneous Subjects. Mr. Webster in the chair.

After some time spent therein, the President resumed the chair, and Mr. Webster reported that the Committee of the Whole Convention, having according to order had the report of the Committee on Miscellaneous Subjects under consideration, had made some progress, and recommend that the report of the Committee on Miscellaneous Subjects, together with the following amendment thereto, offered by Mr. Bromwell, be referred to the Committee on Printing, in order that the same may be printed.

Mr. Bromwell moves as an amendment to insert after the word Colorado, in first line of preamble, the words "grateful to Almighty God for the civil, religious and political liberty we have enjoyed, and for the purpose of transmitting the same unimpaired to succeeding generations;" and,

On motion of Mr. Stone, the report of the Committee of the Whole Convention was adopted.

On motion of Mr. Douglas, the Convention adjourned until two o'clock P. M.

TWO O'CLOCK P. M.

Committee met pursuant to adjournment.

Roll called.

Absent: Messrs Boyles, Garcia, Hurd, James, Marsh, Pease and Stone.

The hour of the special order having arrived, Mr. Rockwell moved that the consideration of the resolutions offered by Mr. Bromwell, which were the special order of this day, be postponed until Monday next, and made the special order for two o'clock that day, which was agreed to.

Mr. Stone appeared and took his seat.

Mr. Beck presented the following communication:

To the Members and Officers of the Constitutional Convention:

Gentlemen—Permit me to give myself the pleasure of inviting you to visit my museum, which largely represents the birds, mammals, fossils, minerals and relics of the Territory in whose interests you labor. Please come either as a body or individually, as best suits your convenience.

Very respectfully,

M. A. MAXWELL.

Museum, 376 Lawrence street, Denver, Colo., Jan. 16, 1876.

Mr. Rockwell moved that the invitation be accepted, and the thanks of the Convention returned to Mrs. Maxwell, which was agreed to.

Mr. Beck moved that when this Convention adjourns the members proceed in a body to visit the museum of Mrs. Maxwell, and, a division being called for, it was decided in the

affirmative—ayes, 14; notes, 13. So the motion of Mr. Beck was agreed to.

Mr. Beck moved to reconsider the vote on the question of the Convention proceeding as a body to visit the museum of Mrs. Maxwell, which was agreed to. Thereupon Mr. Beck withdrew his motion on the subject of the Convention visiting the museum as a body.

On motion of Mr. Kennedy, the Convention adjourned until 10 o'clock A. M. to-morrow.

TUESDAY, JANUARY 11, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by Rev. Mrs. Wilks.

Roll called.

Absent: Messrs. Hurd, Marsh, Meyer, Pease and White.

The Journal of preceding day was read and approved.

Messrs. White and Meyer appeared and took their seats.

Mr. Felton offered the following resolution, and, on his own motion, it was referred to the Committee on Legislature and Legislation:

Resolved, That provision shall be made by law for the removal for misconduct or maladministration in office of all officers (except judicial) whose powers and duties are not legislative, and who shall be elected at general elections, and also for supplying vacancies created by such removals.

The Legislature may declare the cases in which any office shall be deemed vacant where no provision is made for that purpose in the Constitution.

On motion of Mr. Crosby, the Convention adjourned until 2 o'clock P. M.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent: Messrs. Barela, Boyles, Hurd, Marsh, Pease and Stone.

The hour for the special order having arrived, Mr. Clark asked leave to introduce a resolution, which was granted.

Mr. Clark thereupon offered the following resolution, and moved its adoption:

Resolved, That it is the right and duty of any member of this Convention to present petitions and memorials on any subject that he may deem proper or that may be sent to him by any number of persons for that purpose, and that it is not consistent with any known rules of propriety for the press to attack any member for so doing, or to impugn his motives in the premises.

Mr. Crosby called for a division of the question.

Mr. Rockwell moved, as an amendment, that so much of the resolution as relates to the right of petition be stricken out, and, a division being called for, it was decided in the affirmative—ayes 18, noes 13.

So the motion of Mr. Rockwell to strike out was agreed to.

Mr. Clark, asking leave to withdraw the resolution so amended, it was granted. Thereupon Mr. Clark withdrew his resolution so amended.

The special order of business being the consideration of the preamble and resolutions offered by Mr. Ebert on the subject of forest culture, on January 7th.

Mr. Wheeler moved that the preamble and resolutions be adopted.

Mr. Ebert asked permission for the Secretary to read for him some remarks that he had prepared on the subject.

On motion of Mr. Bromwell, the Convention granted leave, whereupon the Secretary read the paper written by Mr. Ebert on the subject.

Mr. Wells moved, as an amendment, to strike out the whole of the preamble and all of the resolutions after the first resolved, and insert after the latter word the words "that the Legislature shall enact laws to promote and encourage the growth of forests in waste places, and to prevent the destruction of forests growing upon the lands of the State or upon any lands of the public domain, the control of which shall be conferred by Congress upon the State."

Resolved, That the Committee on Forest Culture prepare a memorial to Congress, praying that the control of the forests growing upon the public lands in the mountain regions be conferred upon the local government of the several States and Territories of that region.

Mr. Carr moved to amend the amendment of Mr. Wells by inserting after the word "forests," in the second line, the words "on lands owned by private individuals," and, on motion of Mr. White, the preamble and resolutions, together with the amendments thereto offered, were referred to the Committee on Forest Culture.

On motion of Mr. Kennedy, the Convention adjourned until 10 o'clock a. m. to-morrow

WEDNESDAY, JANUARY 12TH, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Eads.

Roll called. Absent—Messrs. Barela, Ebert, Marsh, Pease, Stone and White.

The Journal of preceding day was read and approved.

Mr. Carr presented a communication from Harvey Yeaman and J. Hobbs and moved that it be referred to the Committee on Miscellaneous Subjects without being entered on the Journal.

Mr. Beck moved to amend by referring the communication to the Committee on Legislature and Legislation.

Mr. Thatcher moved to amend the amendment by referring the communication to the Committee on Federal Relations, which was agreed to.

Messrs. Ebert, Stone, White, Marsh, Barela and Webster appeared and took their seats.

Mr. Bromwell offered the following resolution and moved its adoption:

Resolved, That all property within the State, being the common capital fund of the community, should bear the public expenses by equitable imposts thereon, and for such purposes every description of property should be assessed for taxation according to the actual commercial or exchangeable value thereof at the time and place of such assessment.

First. The property of all individuals and corporations should be assessed for taxation for all purposes, State, county, city and district.

Second. All county buildings and grounds should be assessed for State purposes only, not for county, city or district.

Third. All city or town buildings and grounds, for State and county purposes, but not for city purposes, nor school purposes in school districts lying entirely within the limits of such city or town.

Fourth. All colleges, academies and schools and grounds (other than public school) for State purposes, except for public schools, and for no other purpose.

Fifth. All public school buildings and grounds for State and county school purposes, and not for general purposes of State, city or county, nor for district school purposes.

Sixth. All property held by, or in trust for, churches, societies, cemeteries, associations, and not in actual use for public worship or burial as provided eighthly herein shall be assessed for all purposes.

Seventh. All church buildings and the grounds thereof in which any rent or price is charged, received or paid, for pews or seats therein, shall be assessed for all purposes.

Eighth. All other church buildings and grounds of same exceeding in value assessed as aforesaid an aggregate sum of $7,000, should be assessed for all purposes upon such excess.

Ninth. All churches with so much ground as may be necessary for convenient use of the same, not exceeding in aggregate value the sum of $7,000, in which the floor and seats shall be at all times free to all comers, without respect of persons, and in which no money or other valuable thing shall be at any time collected for any purpose other than to pay for repairs, fuel and lights therefor, shall be free of all tax.

Tenth. All burial lots in any cemetery held for burial purposes only, after interment has been made therein to the extent of twenty-five feet square, and all lots of ground donated and used for free burial grounds, and all property actually used exclusively for asylums, hospitals or infirmaries for the gratuitous support, nursing and treatment of indigent, insane, sick or disabled persons, and all public monuments and those in memory of the dead shall be free from all tax whatever.

On motion of Mr. Yount the resolutions were ordered printed and their consideration made the special order for Tuesday next, Januarly 18th, at 11 o'clock, in Committee of the Whole.

On motion of Mr. Kennedy the Convention resolved itself into Committee of the Whole, Mr. Webster in the chair, to consider the report of the Committee on Miscellaneous Subjects, together with an amendment thereto, offered by Mr. Bromwell, and after some time spent therein the President resumed the chair and Mr. Webster submitted the following report, viz.:

January 12th, 1876.

The Committee of the Whole Convention, to whom was referred the report of the Committee on Miscellaneous Subjects, together with an amendment thereto, offered by Mr. Bromwell, beg leave to report that they have had the same under consideration, and have directed me to report the same back, with sundry amendments, and ask the concurrence of the Convention therein in the words following, viz.:

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 a State to be known as the State of Colorado.

Signed. W. W. WEBSTER,
Chairman.

Mr. Stone moved that the report of the Committee of the Whole be adopted.

On motion of Mr. Carr, the report of the Committee of the Whole was received, ordered engrossed and laid on the table for the future action of the convention.

On motion of Mr. Kennedy, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called. Absent—Messrs. Barela, Boyles, Bromwell, Elder, Garcia, Hurd, Head, Meyer, Pease, Stone, Vijil and White.

The hour for the special order having arrived and the special order being the consideration of the resolutions offered by Mr. Wheeler, which were read as follows:

Resolved, That the Legislature shall provide from time to time for the sale of lands belonging to the Public School Fund, upon such time and terms as it may deem expedient.

Provided, That in cases of sale the preference shall be given to actual settlers; and provided, further, that the Legislature shall have no power to grant relief to purchasers by granting further time of payment, but shall in all cases provide for the forfeiture of the land to the State for the benefit of a perpetual School Fund, and that all interest accruing upon such sales shall be a part of the income belonging to the School Fund, and subject to appropriation annually for educational purposes.

Resolved, That the Legislature shall provide for the protection of the occupants of school lands, who settled on the same prior to survey, and in good faith made homestead filings under instructions of the land officials.

Mr. Wheeler moved the adoption of the resolutions.

Messrs. Barela, Bromwell, Boyles, Elder, Garcia, Head, Hurd, Meyer, Pease, Stone, Vijil and White entered and took their seats.

Mr. Bromwell moved an amendment to the resolutions, that no law shall grant any privileges to persons who may have settled upon school lands after the survey thereof by the United States, by which the amount to be derived from the sale of said lands for the benefit of the School Fund shall be diminished either directly or indirectly.

Mr. Wilcox moved that these resolutions, together with the amendment thereto offered by Mr. Bromwell, be referred to the Committee on Education and Educational Institutions, with instructions to report suitable provisions for the protection and sale of the school lands granted to the State under the provisions of the Enabling Act.

Mr. Carr moved to amend the motion of Mr. Wilcox by inserting after the word sale, in the sixth line, the words, "or disposal."

Which amendment was accepted by Mr. Wilcox.

Thereupon the motion of Mr. Wilcox, so amended, was agreed to.

On motion of Mr. Beck, the Convention adjourned until 10 o'clock a. m. tomorrow.

THURSDAY, JANUARY 13TH, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Wright.

Roll called. Absent—Messrs. Boyles, Carr, Hurd, Lee and Webster.

Journal of preceding day read and approved.

Messrs. Boyles, Carr, Hurd and Webster appeared and took their seats.

Mr. Kennedy offered the following resolutions, which were referred to the Committee on Public and Private Corporations.

Resolved, That the exercise of the right of eminent domain shall never be abridged or so construed as to prevent the Legislative 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 exercise of the police power of the State shall not be abridged, or so construed as to permit corporations to conduct their business in such a manner as to infringe the equal rights of individuals or the general well-being of the State.

Resolved, That 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.

Also the following, which was referred to the Committee on Education and Educational Institutions.

Resolved, That no money raised for the support of the public schools of this State shall be appropriated to or used for the support of any sectarian school.

Resolved, That women twenty-one years of age and upwards shall be eligible to any office of control or management under the school laws of this State.

Mr. Thatcher presented a petition to the Convention, signed by upwards of one thousand citizens of Colorado.

Also a communication addressed to the Convention by thirteen ladies, in behalf of the Executive Committee of the Woman Suffrage Association of Missouri.

Mr. Kennedy moved that the petition and communication be referred to the Committee on Rights of Suffrage and Elections.

Mr. Hough moved to amend the motion of Mr. Kennedy by inserting the words, "and spread upon the Journal without the name;" and a division being called, it was decided in the affirmative—ayes, 25; noes, 10. So the amendment was agreed to.

Thereupon the motion of Mr. Kennedy, so amended, was agreed to.

To the Constitutional Convention of Colorado:

Gentlemen:—We, the undersigned citizens of Colorado, of adult age, do hereby petition your honorable body in Convention assembled, to so frame your Constitution in fixing the status of voters that no distinction shall be made on account of sex.

To the Honorable Members of the Constitutional Convention, Colorado:

Gentlemen:—The undersigned women of Missouri beg leave to address a few words to you in reference to the work in which you are engaged.

To frame the organic law of a State is always a work of the highest importance, since interests so momentous hang upon the result; but never in the history of our country have circumstances of such interest attached to any work of the kind as that which now occupies your attention.

Colorado is to be the Centennial State. Its admission to the Union will be celebrated jointly with the day of our National birth. It is not surprising, then, that an interest in the welfare should be confined to no State of our Union, and most of all, it's natural that women of whatever section should look with hopeful expectance to this rising star in the political firmament.

May we not hope then, that in the new Constitution, about which cluster so many auspicious auguries, woman may be remembered, and that here at last she may be endowed with the rights and privileges which we consider the birthright of every American citizen. So happy an opportunity to do a just and noble deed will never come to any State again.

We earnestly pray, therefore, that your honorable body will not permit it to pass unimproved.

Let Colorado be the first State to come into the Union with an unsullied record. Let not her fair escutcheon be stained with injustice to women, and we will forever regard her as the most precious jewel in the diadem of our country.

St. Louis, January 8th, 1876.

Mr. Wells presented the following communication and petition and moved that they be spread upon the Journal, and be referred to the Committee on Revenue and Finance, which was agreed to.

To the Honorable, the Constitutional Convention of Colorado:

At a meeting of delegates from the following named churches of Denver, viz.: The Central Presbyterian, the First Baptist, the Seventeenth Street Presbyterian, the Lawrence Street M. E. Church, the Methodist Church South, the Saint Paul's Presbyterian, the Christian, the California Street M. E. Church, the Congregational, the German Reformed, and the St. James Methodist Episcopal Churches, held at the Central Presbyterian Church, January 11, 1876, the accompanying declarations were

adopted, and the undersigned were appointed a committee to lay the same before your honorable body, which we herewith respectfully present.

Signed. J. W. BLACKBURN.
JOHN EVANS.
J. M. STURTEVANT.
W. J. MILLER.
A. J. FROST.
JOSEPH H. RILUR.
D. C. STOVER.
Committee.
By JOHN EVANS, Chairman.

First. We approve of a recognition of the Supreme Ruler of the Universe in the Constitution of the State.

Second. We regard the Sabbath as a civil, as well as a religious institution, which is of importance to the welfare of society.

Third. We believe that public schools should be provided by law and kept free from sectarian influences, that funds raised for their support should not be diverted to other uses; that the State should be free to adopt such text books for them as are best adapted to literary and scientific instruction; and that the Bible should neither be excluded from nor forced into the public schools.

Fourth. We do not favor the endowment of churches, and believe that all property held for revenue to support churches should be taxed equally with private property; but we do not believe that property exclusively devoted to education, to benevolent and charitable institutions, public libraries, or church edifices, should be taxed.

Fifth. We have confidence in the good judgment of the Constitutional Convention of Colorado, and do not apprehend any danger of its inserting any provision in the Constitution it will frame which shall violate the moral and religious sense of the people; but that it will acquiesce in all of the above stated propositions, unless it may be that relating to the question of exemption from taxation. But since the taxation of all property equally, whether church or corporation, except the burial places of the dead, and, under restrictions, church edifices, has been recommended by high authority, and since the proposition meets with favor from a considerable number of the people of Colorado, we deem it of special importance that we earnestly protest against the State Legislature being prohibited from making the exceptions suggested.

We, therefore, recommend that the following petition be circulated for signatures and that it, together with this declaration of principles, be presented to the Convention, viz.:

PETITION.

To the Honorable Constitutional Convention of Colorado:

Your petitioners, deeply interested in the future welfare of Colorado, respectfully request you so to frame the Constitution you are to submit to the people for adoption, as to leave the Legislature free in its discretion to exempt from taxation all property exclusively devoted to the cause of education, houses of religious worship, public libraries and all purely charitable and benevolent institutions, as we believe such exemptions are necessary to the advancement of a higher civilization, to the promotion of a higher morality, and to the cause of humanity and Christian charity. We are sure that a Constitution which prohibits them will meet with the earnest opposition of a very large class of our people.

Respectfully your fellow citizens,

Mr. Wilcox introduced the following resolution, and moved that it be laid on the table and made the special order for tomorrow at 2 o'clock p. m.

That a committee of five be appointed, to consist of Messrs. Meyer, Stone, Ellsworth, Yount and Wheeler, whose duty it shall be to memorialize the Territorial Legislature for an appropriation of money sufficient to defray the expenses and pay the members and officers of the Constitutional Convention now in session.

A division being called for, it was decided in the negative—ayes, 13; noes, 15.

So the Convention refused to lay the resolution on the table.

Mr. Carr moved to amend the resolution by striking out all after the word Wheeler, in fourth line, and inserting the following words, viz.: "to confer with the Finance Committees of the Council and House of Representatives of the Territorial Legislature regarding the devising of ways and means for the payment of members of the Constitutional Convention," which amendment was accepted by Mr. Wilcox.

Mr. Wilcox thereupon moved that the resolution so amended be adopted.

Mr. Pease moved as an amendment, That the pay of members we hear so much about and which we are not to get, be diverted from its purpose and be appropriated to the pay of churches, petitioners and outside influences prevailing at this time, which seem to be running this Convention, instead of its members.

Which amendment was not agreed to.

Thereupon the resolution introduced by Mr. Wilcox and amended by the motion of Mr. Carr was adopted.

Mr. Wheeler presented a petition from W. P. Dunlap and S. C. Hunter and others, in reference to the Preamble to the Constitution, and moved that the petition be referred to the Committee on Miscellaneous Subjects.

Mr. Beck moved as an amendment that the petition be laid on the table for future action of the Convention, which was agreed to.

Mr. Plumb presented the following petition and moved that it be spread on the Journal, which was agreed to.

To the Honorable Constitutional Convention of Colorado Territory:

We, the undersigned citizens of Weld county, respectfully ask your honorable body to abolish the Grand Jury system by Constitutional enactment.

Signed. J. L. BRUSH,
F. W. HAMONETT,
J. A. BAILEY,
Board of County Commissioners.
And about 130 others.

Mr. Felton moved that the petition be referred to the Committee of the Whole Convention, to be considered with the report of the Committee on Bill of Rights, which was agreed to.

Mr. Cooper, chairman of the Committee on Engrossing and Enrolling, presented the following report:

Denver, January 12, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Engrossing and Enrolling, to whom was referred the Preamble, with orders to have it engrossed, respectfully report the same back correctly engrossed.

(Signed) A. D. COOPER.
Chairman of Committee.

On motion of Mr. Felton the report of the Committee on Engrossing and Enrolling was received.

The hour for the special order having arrived and the special order being the consideration of the resolutions offered by Mr. Bromwell, they were re-read as follows:

Resolved, That the governmental powers of the State are invaluable and can not by any possibility be relinquished, waived, put in obeyance, interrupted, limited or modified by any Legislative act or by any authority whatever in favor of any man or body of men. Still less can they be sold, bartered, assigned, transferred or set over by any charter, so-called contract, compact or conspiracy between the Legislature and any other party.

Resolved, That the right or power (which in government is the same thing), to regulate commerce within a State having never been surrendered to the United States, but being expressly reserved to the people of the several States, remains inherent in the people of Colorado as to all commerce within the State and

is a governmental power to be exercised in all proper cases, and from the exercise of which neither the Legislative, Executive nor Judicial arm of the Government can lawfully shrink.

Resolved, That a committee of five members be appointed, to be called the Committee on Commerce, whose duty it shall be to consider and report to this Convention what are the rights and powers of the State over the commerce of the State, as to regulating the shipment, carriage, warehousing and delivery of merchandise by common carriers and warehouse men upon public roads, and roads of corporations and in and from public warehouses; and that they prepare a draft of an article providing for the exercise of such Legislative, Judicial and Executive powers as will secure the regulation of charges upon passenger and transportation traffic, at reasonable and just rates in all cases, without the necessity of private suits in order to ascertain such reasonable rates.

Mr. Bromwell moved that the resolutions be adopted, and a division being called for, it was decided in the affirmative. Ayes, 15; noes, 13. So the resolutions were adopted.

Mr. Cooper moved to reconsider the vote by which the resolution was adopted; and the question being upon the motion to reconsider, and being put it was decided in the affirmative. Ayes, 24; noes, 10.

The ayes and noes being demanded, those voting in the affirmative are: Messrs. Barela, Boyles, Cushman, Clark, Cooper, Douglas, Ellsworth, Elder, Ebert, Garcia, Head, James, Kennedy, Meyer, Plumb, Pease, Quitman, Stone, Thatcher, Vijil, White, Wilcox, Widderfield and Mr. President.

Those voting in the negative are: Messrs. Bromwell, Buck, Carr, Felton, Hurd, Marsh, Stover, Webster, Wheeler and Yount. So the motion to reconsider was agreed [to].

Mr. Hough having asked leave to be excused from voting on this question, he being an interested party, leave was granted.

Mr. Boyles then moved to amend by striking out the first two resolutions.

Mr. James moved as a farther amendment to strike out the word resolved, at the beginning of each of the first two resolutions and insert the word whereas.

And the question being upon the motion of Mr. James to amend the resolutions, and being put, it resulted in a tie. Ayes, 16; noes, 16.

The ayes and noes being demanded, those voting in the affirmative are—Messrs. Beck, Carr, Cooper, Douglas, Ebert, Hurd, Head, James, Cushman, Clark, Meyer, Plumb, Webster, White and Wheeler.

Those voting in the negative are—Messrs. Barela, Boyles, Bromwell, Ellsworth, Felton, Garcia, Marsh, Quillian, Stone,

Stover, Thatcher, Vijil, Wilcox, Widderfield, Yount and Mr. President.

So the Convention under the rule as to a tie refused to concur in the amendment offered by Mr. James.

And [the] question recurring on the amendment offered by Mr. Boyles and being put, it was decided in the negative. Ayes, 9; noes, 23.

The ayes and noes being demanded, those voting in the affirmative are—Messrs. Boyles, Ellsworth, Quillian, Stone, Thatcher, Webster, Wilcox, Widderfield and Mr. President.

Those voting in the negative are—Messrs. Barela, Bromwell, Beck, Carr, Cushman, Clark, Cooper, Douglas, Ebert, Felton, Garcia, Hurd, Head, James, Kennedy, Marsh, Meyer, Plumb, Stover, Vijil, White, Wheeler and Yount.

So the Convention refused to concur in the amendment of Mr. Boyles.

Mr. Boyles moved that the Convention do now adjourn until 10 o'clock a. m. tomorrow.

And a division being called, it was decided in the affirmative. Ayes, 19; noes, 12.

So the Convention adjourned until 10 o'clock a. m. tomorrow.

FRIDAY, JANUARY 14TH, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Lynd.

Roll called. Absent—Messrs. Boyles, Ebert, Meyer, Webster and White.

The Journal of preceding day was read and approved.

Messrs. Boyles, Ebert, Meyer, Webster and White entered and took their seats.

Mr. Wilcox presented a petition of thirty citizens of Arapahoe county, praying the Convention to insert provisions in the Constitution for the impeachment of officers and their removal from office for certain causes.

And on his own motion, the petition was referred to the Committee on Impeachment and Removal from Office.

Mr. Beck offered the following resolution or ordinance. And on his own motion it was laid on the table and ordered printed.

Ordinance in obedience to the requirements of an Act of Congress, approved March 3rd, 1875, to enable the people of Colorado to form a Constitution and State Government for the admission of said State into the Union on an equal footing with the original States. This Convention, convened in pursuance of said enabling act, does provide and ordain as follows, and this Ordinance shall be irrevocable without the consent of the United States and the people of the State of Colorado.

First. The 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 delegates in 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 disposition of the United States, and 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 thereof, belonging to or which may hereafter be purchased by the United States.

The President presented the following communication:

Colorado Cattle Growers' Association,

Denver, Colorado, January 13th, 1876.

Sir:—The council have tendered the use of their chambers to the Colorado Cattle Growers' Association for tomorrow even-

ing, and we have accepted their offer. We extend to your honorable body an invitation to meet with us on Friday evening, January 14th, and exchange views in relation to the cattle interest. Respectfully yours,

JAMES M. WILSON,

President Colorado Cattle Growers' Association.

On motion of Mr. Yount the invitation was accepted, and the thanks of the Convention returned to the association.

The unfinished business of yesterday being next in order, viz., the motion of Mr. Bromwell to adopt the following resolutions:

Resolved, That the governmental powers of the State are inalienable and can not by any possibility be relinquished, waived, put in abeyance, interrupted, limited or modified by any Legislative Act or by any authority whatever in favor of any man or body of men. Still less can they be sold, bartered, assigned, transferred or set over by and charter, so-called contract, compact, or conspiracy between the Legislature and any other party.

Resolved, That the right or power (which in government is the same thing) to regulate commerce within the State having never been surrendered to the United States, but being expressly reserved to the people of the several states, remains inherent in the people of Colorado as to all commerce within the State, and is a governmental power to be exercised in all proper cases, and from the exercise of which neither the Legislative, Executive nor Judicial arm of the government can lawfully shrink.

Resolved, That a committee of five members be appointed, to be called the Committee on Commerce, whose duty it shall be to consider and report to this Convention what are the rights and powers of the State over the subject of commerce within the State as to regulating the shipment, carriage, warehousing and delivery of merchandise by common carriers and warehousemen upon public roads and roads of corporations and in and from public warehouses; and that they prepare a draft of an article providing for the exercise of such Legislative, Judicial and Executive powers as will secure the regulation of charges upon passenger and transportation traffic at reasonable and just rates in all cases without the necessity of private suits in order to ascertain such reasonable rates.

Mr. Kennedy moved to amend by striking out the word "five" in first line of the third resolution and inserting the word "seven," which was agreed to.

Mr. Quillian moved, as an amendment, to strike out the first two resolutions and insert the following preamble, viz.:

Whereas, There is great diversity of opinion as to what are the powers and rights of the State regarding the transportation of commerce within the State; and,

Whereas, It is important that the Convention should take actions [action] upon that important subject with caution and deliberation, that the rights of the people may be secured and the powers of the Legislature clearly and correctly defined.

The hour for the special order having arrived, Mr. White moved that the special order be postponed until two o'clock this afternoon.

Mr. Boyles, as an amendment, moved that the special order be postponed until ten o'clock a. m., to-morrow.

And the question being on the amendment of Mr. Boyles, it was not agreed to.

And the question recurring on the motion of Mr. White, and being put, it was decided in the negative.

So the Convention refused to agree to the motion of Mr. White.

Mr. Clark moved the previous question.

And the question being "Shall the main question be now put?" it was so ordered.

And the question being on the adoption of the amendment offered by Mr. Quillian, it was decided in the negative. Ayes 13, noes 25.

The ayes and noes being demanded, those voting in the affirmative are: Messrs. Boyles, Crosby, Ellsworth, Elder, Head, Meyer, Quillian, Stone, Thatcher, White, Wells, Widderfield and Mr. President.

Those voting in the negative are: Messrs. Barela, Bromwell, Beck, Carr, Cushman, Clark, Cooper, Douglas, Ebert, Felton, Garcia, Hurd, James, Kennedy, Lee, Marsh, Plumb, Pease, Rockwell, Stover, Vijil, Webster, Wilcox, Wheeler, Yount.

So the Convention refused to adopt the amendment offered by Mr. Quillan.

And the question recurring upon the adoption of the original resolution offered by Mr. Bromwell, as amended by Mr. Kennedy, Mr. Thatcher called for a division of the question, under the operation of which the question was put: "Will the Convention adopt the first resolution offered by Mr. Bromwell?" and it was decided in the affirmative. Ayes, 28; noes, 11.

The ayes and noes being demanded, those voting in the affirmative are—Messrs. Barela, Bromwell, Beck, Carr, Cushman, Clark, Cooper, Douglas, Elder, Ebert, Felton, Garcia, Hurd, Hough, Head, James, Kennedy, Lee, Plumb, Pease, Rockwell, Stover, Vijil, Webster, Wilcox, Wheeler, Yount and Mr. President.

Those voting in the negative are—Messrs. Boyles, Crosby, Ellsworth, Marsh, Meyer, Quillian, Stone, Thatcher, White, Wells and Widderfield.

So the first resolution offered by Mr. Bromwell was adopted.

The question then recurring upon the motion to adopt the second resolution offered by Mr. Bromwell, it was decided in the affirmative. Ayes, 32; noes, 7.

The ayes and noes being demanded, those voting in the affirmative are—Messrs. Barela, Bromwell, Beck, Carr, Cushman, Clark, Cooper, Douglas, Elder, Ebert, Felton, Garcia, Hurd, Hough, Head, James, Kennedy, Lee, Plumb, Pease, Quillian, Rockwell, Stover, Thatcher, Vijil, Webster, White, Wilcox, Wheeler, Widderfield, Yount and Mr. President.

Those voting in the negative are—Messrs. Boyles, Crosby, Ellsworth, Marsh, Meyer, Stone and Mills.

So the second resolution offered by Mr. Bromwell was adopted.

The question recurring on the motion to adopt the third resolution offered by Mr. Bromwell, as amended by Mr. Kennedy, it was decided in the affirmative. Ayes, 38; noes, 0.

Mr. Hough, at his own request, was excused from voting.

Those voting in the affirmative are—Messrs. Barela, Boyles, Bromwell, Beck, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Elder, Ebert, Felton, Garcia, Hurd, Head, James, Kennedy, Lee, Marsh, Meyer, Plumb, Pease, Quillian, Rockwell, Stone, Stover, Thatcher, Vijil, Webster, White, Wells, Wilcox, Wheeler, Widderfield, Yount and Mr. President.

So the third resolution of Mr. Bromwell, as amended, was adopted.

On motion of Mr. Elder the Convention resolved itself into the Committee of the Whole Convention, Mr. Douglas in the chair, to consider the report of the Standing Committee on the Executive Department; and after some time spent therein, the President resumed the chair and Mr. Douglas reported that the Committee of the Whole having, according to order, had under consideration said report, had made some progress therein, and asked that leave be granted to sit again at 2 o'clock this afternoon.

On motion of Mr. Kennedy the report was received and leave granted to sit again.

On motion of Mr. Kennedy the convention adjourned until two o'clock this afternoon.

TWO O'CLOCK, P. M.

Committee met pursuant to adjournment.

Roll call.

Absent—Mr. Plumb.

On motion of Mr. Wheeler leave of absence until to-morrow was granted to Mr. Plumb.

On motion of Mr. Quillian the Convention resolved itself into Committee of the Whole to further consider the report of the

Standing Committee on the Executive Department, Mr. Douglas in the chair, and after some time spent therein the President resumed the chair and Mr. Douglas reported that the Committee of the Whole having, according to order, had under consideration the report of the Standing Committee on the Executive Department, had made further progress therein, and asked that leave be granted to sit again to-morrow at 10 o'clock a. m.

On motion of Mr. Kennedy the report was received and leave granted to sit again at 10 o'clock a. m. to-morrow.

On motion of Mr. Kennedy the Convention adjourned until 10 o'clock a. m. to-morrow.

SATURDAY, JANUARY 15, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Bliss.

Roll called.

Absent—Messrs. Barela, Boyles, Beck, Garcia, Pease, Stone, Stover, Thatcher, Webster and Wilcox.

The Journal of preceding day was read and approved.

Mr. Widderfield asked leave of absence for this day for Mr. Stover, which was granted.

Mr. Carr asked leave of absence for a few days for Mr. Beck, which was granted.

Mr. Webster appeared and took his seat.

Mr. Carr, Chairman of the Committee on Military Affairs, presented the report of that Committee, and on his own motion, it was laid on the table and ordered printed.

The report is as follows:

To the Honorable President and Constitutional Convention of Colorado.

Gentlemen—Your Committee on Military Affairs beg leave to submit the following report.

For the Committee,

B. L. CARR,
Chairman.

MILITIA.

Section 1. The Militia of the State of Colorado shall consist of all able-bodied male persons, resident within the State, between the ages of eighteen and forty-five years, except such persons as now are or may hereafter be exempted by the laws of the United States or of this State.

Sec. 2. The Legislature in providing for the organization, equipment and discipline of the Militia shall conform as nearly as practicable to the regulations for the government of armies of the United States.

Sec. 3. Each company shall elect its own officers, who shall be commissioned by the Governor, but if any company shall fail to elect such officers within the time prescribed by law they may be appointed by the Governor.

Sec. 4. All general, field and staff officers shall be appointed and commissioned by the Governor, and shall hold their offices for such time as may be prescribed by law.

Sec. 5. The Governor shall be Commander-in-Chief, and shall have power to call out the Militia to execute the laws, to suppress insurrection and repel invasion.

Sec. 6. The Legislature shall provide for the safe keeping of the public arms, military records, business and relics of the State.

Sec. 7. 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.

On motion of Mr. Marsh, the special order of this day (the consideration of the report of the Standing Committee on Bill of Rights) was discharged.

Messrs. Boyles and Stone appeared and took their seats.

On motion of Mr. Wells, the rules of the Convention were suspended and the report of the Committee on Executive Department taken up for consideration, and on motion of Mr. Wells, the Convention resolved itself into Committee of the Whole Convention to consider the report of the Committee on Executive Department, Mr. Douglas in the chair, and after some time spent therein the President resumed the chair and Mr. Douglas reported that the Committee of the Whole Convention having, according to order, had under consideration the report of the Committee of the Executive Department, had made further progress therein, and asked leave to sit again.

On motion of Mr. Kennedy, the report of the Committee of the Whole was received and leave granted to sit again.

The President appointed Messrs. Bromwell, Wilcox, Stone, Carr, White, Quillian and Boyles as a Standing Committee on Commerce, in accordance with the resolutions adopted yesterday.

On motion, leave of absence during the ensuing week was granted to Messrs. Meyer, Head, Carr, Quillian and White.

On motion of Mr. Clark the Convention adjourned until 2 o'clock this afternoon.

TWO O'CLOCK, P. M.

Convention met pursuant to adjournment.

Roll called. Absent—Messrs. Boyles, Beck, Meyer, Pease, Stone, Stover, Webster and Wilcox.

Messrs. Webster, White, Boyles and Stone appeared and took their seats.

On motion of Mr. Kennedy, the Convention resolved itself into Committee of the Whole to consider the report of the Standing Committee on Executive Department, Mr. Douglas in the chair, and after some time spent therein the President resumed the chair and Mr. Douglas reported that the Committee of the Whole Convention having, according to order, had under consideration the report of the Standing Committee on Executive Department, had made further progress therein, and asked leave to sit again.

On motion of Mr. James, the report of the Committee of the Whole was received and leave granted to sit again at two o'clock a. m. next Monday.

On motion of Mr. Yount, the Convention adjourned until Monday next at ten o'clock a. m.

MONDAY, JANUARY 17, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Sturtevant.

Roll called. Absent—Messrs. Bromwell, Beck, Carr, Hurd, Head, Meyer, Quillian, Rockwell, Stone, White and Wilcox.

The Journal was read and approved.

Messrs. Bromwell, Stone and Hurd appeared and took their seats.

Mr. Pease offered the following resolution:

Resolved, That there shall be engrafted into the Constitution of this State a section or clause in substance as follows:

It shall be held a crime, subjecting the offender on conviction thereof to fine and imprisonment, to bring, import, manufacture, make or sell any adulterated, drugged or medicated spirituous liquors, whether denominated spirituous, vinous or malt, within this State.

On his own motion the resolution was ordered printed and the consideration thereof made the special order for next Monday.

On motion of Mr. Kennedy, the Convention resolved itself into Committee of the Whole Convention to further consider the report of the Committee on Executive Department, Mr. Douglas in the chair, and after some time spent therein the President resumed the chair and Mr. Douglas made the following report:

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Committee of the Executive Department, beg leave to report that they have had the same under consideration and have directed me to report the same back with sundry amendments, and ask the concurrence of the Convention therein in the words following, to-wit:

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, and until his successor is elected and qualified. With the exception of the Lieutenant-Governor they shall each during their term of office reside at the seat of government, where they shall keep the public records, books and papers, and shall perform such duties as are prescribed by this Constitution or by law.

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

Sec. 3. 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, at the place where they shall vote for representatives. The returns of every election for State 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 persons [person] having the highest number of votes shall be declared duly elected to the office for which he has been voted for, but if two or more be equal and highest in votes, one of them shall be chosen to the office by the joint votes of both Houses. Contested elections for the said offices shall be determined by both Houses of the General Assembly by joint ballot in such manner as may be prescribed by law.

Sec. 4. All civil State officers shall be liable to impeachment for any misdemeanor in office.

Sec. 5. No person shall be eligible to the office of Governor, Lieutenant-Governor or Superintendent of Public Instruction except a citizen of the United States and of the State, and [who] shall have attained the age of thirty years, and has been an inhabitant of the State for two years next preceding his election. No one shall be eligible to the office of Secretary of State, Auditor of State, State Treasurer or Attorney General unless he shall be of the age of twenty-five years and have all the other qualifications for Governor, and shall have been a resident of the State for two years next preceding his election. Nor shall any one be eligible to the office of Attorney General unless he be a regularly licensed attorney and counsellor at law of the Supreme Court of the Territory or State of Colorado, in good standing.

Sec. 6. The Governor shall be Commander-in-Chief of the Military forces of the State, except when they shall be called into active service of the United States.

Sec. 7. 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. In case of a vacancy in any office, which is not elective, during the recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office, and any person so nominated who is confirmed by the Senate shall hold his office until his successor shall be appointed and qualified.

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 the nominations they shall sit with open doors, and the vote shall be taken by ayes and noes, which shall be entered upon the Journal.

Sec. 8. The Governor shall have power to grant reprieves, commutations and pardons after conviction for all offenses except treason or conviction of impeachment, subject to such regulations as may be provided 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 his reasons for his actions. In every case where a pardon has been granted or a person has served out his full term of confinment in accordance with his sentence, he shall at once, without further action, be invested with all the rights and privileges of a citizen.

Sec. 9. 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 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.

Sec. 10. The Governor may, on extraordinary occasions, convene the General Assembly by proclamation, stating therein the purpose for which it has been convened, but at such special sessions no business shall be transacted other than that specially named in the proclamation by which it was convened. He may convene the Senate in extraordinary session by proclamation for the transaction of executive business.

Sec. 11. 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 as he may think proper, but in no case for a longer time than the first day of the next regular session.

Sec. 12. The Governor shall have power to remove any officer he may appoint in case of incompetency, neglect of duty or malfeasance in office.

Sec. 13. 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 shall have 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. But 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 said adjournment, or else become a law.

Sec. 14. 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 of appropriations disapproved shall be void.

If the General Assembly be in session he shall transmit to the House in which the bill originated a copy of such statement, 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.

Sec. 15. In case of the death or conviction of felony or infamous misdemeanor, impeachment, 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 disabilities shall be removed, shall devolve upon the Lieutenant-Governor.

Sec. 16. 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 of the Lieutenant-Governor or when he shall hold the office of Governor, then the President pro tempore of the Senate shall perform the duties of the Lieutenant-Governor until the vacancy is filled or the disability removed.

Sec. 17. 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 by any means, 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.

Sec. 18. An account shall be kept by the officers of the Executive Department and of all public institutions of the State, of all monies received or disbursed by them severally from all sources and for every service performed, and a semi-annual report thereof be made to the Governor under oath.

Sec. 19. The officers of the Executive Department and of all public institutions of the State shall, at least ten days preceding each regular session of the General Assembly, send a full and complete report of their actions to the Governor, who shall transmit the same to the General Assembly at their session.

Sec. 20. There shall be a seal of the State, which shall be kept by the Secretary of State, and shall be called the Great Seal of the State of Colorado. The Seal of the Territory of Colorado as now used shall be the Seal of the State until otherwise provided by law.

Sec. 21. The officers named in this article shall perform such duties as are required in the Constitution or by law, and 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 for services rendered by them severally, and pay the same into the State Treasury.

Sec. 22. The Superintendent of Public Instruction shall be ex officio State Librarian.

Sec. 23. Neither the State Treasurer nor State Auditor shall be eligible for re-election as their [his] own immediate successors [successor].

On motion of Mr. Kennedy, the report of the Committee of the Whole was received, ordered engrossed and printed, and laid upon the table for future consideration.

Mr. Elder, Chairman of the Committee on the Executive Department, reported back to the Convention the resolutions which had been referred to the Committee with reference to the creation of the office of Commissioner of Mines and Geologist, and moved that the resolutions be referred to the Committee on Mines and Mining, which was agreed to, and the resolutions were so referred.

On motion of Mr. Kennedy, the rules were suspended and Mr. Thatcher, chairman of the Committee on Legislature and Legislation, presented the report of that Committee, as follows:

Denver, Colorado, January 17, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on the Legislature and Legislation, to whom was referred the subject matter relating to those branches of the Constitution, beg leave to state that they have had the same under consideration, and present the accompanying articles as their report, all of which is respectfully submitted.

HENRY C. THATCHER,
Chairman.

THE LEGISLATURE.

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.

Sec. 2. An election for members of the General Assembly shall be held on the Tuesday next after the first Monday in November in the year of our Lord 1876, and every two years thereafter, in each county, at such places therein as are now or hereafter may be prescribed by law. The first election for members of the General Assembly under the State organization shall be conducted in the same manner as is prescribed by the laws of Colorado Territory regulating elections therein for members of the Legislative Assembly of said Territory. When vacancies occur in either House the Governor or person exercising the powers of Governor shall issue writs of election to fill such vacancies.

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

Sec. 4. No person shall be a Representative or Senator who shall not have attained the age of 25 years; who shall not be a citizen of the United States; who shall not have resided within the limits of the county or district in which he shall be chosen twelve months next preceding his election, if such county or district shall have been so long established, but if not, then within the limits of the county or counties, district or districts out of which the same shall have been created, unless he shall have been absent on the public business of the United States or of this State.

Sec. 5. The Senators, at their first session herein provided for, shall be divided by lot from their respective counties or districts, as near as can be, into two classes.

The seats of the Senators of the first class shall be vacated at the expiration of the second year, and those of the second class at the expiration of the fourth year, so that one-half thereof, as near as possible, may be biennially chosen forever thereafter.

Sec. 6. As a compensation for their services the members of the first Legislative Assembly for the first fifty days' attendance shall receive a per diem of six dollars, and three dollars per day for each day's attendance thereafter, and fifteen cents for each mile necessarily traveled in going to and returning from the seat of government. The President of the Senate and the Speaker of the House shall (each) be allowed the sum of four dollars per day in addition to his per diem as a member. Thereafter the compensation of the members of the Legislative Assembly shall be as provided by law.

Sec. 7. The General Assembly shall meet at twelve o'clock noon on the first Wednesday in January, A. D. 1877, and biennially forever thereafter, and at other times when convened by the Governor. The term of service of the members thereof shall begin on the first day of January next after their election.

Sec. 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 attorney at law, notary public, or in the Militia) under the United States or this State, shall be a member of either House during his continuance in office.

Sec. 9. No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this State.

Sec. 10. 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 passing during such term.

Sec. 11. 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, who shall perform the duties of Lieutenant-Governor in any case of absence or disability of that officer and whenever the said office of Lieutenant-Governor shall be vacant. 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 qualifications of its members.

Sec. 12. A majority of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

Sec. 13. Each house shall have power to determine the rules of its procedings and punish its members as 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, and punishment

for contempt or disorderly behavior shall not bar an indictment for the same offense.

Sec. 14. Each house shall keep a Journal of its proceedings, and from time to time publish the same, except such parts as require secrecy, and the yeas and nays of the members on every question shall at the desire of any two of them be entered on the Journal.

Sec. 15. The sessions of each house and committees of the whole shall be open unless when the business is such as ought to be kept secret.

Sec. 16. Neither house shall, without the consent of the other, adjourn for more than three days nor to any other place than that in which the two houses shall be sitting.

Sec. 17. 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.

LEGISLATION.

Section 1. 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.

Sec. 2. The style of the laws of this State shall be: Be it Enacted by the General Assembly of the State of Colorado, as follows:

Sec. 3. No act of the General Assembly shall take effect until ninety days after its passage, unless in case of emergency (which emergency 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.

Sec. 4. No bill shall be considered unless referred to a committee, returned therefrom and printed for the use of the members.

Sec. 5. No bill except general appropriation bills shall be passed containing more than one subject, which shall be clearly expressed in its title.

Sec. 6. Every bill shall be read at length on three different days in each house. All 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 unless on its final passage the vote shall be taken by yeas and nays, the names of the persons voting for and against the same be entered on the Journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

Sec. 7. No amendment to bills by one house shall be concurred in by the other except by the vote of the majority of the

members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the Journal thereof, and the reports of committees of conference shall be adopted in either house only by the vote of a majority of the members elected thereto taken by yeas and nays and the names of those voting recorded upon the Journal.

Sec. 8. No law shall be revised, amended or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revised, amended, extended or conferred shall be re-enacted and published at length.

Sec. 9. It shall be unlawful for any corporation to require of its servants or employes as a condition of their employment or otherwise any contract or agreement whereby such corporation shall be released or discharged from reliability or responsibility on account of personal injuries received by such servants or employes while in the services [service] of such corporation, and such contracts shall be absolutely null and void.

Sec. 10. 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 and 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; providing for changes of venue in civil or criminal cases, declaring any named person of age; for limitation of civil actions or giving effect to informal or invalid deeds; summoning and impanelling grand or petit juries, providing for the management of common schools, regulating the rate of interest on money, the opening and 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, percentages or allowances of public officers during the term for which said officers are elected or appointed; 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.

Sec. 11. The General Assembly shall have no power to release or extinguish in whole or in part the indebtedness, liability or obligation of any corporation or individual to this State, or to any municipal corporation therein.

Sec. 12. 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

have been publicly read, immediately before signing, and the fact of signing shall be entered on the Journal.

Sec. 13. 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 treasury or be in any way authorized to any person except to an acting officer or employe, elected or appointed in pursuance of law.

Sec. 14. No bill shall be passed giving any extra compensa- after services shall have been rendered or contract made, nor providing for the payment of any claim against the State, without previous authority of law.

Sec. 15. All stationery, printing, paper and fuel used in the Legislature and other departments of Government shall be furnished and the printing, binding and distributing of the laws, journals, departments [department] reports and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings 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 such contracts and all such contracts shall be subject to the approval of the Governor and State Treasurer.

Sec. 16. No law shall extend the term of any public officer or increase or diminish his salary or emoluments after his election or appointment.

Sec. 17. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

Sec. 18. The general appropriation bill shall embrace nothing but appropriations for ordinary expenses of the Executive, Legislative and Judicial Departments of the State, interest on the public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 19. No money shall be paid out of the Treasury except upon appropriations made by law and on warrant drawn by the proper officer in pursuance thereof.

Sec. 20. No appropriations shall be made for charitable, endowment or benevolent purposes to any person or community, nor to any denominational or sectarian institution, corporation or association.

Sec. 21. 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, mining property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Sec. 22. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees in the bonds or stock of any private corporation.

Sec. 23. 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.

Sec. 24. No obligation or liability of any railroad or other corporation held or owned by the State shall ever be exchanged, transferred, remitted or postponed, or in way diminished by the General Assembly, nor shall such liability or obligation be released except by payment thereof into the State Treasury.

Sec. 25. When the General Assembly shall be convened in special session there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Sec. 26. Every order, resolution or vote to which the concurrence of both houses may be necessary, except on the question of adjournment, 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.

Sec. 27. A 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 or official influence, or for withholding the same, or with an understanding, express or implied, that his vote or official 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 or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery 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 provided by law.

Sec. 28. 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 guilty of bribery and be punished in such manner as shall be provided by law.

Sec. 29. The offense of corrupt solicitation of members of the General Assembly or of public officers of the State or of any municipal division thereof, and any occupation or practice of

solicitation of such members or officers to influence their official action, shall be defined by law and shall be punished by fine and imprisonment.

Sec. 30. Any 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.

On motion of Mr. Kennedy, the report was received, ordered printed, laid upon the table and made the special order for Wednesday, January 26.

On motion of Mr. Hough, the Convention adjourned until 2 o'clock this afternoon.

TWO O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called. Absent—Messrs. Barcia, Boyles, Beck, Carr, Cushman, Hurd, Hough, Head, Meyer, Quillian, Rockwell, Stone, Webster, White, Wilcox and Yount.

On motion of Mr. Kennedy, leave of absence was granted to Mr. Rockwell and to Mr. Thatcher until Tuesday, the 25th day of January.

Messrs. Hurd, Barela, Boyles, Stone and Yount appeared and took their seats.

On motion of Mr. Kennedy, the special order for this day at 2 o'clock was discharged, and the Convention resolved itself into Committee of the Whole to consider the report of the Standing Committee on Bill of Rights, Mr. Clark in the chair, and after some time spent therein, the President resumed the chair, and Mr. Clark reported that the Committee of the Whole Convention having, according to order, had under consideration the report of the Standing Committee on Bill of Rights, had made some progress therein and asked leave to sit again at 11 o'clock a. m. to-morrow.

On motion of Mr. Felton, the report was received and leave granted to sit again at 11 o'clock a. m. to-morrow.

Mr. Bromwell moved that the consideration of the resolutions which were the special order of this day, be made the special order for half past 10 o'clock a. m. on Wednesday, which was agreed to.

On motion of Mr. Crosby, the Convention adjourned until 10 o'clock a. m. to-morrow.

TUESDAY, JANUARY 18, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment.

Roll called. Absent—Messrs. Beck, Carr, Elder, Head, James, Meyer, Quillian, Rockwell, Thatcher and White.

The Journal of preceding day having been partially read, Mr. Kennedy moved that the reading of so much of the Journal as embraced the report of the Standing Committee on Legislature and Legislation be dispensed with, which was agreed to.

The reading of the Journal was then completed and the same approved.

Mr. Elder appeared and took his seat.

Mr. Plumb presented a petition from citizens of Weld county, and on his own motion it was ordered spread on the Journal, omitting the names, as follows:

To the Honorable, the Constitutional Convention of Colorado:

Your petitioners, deeply interested in the future welfare of Colorado, respectfully request you to so frame the Constitution you are to submit to the people for adoption as to leave the Legislature free in its discretion to exempt from taxation all property exclusively devoted to the cause of education, houses of religious worship, public libraries and all purely charitable and benevolent institutions.

As we believe such exemptions are necessary to the advancement of a higher civilization, to the promotion of a higher morality and to the cause of humanity and Christian charity, we are sure that a Constitution which prohibits them will meet with the earnest opposition of a very large class of our people.

Respectfully your fellow citizens,

(Signed) O. L. FISHER
and 42 Others.

Mr. Marsh presented a petition with the same prayer from the citizens of Gilpin county, signed by M. S. Burnhaus and 28 others.

Mr. Elder presented a petition with the same prayer from the citizens of Arapahoe county, signed by John F. Spalding, Bishop of Colorado, and 69 others.

On motion of Mr. Elder, the three several petitions were referred to the Committee on Revenue and Finance.

Mr. Elder presented the following petition:

To the Honorable, the Members of the Constitutional Convention of Colorado, Now Assembled:

Gentlemen—Your memorialists, [memorialist] the city of Denver, by its Mayor and City Council, asks your honorable body to so frame the Constitution now under your consideration that

the Legislature of the future State can give authority to the city to create one or more police courts, with the same criminal jurisdiction as justices of the peace.

Also, to so frame the revenue portion of the Constitution that the city may be authorized to levy and collect assessments for street and sidewalk improvements upon the property fronting upon the said improvements, as is done in the cities of the older states.

WILLIAM J. BARKER,
Mayor.
C. R. HARTMANN,
Alderman First Ward.
J. K. WILSON,
Alderman Second Ward.
J. G. HOFFER,
Alderman Second Ward
H. C. CLARK,
Alderman Third Ward.
W. H. J. NICHOLS,
Alderman Third Ward.
A. J. WILLIAMS,
Alderman Fourth Ward.
GEO. W. BROWN,
Alderman Fourth Ward.
W. W. McLELLAN,
Alderman Fifth Ward.
FRANCIS M. CASE,
Alderman Fifth Ward.
W. R. WHITEHEAD,
Alderman Sixth Ward.
A. H. ROOT,
Alderman Sixth Ward.

On motion of Mr. Elder, that portion of the petition which referred to the subject of police courts was referred to the Committee on Judiciary, and the remaining portion to the Committee on Public and Private Corporations.

Mr. Barela offered the following resolution:

Resolved, That one-fourth of all the copies of the Constitution and laws of the State of Colorado which may be published, together with the same proportion of the address of the Constitutional Convention to the people of the Territory of Colorado, shall be printed in Spanish, for the benefit of the portion of our citizens who speak that language.

On motion of Mr. Boyles, the resolution was ordered printed and laid on the table, and its consideration made the special order for Tuesday next.

Mr. Felton offered the following preamble, and on his own motion it was ordered printed and its consideration made the special order for Friday at 2 o'clock.

Whereas, The inhabitants of the Territory of Colorado, included in the following designated boundaries, to wit: 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, are, by virtue of an act of the Congress of the United States, approved March 30, 1875,

entitled "An act to enable the people of Colorado to form a Constitution and State government, and for admission of the said State into the Union on an equal footing with the original states," authorized to form for themselves out of said Territory a State government with the name of the State of Colorado, which State, when formed, shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever; and

Whereas, The Governor of the said Territory, in pursuance of the provisions of the third section of the said Enabling Act, did issue his proclamation calling for an election to elect representatives to a convention to meet at Denver on the twentieth day of December, in the year of our Lord one thousand eight hundred and seventy-five, for the purpose of forming a Constitution for the State of Colorado; and

Whereas, The people of the Territory, in accordance with the provisions of the said proclamation, did hold an election and elect representatives to represent them in the said convention; now, therefore,

We, the representatives of the people of the Territory of Colorado, duly elected and in convention assembled, in pursuance of the aforesaid enabling act, have ordained and established the following Constitution and form of government for the State, which we recommend to the people of Colorado for their ratification.

Mr. Kennedy offered the following resolution, which was referred to the Committee on Future Amendments:

Resolved, That any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by a majority of the members elected to each house such proposed amendment or amendments shall be entered upon their Journals, with the ayes and nays taken thereon, and the Secretary of State shall cause the same to be published three months before the next general election in at least one newspaper in every county in which such newspaper shall be published, and if in the General Assembly next afterward chosen such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the Secretary of State shall cause the same again to be published in the manner aforesaid, and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner and at such time, at least three months after being so agreed to by the two houses, as the General Assembly shall prescribe, and if such amendment or amendments be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution, but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.

Mr. Kennedy moved to reconsider the vote of yesterday, whereby the consideration of the report of the Committee on Bill of Rights in Committee of the Whole Convention was made the special order for 11 o'clock to-day, which was agreed to.

On motion of Mr. Kennedy, the Convention resolved itself into Committee of the Whole to further consider the report of the Standing Committee on Bill of Rights, Mr. Clark in the chair, and after some time spent therein, the President resumed the chair and Mr. Clark reported that the Committee of the Whole Convention, to whom was referred the report of the Standing Committee on Bill of Rights, having, according to order, had the same under consideration, had made further progress therein and asked leave to sit again at 2 o'clock.

On motion of Mr. Felton, the report was received and leave granted to sit again at 2 o'clock.

On motion of Mr. Cooper the Convention adjourned until 2 o'clock this afternoon.

TWO O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called. Absent—Messrs. Boyles, Beck, Carr, Hurd, Head, James, Meyer, Quillian, Rockwell, Stone, Thatcher, White, Wells and Wheeler.

On motion of Mr. Kennedy, the Convention resolved itself into Committee of the Whole Convention to consider the report of the Committee on Bill of Rights, Mr. Clark in the chair, and after some time spent therein the President resumed the chair and Mr. Clark submitted the following report:

Denver, January 18, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Standing Committee on Bill of Rights, having, according to order, had the same under consideration, have directed me to report the same back, with sundry amendments, and ask the concurrence of the Convention therein in the following words, viz.:

WM. M. CLARK,
Chairman.

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.

Sec. 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.

Sec. 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.

Sec. 4. 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 religious opinions, 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; nor shall any person be required to attend or support any ministry or place of worship, religious sect or denomination against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.

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

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

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

Sec. 8. 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 land or naval forces or in the militia when in actual service in time of war or public danger; in all other cases offenses shall be prosecuted criminally by indictment or information as concurrent remedies.

Sec. 9. That treason against the State can consist only in levying war against it or in adhering to its enemies and 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 case of natural death, and when a person shall be killed by casualty there shall be no forfeiture by reason thereof.

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

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

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

Sec. 13. That the rights [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 is intended to justify the practice of carrying concealed weapons.

Sec. 14. That no person elected or appointed to any office or employment of trust or profit under the laws of this State or any ordinance of any municipality in this State shall hold such office without personally devoting his time to the performance of the duties of the same.

Sec. 15. That no person who is now or may hereafter become a collector or receiver of public money, or assistant or deputy of such collector or receiver, shall be eligible to any office of trust or profit in the State of Colorado under the laws thereof or of any municipality therein, until he shall have accounted for and paid over all the public money for which he may be accountable.

Sec. 16. That no private property can be taken for private use, with or without compensation, unless by consent of the owner, except for private ways of necessity and except for drains and ditches across the lands of others for agricultural, mining and sanitary purposes, in such manner as may be prescribed by law, and that 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 as such judicially determined, without regard to any legislative assertion that the use is public.

Sec. 17. That private property shall not be taken or damaged for public 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 such 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 disturbed or the property rights of the owner therein divested. The fee of land taken for railroad tracks without consent of the owner thereof shall remain in such owner, subject to the use for which it is taken.

Sec. 18. In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Sec. 19. No witness 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 can not give security his deposition shall be taken in the presence of the accused and his counsel, and the witness dicharged on his own recognizance; but such deposition shall not be used if the attendance of the witness can be procured by the prosecution or is procured by the accused.

Sec. 20. That no person shall be compelled to testify against himself in a criminal cause, nor shall any person, after being once acquitted by a jury, be again for the same offense put in jeopardy of his life or liberty; but if the jury to which the question of his guilt or innocence is submitted fail to render a verdict, the court before which the trial is had may, in its discretion, discharge the jury and commit or bail the prisoner for trial at the next term of court, or, if the State business will permit, at the same term; and if the judgment be arrested after a verdict of guilty on a defective indictment, or if judgment on a verdict of guilty be reversed for error in law, nothing herein contained shall prevent a new trial of the prisoner on a proper indictment or according to correct principles of law.

Sec. 21. That all persons shall be bailable by sufficient sureties except for capital offenses, when the proof is evident or the presumption (great); Provided, The court shall have power to commit at any time on forfeiture of bail or recognizance.

Sec. 22. That excessive bail shall not be required nor excessive fines be imposed, nor cruel and unusual punishment [punishments] inflicted.

Sec. 23. That the privilege of the writ of habeas corpus shall never be suspended, unless when in case of rebellion or invasion the public safety may require it.

Sec. 24. That the military shall always be in strict subordination to the civil power; that no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 25. The right of trial by jury shall remain inviolate, but a jury for the trial of civil cases in all courts, or 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 or a true bill; Provided, The General Assembly may change or abolish the grand jury system or otherwise regulate the same.

Sec. 26. That the people have the right peaceably to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances by petition or remonstrance.

Sec. 27. That no person shall be deprived of life, liberty or property without due process of law.

Sec. 28. That there shall never be in this State either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

Sec. 29. The enumeration in this Constitution of certain rights shall not be construed to deny, impair or disparage others retained by the people.

On motion of Mr. Stone, the reading of the report was dispensed with.

On motion of Mr. Clark, the report of the Committee of the Whole on Bill of Rights was ordered engrossed and printed and laid upon the table, which was agreed to by unanimous consent.

The business next in order being the consideration of the resolutions offered by Mr. Bromwell and made the special order for 11 o'clock this day, Mr. Cushman moved that the resolutions be laid upon the table, which was agreed to by unanimous consent.

Mr. Cooper, Chairman of the Committee on Engrossing and Enrolling, presented the following report:

Denver, January 18, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Engrossing, to whom was referred report of Executive Committee, with instructions to have it engrossed, respectfully report the same correctly engrossed.

(Signed) A. D. COOPER,
Chairman of Committee.

Mr. Marsh moved to take from the table the resolutions offered by Mr. Bromwell on the subject of taxation, which was not agreed to.

On motion of Mr. Clark, the Convention adjourned until 10 o'clock a. m. to-morrow.

WEDNESDAY, JANUARY 19, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Finch.

Roll called. Absent—Messrs. Barela, Boyles, Beck, Garcia, Head, Meyer, Quillian, Rockwell, Thatcher, Webster and White.

The Journal of preceding day having been partially read, Mr. James moved that the reading of so much of the Journal as embraced the report of the Committee on Bill of Rights, as amended in Committee of the Whole, be dispensed with, which was agreed to.

The remaining portion of the Journal was then read and the same approved.

Messrs. Barela, Garcia and Webster appeared and took their seats.

Mr. Clark presented a petition from 92 citizens of Clear Creek county praying that certain classes of property be exempted from taxation, and on his own motion the petition was referred to the Committee on Revenue and Finance.

Mr. Stover presented a petition from 115 citizens of Larimer county with reference to the preamble to the Constitution and the exemption from taxation of certain classes of property, which on his own motion was referred to the Committee on Revenue and Finance.

Mr. Webster offered the following resolution, which was referred to the Committee on Congressional and Legislative Apportionment:

Resolved, That the Committee on Congressional and Legislative Apportionment be instructed to enquire into the expediency of securing, by constitutional provision, to each county in the State at least one member of the House of Representatives.

The President announced as the next order of business the consideration of the following resolutions offered by Mr. Bromwell, which were the special order for this day:

Resolved, That the Constitution should contain a provision containing and making effectual the provisions of our statute for the determination of the rates of charges upon water furnished for irrigation by the county commissioners, and that suitable provisions be made in the Constitution for the continuance of said power in the county board, in case of any change by law in the organization of counties or of county boards.

Resolved, That the Committee on Irrigation be instructed to prepare and report a proper section or sections fixing the principal features of the mode of determining and adjusting such rates of water charges by the county boards, so as to effectually

protect the rights of the parties furnishing and those consuming water for agricultural and mining purposes.

On motion of Mr. Carr, the resolutions were laid upon the table for future consideration.

Mr. Kennedy moved that the report of the Standing Committee on Military Affairs be taken from the table and considered in Committee of the Whole, which was agreed to.

On motion of Mr. Kennedy, the Convention resolved itself into Committee of the Whole to consider the report of the Standing Committee on Military Affairs, Mr. Elder in the chair, and after some time spent therein the President resumed the chair and Mr. Elder submitted the following report:

Denver, January 19, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Standing Committee on Military Affairs, having, according to order, had under consideration said report, have directed me to report the same back, with sundry amendments, and ask the concurrence of the Convention therein, in the words following, viz.:

MILITIA.

Section 1. The militia of the State of Colorado shall consist of all able bodied male persons, resident within the State, between the ages of eighteen and forty-five years, except such persons as now are or may hereafter be exempt by the laws of the United States or of this State.

Sec. 2. The General Assembly, in providing for the organization, equipment and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

Sec. 3. Each company shall elect its own officers, who shall be commissioned by the Governor, but if any company shall fail to elect such officers within the time prescribed by law, they may be appointed by the Governor.

Sec. 4. All general, field and staff officers shall be appointed and commissioned by the Governor, and shall hold their offices for such time as may be prescribed by law.

Sec. 5. The Governor shall be Commander-in-Chief and shall have power to call out the militia to execute the laws, to suppress insurrection and repel invasion.

Sec. 6. The General Assembly shall provide for the safe-keeping of the public arms, military records, banners and relics of the State.

Sec. 7. No person having conscientious scruples against bearing arms shall be compelled to do military duty in time of peace;

Provided, Such person shall pay an equivalent for exemption from military duty.

On motion of Mr. Carr, the report was received and laid upon the table for future consideration.

On motion of Mr. Hough, the resolutions offered by Mr. Bromwell, as follows, were taken from the table for consideration:

Resolved, That all property within the State, being the common capital fund of the community, should bear the public expense by equitable imposts thereon and for such purpose every description of property should be assessed for taxation according to the actual commercial or exchangeable value thereof at the time and place of such assessment.

First—The property of all individuals and corporations should be assessed for taxation for all purposes, State, County, City and District.

Second—All County buildings and grounds should be assessed for State purposes only; not for County, City or District.

Third—All City or Town buildings and grounds for State and County purposes, but not for City purposes, nor for school purposes in school districts lying entirely within the limits of such City or Town.

Fourth—All college, academy and school buildings and grounds (other than public schools) for State purposes (except for public schools) and for no other purpose.

Fifth—All public school buildings and grounds for State and County school purposes and not for general purposes of State, City or County, nor for District school purposes.

Sixth—All property held by or in trust for churches, societies, cemetery associations, and not in actual use for public worship or burials, as provided eighthly herein, shall be assessed for all purposes.

Seventh—All church buildings and the grounds thereof in which any rent or price is charged, received or paid for pews or seats therein, shall be assessed for all purposes.

Eighth—All other church buildings and grounds of the same, exceeding in value assessed as aforesaid, an aggregate sum of seven thousand dollars, shall be assessed for all purposes upon such excess.

Ninth—All churches with so much ground as may be necessary for convenient use of the same, not exceeding in aggregate value the sum of seven thousand dollars, in which the floor and seats shall be at all time free to all comers without respect of persons and in which no money or valuable things shall be at any time collected for any purposes other than to pay for repairs, fuel and lights therefor, shall be free from all tax.

Tenth—All burial lots in any cemetery held for burial purposes only, after interment has been made therein to the extent of twenty-five feet square, and all lots of ground donated and

used for free burial grounds and all property actually used exclusively for asylums, hospitals or infirmaries for the gratuitous support, nursing and treatment of indigent, insane, sick or disabled persons, and all public monuments and those in memory of the dead, shall be free from all tax whatever.

Mr. Bromwwell moved that the resolutions be adopted.

Mr. Boyles appeared and took his seat.

On motion of Mr. Pease the Convention adjourned until 2 o'clock this afternoon.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment. Roll called. Absent--Messrs. Barela, Boyles, Ebert, Hurd, Head, Meyer, Quillian, Rockwell, Stone, Stover, Thatcher, Webster, White, Wells and Widderfield.

The Convention resumed the consideration of the resolutions, on the motion of Mr. Bromwell this morning to adopt the same.

Messrs. Webster, Hurd, Stover, Wells, Ebert and Wedderfield appeared and took their seats.

Mr. Ebert asked leave for the Secretary to read some remarks on the subject matter of the resolutions which he had prepared, and there being no objection, the Secretary read the same.

Mr. Boyles appeared and took his seat.

Mr. Wilcox, as an amendment, moved that the resolutions be referred to the Committee on Revenue and Finance, which was agreed to, and the resolutions were so referred.

On motion of Mr. Douglas, the Convention adjourned until 10 o'clock A. M. tomorrow.

THURSDAY, JANUARY 20TH, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment. Prayer was offered by the Rev. Mr. Hawley. Roll called. Absent—Messrs. Barela, Boyles, Head, Meyer, Quillian, Thatcher, Webster and White.

The Journal of preceding day was read and approved.

Mr. Stone presented the following communication:

Hon. J. C. Wilson, President Constitutional Convention:

Dear Sir:—Yourself, with the members and officers of the Constitutional Convention, are invited to an exhibition of the deaf mutes to be given this evening, Thursday, January 20th, at 7:30 o'clock at Maennerchor Hall.

Respectfully, your obedient servant,

A. F. SHELDON, Sec. Deaf Mute Inst.

R. J. BUCKINGHAM, Pres. Deaf Mute Inst.

Mr. Boyles appeared and took his seat.

On motion of Mr. Beck, the invitation was accepted, and the thanks of the Convention returned to the President of the Deaf Mute Institution.

Mr. Ellsworth presented a petition from Bishop Machebeuf and fifty-two other citizens of Arapahoe County with reference to the exemption of certain classes of property from taxation, which was referred to the Committee on Revenue and Finance.

Mr. Beck moved that the ordinance or resolutions offered by him on the 14th of January be taken from the table for consideration, which was agreed to. The ordinance having been read by the Secretary as follows:

ORDINANCE.

In obedience to the requirements of an act of Congress approved March (3) third, A. D. 1875, 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; this Convention, convened in pursuance of said enabling act, does provide and ordain as follows, and this Ordinance shall be irrevocable without the consent of the United States and the people of the State of Colorado:

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 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 disposi-

tion of the United States, and that the lands belonging to citizens of the United States residing without the 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.

Mr. Beck moved that the Ordinance be adopted.

Mr. Bromwell, as an amendment, moved that it be referred to the Committee on Judiciary, which was agreed to.

Mr. Cooper, Chairman of the Committee on Engrossing and Enrolling, presented the following report:

Denver, January 20th, A. D. 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen:—Your Committee on Engrossing, to whom was referred Bill of Rights, as amended in Committee of the Whole, with orders to have the same engrossed, respectfully report the same back correctly engrossed.

(Signed) A. D. COOPER.
Chairman of Committee.

On motion of Mr. Clark, the report was received and laid upon the table.

On motion of Mr. Stone, the Convention adjourned until 10 o'clock A. M. tomorrow.

FRIDAY, JANUARY 21ST, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment. Prayer was offered by the Rev. Mr. Millington. Roll called. Absent—Messrs. Barela, Boyles, Cooper, Ebert, Garcia, Head, Marsh, Meyer, Quillian, Stone, Storer, Thatcher, Vijil and White.

The Journal of preceding day was read and approved.

Mr. White appeared and took his seat.

Mr. Yount asked leave of absence until next Wednesday for Mr. Stover, which was granted.

Mr. Hurd presented a petition from forty-four citizens of Clear Creek County, praying that a recognition of God might be made in the preamble to the Constitution, which was referred to the Committee on Miscellaneous Subjects.

Mr. Cushman presented the following petition from citizens of Georgetown, and on his own motion it was ordered to be spread on the Journal and referred to the Committee on Revenue and Finance:

PETITION.

To the Honorable Members of the Constitutional Convention of Colorado, in session in the City of Denver:

We, the undersigned, citizens of Georgetown, do respectfully represent:

That we desire both to prevent the extravagant and dangerous accumulation of property under Ecclesiastical Corporations, and also to encourage all true and necessary religious enterprises as a public benefit, under private control.

We do, therefore, respectfully petition your honorable body to subject to regular taxation so much, and only so much, of the property of every Church Corporation as exceeds in assessed value the sum of eight thousand dollars.

(Signed) A. J. CHITTENDEN
and 59 others.

Mr. Hough, Chairman of the Committee on Printing, presented the following report:

Denver, January 21st, 1876.

To the President and Constitutional Convention of Colorado:

Gentlemen:—Your Committee on Printing, to whom was referred the report of the Committee of the Whole on Bill of Rights, would respectfully report the same back as correctly printed. (Signed) JOHN S. HOUGH,
Chairman of Committee.

On motion the report of the Committee on Printing was received.

On motion of Mr. Douglas the Convention adjourned until 10 o'clock A. M. tomorrow.

SATURDAY, JANUARY 22ND, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment. Prayer was offered by the Rev. Mr. Bliss. Roll called. Absent—Messrs. Elder, Head, Lee, Marsh, Meyer, Quillian, Stone, Stover, Webster and Wells.

Mr. Beck asked for leave of absence for this day for Mr. Elder, which was granted.

The Journal of preceding day was read and approved.

Mr. Carr offered the following resolution, which was referred to the Committee on Education and Educational Institutions:

Resolved, That all citizens of the State, of the age of twenty-one years and upwards, shall be entitled to vote on all matters pertaining to public schools, and shall be eligible to any office which may be created by the school laws of the State.

Mr. Webster appeared and took his seat.

Mr. Ebert presented a petition from Ex-Governor Hon. John Evans, praying that protection be given in the Constitution to railroad investments, which petition was referred to the Special Committee on Commerce.

Mr. Rockwell offered the following resolution, which was referred to the Committee on Judiciary:

Resolved, That the Judiciary Committee consider section 25 of the Bill of Rights, and report to this Convention whether or not a grand jury may lawfully consist of twelve members, nine of whom concurring may present a true bill.

Mr. Pease offered the following resolution, and moved that it be adopted:

Resolved, That the Committee on Printing and Binding make arrangements with the proprietors of the daily newspapers published in Denver and containing the proceedings of this Convention, whereby each member of this Convention can obtain twelve copies of such daily paper as he may select, to be mailed direct from the office to their constituents, during the sitting of this Convention, the pay for same to be placed on same footing and to stand same chance as pay and mileage of the members of this Convention; and the question being upon the motion of Mr. Pease to adopt the resolution, and being put, it was decided in the affirmative, ayes, 21; noes, 8.

The ayes and noes being demanded, those voting in the affirmative are—Messrs. Boyles, Bromwell, Beck, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Ebert, Felton, Garcia, Hurd, James, Kennedy, Pease, Rockwell, Wheeler, Widderfield and Mr. President.

Those voting in the negative are—Messrs. Barela, Hough, Plumb, Vijil, Webster, White, Wilcox and Yount.

So the Convention adopted the resolution offered by Mr. Pease.

Mr. Hurd offered the following resolution:

Resolved, That the Standing Committee on Printing and the Select Committee on Stationery be each instructed to have all bills for same audited, and the cost of each to this date reported to the Convention.

On motion of Mr. Carr, the resolution was adopted.

On motion of Mr. Cooper, the rules were suspended and Mr. Felton moved to reconsider the vote by which the Convention adopted the resolution offered by Mr Beck, and amended by Mr. Rockwell, as follows:

Resolved, That the Committee on Printing be instructed to cause two hundred copies of all resolutions, motions and other documents ordered printed for the use of the Convention, except where a different number is provided for, which motion was agreed to.

The question then being: Will the Convention now adopt the resolution offered by Mr. Beck as amended by Mr. Rockwell? and being put, it was decided in the negative.

So the Convention refused to adopt the resolution offered by Mr. Beck and amended by Mr. Rockwell.

Mr. Felton then offered the following resolution, which was adopted:

Resolved, That the Committee on Printing be instructed to cause one hundred copies of all resolutions, motions and reports of Standing Committees, and one hundred and fifty copies of reports of Committee of the Whole, to be printed for the use of the Convention, when any such resolution, motion or report is ordered to be printed by the Convention.

Mr. Beck presented a petition from forty-eight citizens of Boulder County, praying that a recognition of God may be made in the preamble of the Constitution, which was referred to the Committee on Bill of Rights.

On motion of Mr. Beck, the petition presented by Mr. Wheeler on the 11th inst. from citizens of Weld County was taken from the table, and on motion of Mr. Wheeler, the petition was referred to the Committee on Bill of Rights.

Mr. Hough, Chairman of the Standing Committee on Printing, reported back the preamble offered by Mr. Felton, and the resolution offered by Mr. Barela as correctly printed, also of the report of the Committee of the Whole on the article entitled, Executive Department, as correctly printed with the following exceptions:

In section 7, second line, the word "the" should read "this," and in section 9, eleventh line, the word "the" should be inserted between the words "of" and "State."

There being no objections, the reports were received and placed on file by the Secretary.

On motion of Mr. Boyles, the Convention adjourned until 10 o'clock A. M. on Monday.

MONDAY, JANUARY 24TH, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment. Prayer was offered by Rev. Mr. Miller. Roll called. Absent—Messrs. Boyles, Hough, Head, Marsh, Meyer, Plumb, Quillian, Rockwell, Stone, Stover, Thatcher, Webster and White.

Mr. Yount asked for leave of absence until Wednesday for Mr. Hough, which was granted.

Mr. Douglas offered the following resolution, and on his own motion it was adopted:

Resolved, That the President appoint a committee of five to prepare and publish an address to the people of Colorado asking an earnest consideration of the Constitution to be submitted to them for their approval, and briefly setting forth a summary of its provisions and claims for their support, and urging upon the voters of Colorado the importance of a full and fair expression of their will at the election appointed for its adoption.

Messrs. Webster, Boyles, Stone and Marsh appeared and took their seats.

On motion of Mr. Felton, the rules were suspended, and he then moved to reconsider the vote by which the consideration of the resolutions offered by Mr. Pease was made the special order for 11 o'clock, this day, which was agreed to.

Thereupon, Mr. Felton moved that the resolution be now taken from the table, which was also agreed to.

The resolution having been read by the Secretary as follows:

Resolved, That there shall be engrafted into the Constitution of this State a section or clause in substance as follows:

It shall be held a crime subjecting the offender, on conviction thereof, to fine and imprisonment, to bring, import, manufacture, make or sell any adulterated, drugged or medicated spirituous liquors, whether denominated spirituous, vinous or malt, within this State.

Mr. Clark moved that the resolution be adopted.

Mr. Pease, as an amendment, moved to strike out the words "or medicated" out of the fourth line, and insert after the word adulterated, in the fourth line, the word "or;" also to strike out the words "or otherwise" after the word "malt,," in the same line, the words "or otherwise," after the word "malt," in the same line, and to add the words "the General Assembly shall have power to enforce this provision by appropriate legislation," which amendment was accepted by Mr. Clark.

Mr. Hurd moved to further amend by inserting the word "poisonous" after the word "any," in the fourth line, which amendment was also accepted by Mr. Clark.

Mr. Stone offered the following as a substitute for the resolution as amended:

The General Assembly shall have power to make all needful and prudential sanitary laws, and to regulate the importation, manufacture and sale of liquors, and to prohibit the manufacture of poisonous, adulterated and deleteriously drugged liquors, and the sale thereof within the State for a beverage, whether such liquors be denominated spirituous, vinous or malt.

On motion of Mr. Wilcox, the resolution as amended, together with the substitute offered by Mr. Stone, were referred to the Committee on Judiciary.

On motion of Mr. Felton, the Convention adjourned until 10 o'clock A. M. tomorrow.

TUESDAY, JANUARY 25TH, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment. Prayer by the Rev. Dr. Harford. Roll called. Absent—Messrs. Barela, Hough, Head, Meyer, Quillian, Rockwell and White.

The Journal of preceding day was read and approved.

Mr. Garcia asked leave of absence for two days for Mr. Barela, which was granted.

Mr. Thatcher asked that Mr. Quillian's leave of absence be extended until Thursday, which was granted.

Mr. Wilcox offered the following resolution, and moved that it be adopted:

Resolved, That Rule No. 2 be so amended that this Convention meet at the hour of 9 A. M. instead of 10 A. M., as now required by said Rule.

Mr. Widderfield moved to amend the resolution by adding the words, "This resolution to take effect on Monday next, the 31st of January," which amendment was accepted by Mr. Wilcox.

The question being on the motion to adopt the resolution offered by Mr. Wilcox, as amended by Mr. Widderfield, and being put, it was decided in the affirmative—ayes 22, noes 10.

The ayes and noes being demanded, those voting in the affirmative are—Messrs. Bromwell, Carr, Clark, Cooper, Crosby, Douglas, Ellsworth, Garcia, James, Lee, Marsh, Plumb, Stone, Stover, Thatcher, Vijil, Wells, Wilcox, Wheeler, Widderfield, Yount and Mr. President.

Those voting in the negative are—Messrs. Boyles, Beck, Cushman, Elder, Ebert, Felton, Hurd, Kennedy, Pease and Webster.

So, there being the required two-thirds vote of the members present according to Rule 56, the Convention altered Rule 2, according to the resolution offered by Mr. Wilcox.

Mr. Wilcox offered the following resolution, and moved that it be adopted:

Resolved, That the Standing Committees of this body be requested, and are hereby required, to present their reports to this Convention on or before the 31st day of January instant, as far as practicable and consistent with the business of this Convention.

Mr. Wells, as an amendment, moved to insert the 28th inst. in lieu of the 31st, which amendment was accepted by Mr. Wilcox.

Mr Crosby moved that the resolution offered by Mr. Wilcox, and amended by Mr. Wells, be indefinitely postponed, and the question being on the motion to indefinitely postpone, and being put, it was decided in the affirmative, so the Convention indefinitely postponed the resolution offered by Mr. Wilcox.

Mr. Bromwell presented a petition from thirty-three citizens of Colorado, praying the Convention to exempt certain classes

of property from taxation, which was referred to the Committee on Revenue and Finance.

Mr. Bromwell, Chairman of the Standing Committee on State, County and Municipal Indebtedness, presented the following report:

Denver, Colo., January 25th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen:—Your Committee on State, County and Municipal Indebtedness respectfully report that they have had the subject referred to them under consideration, and after deliberation upon the numerous questions involved therein, they unanimously submit to this Convention for adoption a draft of an article to form part of the Constitution of the State and hereto subjoined, all of which is respectfully submitted.

H. P. H. BROMWELL,
WM. H. CUSHMAN.
R. DOUGLAS,
A. K. YOUNT.

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, absolutely, conditionally or contingently, in any manner to or in aid of any person, association of persons, company or corporation, public or private, for any amount or for any purpose whatever, or assume, undertake, guarantee or become responsible or liable for any debt, undertaking, obligation, contract or liability of any person, association, company or corporation, public or private, in or out of this State.

Sec. 2. Neither the State nor any county, city, town, township or school district shall become a subscriber to or shareholder or stockholder in any corporation, joint stock company or association or a joint owner with any person, association or corpration, or any municipality whatever, in or out of the State, except as to such ownership as may accrue to the State by escheat or by forfeiture of franchise or property, by any person, association or corporation as may be prescribed by law or jointly with any county, city, town, or school district, or to either of them jointly with each other by forfeiture of real estate for non-payment of taxes or by donation for public use in such manner, and to be so disposed of as may be provided by law.

Sec. 3. The State shall not contract any debt by bond or other evidence of indebtedness, except to provide for casual deficiencies of revenue, erect public buildings for use of the State solely, repel invasion, suppress insurrection, defend the State, or assist in defending the United States in time of war, or provide for the defense of the State when threatened by hostilities; and the amount of debt contracted in any one year to provide for deficiencies of revenue shall not exceed an amount equal to one-fourth of one 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 an amount equal to three-fourths of one mill on each dollar of said valuation, until the amount of such valuation shall equal one hundred millions of dollars, and thereafter such debt shall not exceed one hundred thousand dollars, except in all cases as provided in section 5 hereof, and the debt incurred in any one year for erection of public buildings shall not exceed an amount equal to 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 5 hereof), and in all cases the valuation, herein mentioned, shall be that of the annual assessment last preceding the creation of said debt.

Sec. 4. In no case shall any debt, above mentioned in this article, be created except by a law irrepealable until the indebtedness therein provided for shall have been fully paid and discharged, specifying the purpose to which the funds to be raised thereby shall be applied, and providing for the levying of such tax as will pay the interest on and extinguish the principal of such debt with [within] the time limited by such law for the payment thereof, which, in the case of debts contracted for the erection of public buildings and supplying deficiencies of revenue, shall not exceed fifteen years, nor be less than ten, and the funds arising from the collection of any such tax shall be applied to the purposes provided in the law levying the same, and to no other purpose, until the debt thereby created shall be discharged and thereupon such tax shall cease.

Sec. 5. A debt for the purpose of erecting public buildings, but not at any time in excess of a sum equal to three mills on each dollar of valuation as above herein described, may be created by a law such as is provided for such purpose in section 4 of this article, provided, that before going into effect, the same shall be ratified by the vote of two-thirds of the qualified electors of the State voting thereon at a general election under such provisions therein contained for that purpose, and for the resuming, canvassing and publishing such vote as the General Assembly may provide.

Sec. 6. No county or township shall contract any debt by bond or other evidence of indebtedness, except for the purpose of erecting necessary public buildings, or for the making or repairing of public roads or bridges, and such indebtedness contracted in any one year shall not exceed an amount equal to two mills on each dollar of valuation of property subject to taxation by such county or township, as the case may be, and the aggregate amount of such debt, inclusive of all unfunded or floating indebtedness of such county or township hereafter created and existing at the time of the creation of such debt, shall not exceed an amount equal to four mills on each dollar of said last mentioned valuation, unless, when in manner provided by law, fixing the rate of interest thereon, and providing for the levying

of a tax not exceeding the rate of three mills on each dollar of valuation last mentioned, sufficient to pay the annual interest on and extinguish the principal of such debt within fifteen, and not less than ten, years from the creation thereof, the question of waiving such debt shall be submitted to the qualified electors of such county or township, and two-thirds of those voting thereon shall vote in favor of incurring such debt.

Sec. 7. Any school district may, for the purpose of erecting suitable school buildings, purchasing ground therefor, or for any other school purpose provided by law, create a debt by bonds, to run not exceeding fifteen nor less than ten years on such terms as may be by law prescribed upon a vote of two-thirds of the qualified electors of such district voting therefor in manner prescribed by law.

Sec. 8. No city or town shall contract any debt by bond or other evidence of indebtedness, except by means of an ordinance first legally adopted and irrepealable until the indebtedness therein provided for shall have been fully paid and discharged, specifying the purpose for which the funds, to be raised thereby, shall be applied, and providing for the levying of such, not exceeding twelve (12) mills on each dollar of valuation of property subject to taxation by such city or town as will be 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 the funds arising from the collection of such tax shall be applied to the purposes in such ordinance specified, and to no other, until the indebtedness in such ordinance provided for shall be paid and discharged. But no such debt shall be created until the question of incurring the same shall be submitted to the vote of the qualified electors of such city or town, at a general election for the election of councilmen or aldermen thereof, and two-thirds of the said electors voting at said election by ballot, deposited in a separate ballot box in manner to be provided by law, shall vote in favor of creating such debt. But the aggregate amount of debt so created shall not, at any time, exceed a sum equal to three per cent of the valuation last aforesaid, except debts contracted for the purpose of procuring supplies of water for such city or town.

The valuation in this section mentioned, shall be, in all cases, that of the assessment next preceding the last assessment before the adoption of such ordinance.

Sec. 9. Nothing contained in this article shall impair the obligation of any debt heretofore contracted by any county, city, town or school district in accordance with the laws of Colorado Territory, or preventing [prevent] the contracting of any debt or the issuing of bonds thereafter, in accordance with said laws, upon any proposition for that purpose, which may have been according to said laws submitted to the vote of the qualified electors of any county, city, town or school district, before the day of this Constitution going into effect.

On motion of Mr. Marsh, the report was received, ordered printed and made the special order for Friday morning.

Mr. Yount presented the following report from the Committee on Printing, and moved that it be referred to the Standing Committee on Accounts and Expenditures of Convention, which was agreed to:

Denver, January 25th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen:—Your Committee on Printing beg leave to submit to this Convention the following bills, and ask that they be referred to the Committee on Accounts and Expenditures of Convention:

Bill of Denver Tribune	$252.75
Bill of R. W. Woodbury	170.42
Bill of W. N. Byers	130.69
Bill of Richards & Co. (Stationery)	615.25

All of which is respectfully submitted.

A. K. YOUNT, for
JOHN S. HOUGH,
Chairman of Committee.

Mr. Ebert, Chairman of the Committee on Forest Culture, presented the following as the final report of that committee:

Denver, January 25th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen:—The Committee on Forest Culture to whom was referred amendments (offered by Mr. Wells, of Arapahoe, and Mr. Carr, of Boulder), to resolutions of F. J. Ebert, beg leave to report the same back, with those amendments, and ask the concurrence of the Convention therein, in the following words, viz.:

The Legislature shall enact laws to promote and encourage the growth of forests on lands owned by private persons, and to prevent the destruction of forests growing upon the lands of the State, or upon any lands of the public domain, the control of which shall be conferred by Congress upon the State.

(Signed) F. J. EBERT,
Chairman of the Committee on Forest Culture.

On motion of Mr. Kennedy, the report was received, ordered printed, and laid upon the table for future consideration.

Mr. Garcia moved that the resolution offered by Mr. Barela on the 18th inst. be taken from the table for consideration, which was agreed to.

The resolution was read by the Secretary, as follows:

Resolved, That one-fourth of all the copies of the Constitution and laws of the State of Colorado, which may be published, together with the same proportion of the address of the Constitutional Convention to the people of the Territory of Colorado, shall be printed in Spanish for the benefit of the portion of our citizens who speak that language.

Mr. Kennedy moved that the resolution be adopted.

Mr. Garcia moved, as an amendment, to strike out all after the word "resolved," and insert, "The General Assembly shall, at each session, provide for the publication of all laws, general and special, in English and Spanish. The number of laws printed in the Spanish language shall be in proportion as the Spanish speaking population of the State is to English."

Mr. Ebert moved to so amend the amendment offered by Mr. Garcia as to provide for the printing of all laws in the German language, as well as English and Spanish.

Mr. Carr moved that the original resolution offered by Mr. Barela, together with the amendments thereto offered by Mr. Garcia and Mr. Ebert, be referred to the Standing Committee on Miscellaneous Subjects, and the question being on the motion of Mr. Carr to refer the resolutions and amendments to the Committee on Miscellaneous Subjects, and being put, it was decided in the affirmative, so the Convention agreed to refer the resolutions and amendments thereto to the Committee on Miscellaneous Subjects.

Mr. Marsh moved that one-fourth of all copies of the Constitution and Laws of the State of Colorado, which may be published, together with the same proportion of the address of the Constitutional Convention to the people of the Territory of Colorado, ought to be published in Spanish and German, for the benefit of the portion of our citizens who speak that language, and that this resolution be referred to the Committee on Miscellaneous Subjects, to report a provision to this effect for the consideration of this Convention.

Mr. Elder moved to lay the motion of Mr. Marsh upon the table, and the question being upon the motion of Mr. Elder to lay the motion of Mr. Marsh upon the table, and being put, and a division being called for, it was decided in the affirmative. Ayes, 17; noes, 9.

So the motion of Mr. Marsh was laid upon the table.

Mr. Beck moved to adjourn until 10 o'clock A. M. to-morrow, and a division being called, it was decided in the affirmative. Ayes, 22; noes, 7. So the Convention adjourned until 10 o'clock to-morrow.

WEDNESDAY, JANUARY 26TH, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment. Prayer was offered by the Rev. Mr. Keller. Roll called. Absent—Messrs Barela, Hough, Head, Meyer, Quillian, Rockwell and White.

The Journal having been partially read, Mr. Cooper moved that the reading of so much of the Journal as embraced the report of the Committee on State, County and Municipal Indebtedness be dispensed with, which was agreed to.

The reading of the Journal was then completed, and the same approved.

Mr. Yount presented a petition from forty-five citizens of Larimer county, praying the Convention to so frame the Constitution as to contain a recognition of God, and to exempt certain classes of property from taxation.

On motion of Mr. Pease, the petition was laid upon the table, to be taken up and considered by the Convention when the preamble is under discussion.

Mr. Yount presented the following report from the Committee on Printing:

Denver, Colo., January 26th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen:—Your Committee on Printing, to whom was referred the report of the Committee on Forest Culture, would respectfully report the same back as correctly printed.

(Signed) A. K. YOUNT,
Committee on Printing.

There being no objection, the report was received and filed by the Secretary.

Mr. Wilcox, Chairman of the Committee on Federal Relations, presented the following report:

Denver, Colorado, January 26, 1876.

To the Honorable the President and Representatives of the Constitutional Convention of Colorado:

Gentlemen: Your Committee on Federal Relations, to whom was referred the communication of Harvey Yeaman, on the subject of the "Old and New Testament," beg leave to report the same back to this Convention without recommendation.

(Signed) P. P. WILCOX,
Chairman of said Committee.

On motion of Mr. Boyles, the report was referred back to the Committee on Federal Relations.

Mr. Douglas moved that the number of members of the Special Committee on the preparation of an address to the People

of Colorado, as provided in the resolution adopted by the Convention on Monday last, be increased to nine, which was agreed to.

On motion of Mr. Marsh, the Convention resolved itself into Committee of the Whole, to consider the report of the Standing Committee on Legislature and Legislation, which was the special order for this day, Mr. Boyles in the chair, and after some time spent therein, the President resumed the chair, and Mr. Boyles reported that the Committee of the Whole Convention, to whom was referred the report of the Standing Committee on Legislature and Legislation, having, according to order, had under consideration said report, had made some progress therein, and asked leave to sit again at 2 o'clock.

On motion of Mr. Kennedy the report was received, and leave granted to sit again at 2 o'clock.

On motion of Mr. Carr, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK, P. M.

Convention met pursuant to adjournment.

Roll called. Absent—Messrs. Barela, Garcia, Hough, Head, Meyer, Quillian, Rockwell and White.

Mr. Kennedy asked leave of absence until Thursday for Mr. Rockwell, which was granted.

On motion of Mr. Kennedy, the Convention resolved itself into Committee of the Whole to further consider the report of the Standing Committee on Legislature and Legislation, Mr. Boyles in the chair; and, after some time spent therein, the President resumed the chair, and Mr. Boyles reported that the Committee of the Whole Convention, to whom was referred the report of the Committee on Legislature and Legislation, having according to order had under consideration said report, had made further progress therein, and asked leave to sit again at 10 o'clock a. m. to-morrow.

On motion of Mr. Webster the report was received, and o'clock a. m. to-morrow.

On motion of Mr. Carr the Convention adjourned until 10 o'clock a. m. to-morrow.

THURSDAY, JANUARY 27, A. D., 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. M. Frost.

Roll Called. Absent—Messrs. Head, Marsh, Meyer, Rockwell and White.

The Journal of preceding day was read and approved.

Mr. Lee presented a petition from twenty-four citizens of Golden, praying that certain classes of property be exempted from taxation, which was referred to the Committee on Revenue and Finance.

Mr. Webster presented a petition from fifty-six citizens of Colorado praying the Convention to give power to the General Assembly to provide a law for the regulation, control or suppression of the liquor traffic in the State, which was referred to the Committee on Education and Educational Institutions.

Mr. Bromwell presented a petition from one hundred citizens of Denver praying the Convention to so frame the Constitution, in fixing the status of voters, that no distinction shall be made on account of sex, which was referred to the Committee on Rights of Suffrage and Elections.

Mr. Douglas, Chairman of the Committee on State Institutions and Buildings, presented the report of that committee as follows:

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on State Institutions and Buildings, to whom was referred the subject matter pertaining to this department of the Constitution, beg leave to state that they have had the same under consideration and present the accompanying article as their report, all of which is respectfully submitted.

R. DOUGLAS,
D. HURD,
R. A. QUILLIAN,
WM. H. CUSHMAN,
WM. R. KENNEDY,
Committee.

STATE INSTITUTIONS.

Section 1. Institutions for the benefit of the Insane, Blind, Deaf, Mute and such as are Educational, Reformatory and penal and such other Institutions as the public good may require, shall be established and supported by the State in such manner as may be prescribed by law.

Sec. 2. The Trustees, Regents, and Managers of all such State Institutions as are named or contemplated in the preced-

ing section shall be appointed and vacancies filled by the Governor as provided in article — section 7, of this Constitution, unless otherwise provided by this Constitution or by law.

Sec. 3. 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 for the use and benefit of the respective objects for which said grants of land were made, and the proceeds thereof shall be lawfully applied to said objects and to no other.

Sec. 4. The General Assembly shall have no power to change or to locate the Capital of the State, but shall at the first session subsequent to the year of our Lord, 1880, provide by law for submitting the question of the permanent location of the Capital to the qualified electors of the State at the next general election, and a majority of all the votes cast at said election shall be necessary to determine the location thereof. Said Assembly shall also provide that in case there is no choice of location at said election, the two places having the highest number of votes cast at said election for Capital location shall be submitted in like manner to the qualified electors of the State at the next general election. Provided, That until the Capital shall have been permanently located, as herein provided, the temporary location thereof shall remain at the City of Denver.

Sec. 5. When the Capital 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 legal votes cast in the State at some general election, at which the question of Capital location shall have been submitted by the General Assembly.

Sec. 6. The General Assembly shall make no appropriation or expenditure for Capitol buildings or grounds until the same shall have been permanently located as herein provided.

Sec. 7. All Territorial Institutions heretofore established under the laws of the Territory of Colorado are hereby declared to be Institutions of the State of Colorado, with all the corporate and vested rights, privileges, immunities and franchises which in any manner pertain or belong thereunto.

On motion of Mr. Kennedy the report was received, ordered printed and laid upon the table for further consideration.

Mr. Yount presented the following report of the Committee on Printing:

Denver, Colorado, January 27, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Printing, to whom was referred the report of the Committee on State, County and Municipal Indebtedness, would most respectfully report the same

back to the Convention, correctly printed. All of which is respectfully submitted,

(Signed) A. K. YOUNT,
For Committee on Printing.

There being no objection, the report was received and filed by the Secretary.

On motion of Mr. Kennedy the Convention resolved itself into Committee of the Whole, to further consider the report of the Standing Committee on Legislature and Legislation, Mr. Boyles in the chair. And after some time spent therein, the President resumed the chair and Mr. Boyles submitted the following report:

Denver, Colorado, January 27, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Standing Committee on Legislature and Legislation, having according to order had said report under consideration, have directed me to report section 9 of the article on Legislature back to the Convention, and recommend that said section 9, as follows, be referred to the Committee on Officers and Oath of Office:

Section 9. No person hereafter convicted of embezzlement of public moneys, bribery, perjury, or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this State.

The Committee of the Whole Convention has further directed me to report back the remainder of the report of the Committee on Legislature and Legislation, with sundry amendments thereto, and ask the concurrence of the Convention therein, in the words following:

THE LEGISLATURE.

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.

Sec. 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 as may be provided by law. The first election for members of the General Assembly under the State organization shall be conducted in the same manner as is prescribed by the laws of Colorado Territory regulating elections therein for members of the General Assembly of said Territory. When vacancies occur in either House, the Governor or person exercising the power of Governor shall issue writs of election to fill such vacancies.

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

Sec. 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 have resided within the limits of the county or district in which he shall be chosen twelve months next preceding his election, if such county or district shall have been so long established, but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been created, unless he shall have been absent on the public business of the United States or of this State.

Sec. 5. The Senators, at their first session herein provided for, shall be divided by lot from their respective counties or districts as near as can be into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, and those of the second class at the expiration of the fourth year, so that one-half thereof, as near as possible, may be biennially chosen forever thereafter.

Sec. 6. As a compensation for their services, the members of the First General Assembly, for the first fifty days' attendance, shall receive a per diem of Six Dollars, and Three Dollars per day for each day's attendance thereafter, and fifteen cents for each mile necessarily traveled in going to and returning from the Seat of Government; and they shall receive no other compensation, perquisite or allowance whatsoever. No session of the General Assembly shall exceed sixty days. Thereafter, the compensation of the members of the General Assembly shall be as provided by law.

Sec. 7. The General Assembly shall meet at 12 o'clock noon, on the first Wednesday in January, A. D., 1877, and biennially forever thereafter, and at other times when convened by the Governor. The term of service of the members thereof shall begin on the first day of January next after their election.

Sec. 8. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under the State, and no member of Congress or other person holding any office, except Attorney-at-Law, Notary Public or in the Militia, under the United States or this State, shall be a member of either House during his continuance in office.

Sec. 9. 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 passing during such term.

Sec. 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, who shall perform the duties of Lieutenant Governor in any case of absence or disability of that officer, and whenever the said office

of Lieutenant Governor shall be vacant. 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 qualifications of its members.

Sec. 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.

Sec. 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, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Sec. 13. Each House shall keep a Journal of its proceedings, and from time to time publish the same, except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the Journal.

Sec. 14. The sessions of each House, and of the Committee of the Whole, shall be open, unless when the business is such as ought to be kept secret.

Sec. 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.

Sec. 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.

LEGISLATION.

Section 1. 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.

Sec. 2. The style of the laws of this State shall be "Be it Enacted by the General Assembly of the State of Colorado:"

Sec. 3. 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.

Sec. 4. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members.

Sec. 5. No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

Sec. 6. Every bill shall be read at length, on three different days in each House; all 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 unless on its final passage the vote shall be taken by ayes and noes, the names of the persons voting for or against the same be entered on the Journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

Sec. 7. No amendments to bills by one House shall be concurred in by the other, except by the vote of a majority of the members elected thereto, taken by ayes and noes, and the names of those voting for or against recorded upon the Journal thereof; and reports of Committees of Conference shall be adopted in either House only 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 Journals.

Sec. 8. No law shall be revived or amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be re-enacted and published at length.

Sec. 9. 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, and such contracts shall be absolutely null and void.

Sec. 10. 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 and 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; providing for changes of venue in civil or criminal cases; declaring any named person of age; for limitation of civil actions or giving effect to informal or invalid deeds; summoning and impannelling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening and 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, percentage or allowances of public officers during the term for which said officers are elected or appointed; 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.

Sec. 11. The General Assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this State or to any municipal corporation therein.

Sec. 12. 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.

Sec. 13. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House; and no payment shall be made from the State Treasury, or be in any way authorized to any person, except to an acting officer or employe elected or appointed in pursuance of law.

Sec. 14. 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 claims against the State without previous authority of law.

Sec. 15. All stationery, printing, paper and fuel used in the Legislature and other departments of Government shall be furnished, and the printing and binding and distributing of the laws, Journal, 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 such contracts, and all such contracts shall be subject to the approval of the Governor and State Treasurer.

Sec. 16. No law shall extend the term of any public officer or increase or diminish his salary or emoluments, after his election or appointment.

Sec. 17. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments as in other bills.

Sec. 18. 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 schools; all other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 19. No money shall be paid out of the Treasury, except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

Sec. 20. No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the State, nor to any denominational or sectarian institution or association.

Sec. 21. The General Assembly shall not delegate to any special commission, private corporation, or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Sec. 22. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees in the bonds or stock of any private corporation.

Sec. 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

Sec. 24. No obligation or liability of any person, association, railroad or other corporation held or owned by the State shall ever be exchanged, transferred, remitted or postponed, or in any way diminished by the General Assembly. Nor shall such liability or obligation be released, except by payment thereof into the State Treasury.

Sec. 25. When the General Assembly shall be convened in Special Session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Sec. 26. 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 the 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.

Sec. 27. A 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 or official influence, or for withholding the same, or with an understanding, express or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid, for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery 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 provided by law.

Sec. 28. 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 guilty of bribery, and be punished in such manner as shall be provided by law.

Sec. 29. The offense of corrupt solicitation of members of the General Assembly or of public officers of the State, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

Sec. 30. A member who has a personal or private interest in any measure or bill pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

On motion of Mr. Beck, section 9 of the original report of the Committee on Legislature and Legislation, reported back to the Convention by the Committee of the Whole, was referred to the Committee on Officers and Oath of Office.

On motion of Mr. Clark, the report of the Committee of the Whole Convention on the report of the Standing Committee on Legislature and Legislation was referred to the Committee on Engrossing and Enrolling.

On motion of Mr. Beck, the Convention adjourned until 10 o'clock a. m. to-morrow.

FRIDAY, JANUARY 28, A. D., 1876, 10 O'CLOCK, A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Eads.

Roll called. Absent—Messrs. Ebert, Head, Marsh, Meyer, Thatcher, White and Yount.

The Journal of preceding day having been partially read, on motion of Mr. Carr the reading of so much of the Journal as embraced the report of the Standing Committee on State Institutions and Buildings, and the report of the Committee of the Whole on Legislature and Legislation, was dispensed with.

The remaining portion of the Journal was then read, and the same approved.

Mr. Stover asked for leave of absence for Mr. Yount until next Tuesday, which was granted.

Mr. Barela presented a petition from 127 citizens of the Eighteenth District, praying the Convention not to insert in the Constitution any section prohibiting forever any division of the public school funds, which was referred to the Committee on Education and Educational Institutions.

Mr. Garcia presented a similar petition from 89 citizens of the same district, which was also referred to the same Committee.

Mr. Cushman presented a similar petition from 221 citizens of the Sixth District, which was also referred to the same committee.

Mr. Hough, chairman of the Committee on Printing, reported back the report of the Committee on State Institutions and Buildings, as correctly printed.

Messrs Ebert and Thatcher appeared and took their seats.

The President announced the next order of business, the special order for consideration of the report of the Standing Committee on State, County and Municipal Indebtedness.

Mr. Bromwell moved that the special order for the consideration of that report this day be discharged, which was agreed to.

On motion of Mr. Bromwell the consideration of the report of the Standing Committee on State, County and Municipal Indebtedness was made the special order for next Wednesday, at 10:30 o'clock.

Mr. Kennedy moved to take from the table the report of the Standing Committee on Forest Culture, which was agreed to.

On motion of Mr. Hough, the Convention resolved itself into Committee of the Whole to consider the report of the Standing Committee on Forest Culture, Mr. Beck in the chair;

and, after some time spent therein, the President resumed the chair, and Mr. Beck submitted the following report:

The Committee of the Whole Convention, to whom was referred the report of the Standing Committee on Forest Culture, having, according to order, had under consideration said report, have directed me to report the same back to the Convention, with sundry amendments thereto, and recommend that the whole matter be recommitted to the Committee on Forest Culture.

FOREST CULTURE.

The General Assembly shall enact laws to prevent the destruction of forests growing upon the lands of the State, or upon any lands of the public domain, the control of which shall be conferred by Congress upon the State.

Mr. Boyles moved that the report of the Committee of the Whole be received and laid upon the table, which was not agreed to.

Mr. Carr moved that the report of the Committee of the Whole be received and adopted. And the question being on the motion of Mr. Carr, that the report of the Committee of the Whole be received and adopted, and being put, it was decided in the affirmative. So the Convention received and adopted the report of the Committee of the Whole, and referred the original articles, with the amendments thereto, to the Committee on Forest Culture.

Mr. Hurd moved that the Convention adjourn until 10 o'clock to-morrow.

Mr. Pease moved to adjourn until 2 o'clock this afternoon, and the question being on the motion of Mr. Pease to adjourn until 2 o'clock this afternoon, and being put, and a decision being called, for it was decided in the affirmative—ayes, 18; noes, 11. So the Convention adjourned until 2 o'clock this afternoon.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called. Absent—Messrs. Boyles, Head, Marsh, Meyer, Quillian, Stover, White, Wheeler and Yount.

On motion of Mr. Kennedy, the report of the Committee on State Institutions and Buildings was taken from the table.

Mr. Kennedy moved that the Convention resolve itself into Committee of the Whole to consider the report of the Committee on State Institutions and Buildings, and the question being upon the motion of Mr. Kennedy to resolve into Committee of the Whole, and being put and a division being called for, it resulted in a tie vote—ayes, 10; noes, 10.

So, according to the rules, the Convention refused to resolve itself into Committee of the Whole to consider the report of the Committee on State Institutions and Buildings.

Mr. Wheeler appeared and took his seat.

Mr. Wells moved the consideration of the report of the Committee on State Institutions and Buildings be made the special order for to-morrow at 2 o'clock.

Mr. Carr moved to amend the motion of Mr. Wells by changing the hour from 2 o'clock to 10 o'clock, which amendment was accepted by Mr. Wells; and the question being on the motion of Mr. Wells, as amended by Mr. Carr, to make the consideration of the report of the Committee on State Institutions and Buildings the special order for to-morrow at 10 o'clock, and being put, it was decided in the affirmative—ayes, 26; noes, 3. And the ayes and noes being called for, those voting in the affirmative are:

Messrs. Beck, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Kennedy, Lee, Plumb, Pease, Rockwell, Stone, Thatcher, Vijil, Elder, Felton, Garcia, Hurd, Hough, James, Webster, Wells, Wheeler, Widderfield and Mr. President.

Those voting in the negative are:

Messrs. Barela, Bromwell and Wilcox.

So the Convention made the consideration of the report of the Committee on State Institutions and Buildings the special order for 10 o'clock to-morrow.

Mr. Wells moved that the report of the Committee of the Whole on the Executive Department be taken from the table, which was not agreed to.

Mr. Clark moved that the Preamble offered by Mr. Felton on the 18th inst. be taken from the table, which was agreed to.

On motion of Mr. Clark, the Convention resolved itself into Committee of the Whole, to consider the Preamble offered by Mr. Felton, Mr. Widderfield in the chair; and, after some time spent therein, the President resumed the chair, and Mr. Widderfield submitted the following report:

The Committee of the Whole Convention, to whom was referred the Preamble offered by Mr. Felton on the 18th inst., having, according to order, had under consideration said Preamble, have directed me to report the same back to the Convention, with the recommendation that it be referred to the Committee on Miscellaneous Subjects:

Whereas, The inhabitants of the Territory of Colorado included in the following designated boundaries, to-wit: 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 Washing-

ton; 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; are, by virtue of an act of Congress of the United States, approved March 3, 1875, entitled "An act to enable the people of Colorado to form a Constitution and State Government, and for admission of the said State into the Union on an equal footing with the Original States," authorized to form for themselves, out of said Territory a State Government with the name of the State of Colorado; which State when formed shall be admitted into the Union upon an equal footing with the original states, in all respects whatsoever; and,

Whereas, The Governor of said Territory, in pursuance of the provisions of the third section of the said enabling act, did issue his proclamation, calling for an election to elect Representatives to a Convention, to meet at Denver on the twentieth day of December, in the year of Our Lord, One Thousand Eight Hundred, Seventy-five, for the purpose of forming a Constitution for the State of Colorado; and,

Whereas, The people of the Territory, in accordance with the provisions of the said proclamation, did hold an election and elect Representatives to represent them in the said Convention;

Now, Therefore, We, the Representatives of the people of the Territory of Colorado, duly elected and in Convention assembled, in pursuance of the aforesaid enabling act, have ordained and established the following Constitution and form of Government for this State, which we recommend to the people of Colorado for their ratification.

On motion of Mr. Boyles, the report of the Committee of the Whole was adopted. So the Convention referred the Preamble offered by Mr. Felton to the Committee on Miscellaneous Subjects.

Mr. Thatcher asked for leave of absence for Mr. Marsh, on account of sickness in his family, which was granted.

Mr. Wells moved that the report of the Committee of the Whole on Bill of Rights be taken from the table, which was not agreed to.

Mr. Wells moved to adjourn, and the question being on the motion to adjourn, and being put, it was decided in the negative—ayes, 14; noes, 15. So the motion of Mr. Wells to adjourn was not agreed to.

On motion of Mr. Clark, the report of the Committee of the Whole on Military Affairs was taken from the table.

Mr. James moved that the report of the Committee on Military Affairs, as amended by the Committee of the Whole, be adopted. And the question being "Will the Convention agree to the amendments reported by the Committee of the Whole to the article as reported by the Committee on Military Affairs?"

viz.: In section 2 to strike out the word "Legislature" in the first line, and insert the words "General Assembly," and in section 6 to strike out the word "Legislature" in first line and insert the words "General Assembly," and in the second line of same section, to strike out the word "business" and insert the word "banners," and in section 7 to strike out the word "such' after the word "for" in second line, and to add to section 7 the words "from military duty," and being put, it was decided in the affirmative. So the Convention concurred with the report of the Committee of the Whole.

On motion of Mr. James, the Convention adopted the following article, viz.:

MILITIA.

Section 1. The Militia of the State of Colorado shall consist of all able bodied male persons resident within the State, between the ages of eighteen and forty-five years, except such persons as now are or may hereafter be exempt by the laws of the United States or of this State.

Sec. 2. The General Assembly in providing for the organization, equipment and discipline of the militia shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

Sec. 3. Each company shall elect its own officers, who shall be commissioned by the Governor, but if any company shall fail to elect such officers within the time prescribed by law, they may be appointed by the Governor.

Sec. 4. All general, field and staff officers shall be appointed and commissioned by the Governor and shall hold their offices for such time as may be prescribed by law.

Sec. 5. The Governor shall be Commander-in-Chief and shall have power to call out the militia to execute the laws, to suppress insurrection and repel invasion.

Sec. 6. The General Assembly shall provide for the safe keeping of the public arms, military records, banners and relics of the state.

Sec. 7. 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 exemption from military duty.

Mr. Clark moved that the article on military affairs, as adopted by the Convention, be referred to the Committee on Revisions and Adjustments, which was agreed to.

Mr. Carr moved to reconsider the vote by which the article on military affairs was referred to the Committee on Revisions and Adjustments, which was agreed to.

The question thus being on the motion of Mr. Clark to refer the article to the Committee on Revisions and Adjustments, Mr. Clark moved to amend by inserting "Engrossing and En-

rolling" in lieu of "Revision and Adjustments," which amendment was accepted by Mr. Clark, and the motion of Mr. Clark, as amended by Mr. Carr, was agreed to; so the article on military affairs was referred to the Committee on Engrossing and Enrolling.

Mr. Wells moved to adjourn, and the question being on the motion of Mr. Wells to adjourn and being put and a division being called, it was decided in the affirmative—ayes, 16; noes, 14. So the Convention adjourned.

SATURDAY, JANUARY 29TH, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Sturtevant.

Roll called. Absent—Messrs. Cushman, Ebert, Head, Marsh, Meyer, Stone, White, Wells, Wilcox and Yount.

The Journal having been partially read, Mr. James moved that the reading of so much of the Journal as embraced the "preamble" reported by the Committee of the Whole, be dispensed with, which was agreed to.

The remainder of the Journal was then read and the same approved.

On motion of Mr. Widderfield, leave of absence was granted to Mr. Wilcox until Monday next.

Mr. Pease, chairman of the Committee on Future Amendments, presented the report of that committee, as follows:

In the Constitutional Convention, Jan. 29th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Future Amendments, to whom was referred the subject matter pertaining to this department of the Constitution, beg leave to state that they have had the same under consideration and present the accompanying article as their report.

GEORGE E. PEASE,
Chairman.

Section 1. Whenever two-thirds of the members of each House of the General Assembly shall by a vote entered upon the Journal thereof conclude that a convention is necessary to revise, alter or amend the Constitution, the question shall be submitted to the electors at the next general election.

If a majority voting at the election vote for a convention, the General Assembly shall at the next session provide for a convention, to consist of double the number of members of the Senate to 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 meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the expense necessarily incurred by the Convention in the performance of its duties. 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 qualification of members shall be the same as that 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 shall 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 amendments shall take effect.

Sec. 2. Any amendment or amendments to the 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 the 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 voted upon by the qualified electors of the State, and if they are approved by a majority of those voting thereon, they shall become part of the Constitution; but the General Assembly shall have no power to propose amendments to more than one article of the Constitution at the same session.

On motion of Mr. Kennedy, the report was received, ordered printed, and laid upon the table for fquture consideration.

Mr. Boyles, chairman of the Committee on Counties, presented the report of the committee, as follows:

Denver, January 29th, 1876.

To the Hon. President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Counties, to whom was referred the subject matter pertaining to this department of the Constitution, beg leave to state that they have had the same under consideration and present the accompanying articles as their report. All of which is respectfully submitted.

GEORGE BOYLES,
Chairman of Committee.

COUNTIES.

Section 1. The several counties of the Territory of Colorado, as they now exist, are hereby recognized as legal subdivisions of the State of Colorado.

Sec. 2. County Seat. 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 two-thirds of the qualified voters 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 has not resided in the county six months and in the election precinct ninety days next preceding such election.

Sec. 3. New Counties and Division of Counties. No new county shall be formed or established by the General Assembly which will reduce the county or counties or either of them from which it shall be taken to less than six hundred square miles, nor shall any county be formed of less contents; nor shall any line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided.

Sec. 4. No part of the territory of any county shall be stricken off and added to an adjoining county, nor shall any county be divided or have any portion stricken therefrom without submitting the question to the qualified voters of the county or counties immediately interested, nor unless a majority of all the qualified voters of the county or counties thus affected voting on the question shall vote therefor.

Sec. 5. In all cases of the establishment of any new county the new county shall be held for and obliged to pay its ratable proportion of all the liabilities then existing of the county or counties from which said new county shall be formed.

Sec. 6. When any part of a county is stricken off and attached to another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing, of the county from which it is taken.

Sec. 7. When any county formed from contiguous territory taken from older counties, or when any county to which territory shall be added, taken from an adjoining county, shall fail to pay the proportion of indebtedness of such territory to the county or counties from which it is taken, then it may be lawful for any county from which such territory has been taken to levy and collect by taxation the due proportion of indebtedness of such territory in the same manner as if such territory had not been stricken off.

COUNTY OFFICERS.

Sec. 8. In each county there shall be elected on the second Tuesday in October, A. D. 1876, three officers, who shall be styled "The Board of 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 hold his office for two years, one for four and one for six years, to be determined by lot, and every two years thereafter one such officer shall be elected in each county at the general election for the

term of six 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.

Sec. 9. The compensation for the members of the Board of County Commissioners shall be as provided by law.

Sec. 10. There shall also be elected in each county on the second Tuesday in October, A. D. 1876, and every alternate year forever thereafter at the general election for members of the Legislative Assembly, one probate judge, one county clerk, who shall be, ex-officio, receiver of deeds and clerk of the Board of County Commissioners; one sheriff, one coroner, one treasurer, who shall collect all county taxes; one county superintendent of common schools; one county surveyor and one county assessor: each of whom shall enter upon the duties of his office and the term therof shall commence on the first day of January, 1877, and they shall hold their respective offices for the term of two years or until their successors are elected and qualified.

Sec. 11. In case of a vacancy occurring in the office of county commissioners, it shall be filled by appointment of the Governor, and in case of a vacancy in any of the county or precinct officers, it shall be filled by appointment of the Board of County Commissioners, and the person appointed shall hold office until the next general election or until his successor shall be duly elected and qualified.

Sec. 12. No person shall be eligible to any county office unless he shall be at least twenty-one years of age, and a citizen of the United States, nor unless he shall have resided in the county one year preceding the election.

Sec. 13. There shall, at the first election at which county officers are chosen, be elected in each precinct two justices of the peace and two constables, who shall hold their offices for the period of two years, and until their successors are elected and qualified, and they shall enter upon the duties of their office and the term thereof shall commence on the first day of January, A. D. 1877.

Sec. 14. Previous to entering on the duties of their respective offices, the county and precinct officers shall take the oath of office and give bond with security in the manner and in such amount as shall be prescribed by law; Provided, that the officers elected on the second Tuesday in October, A. D., 1876, shall give bond with security to the State of Colorado in the amount and in such manner as is now prescribed by law for their respective offices in the Territory of Colorado.

Sec. 15. The General Assembly shall, by law, uniform in its operation, provide for and regulate the fees of all county

and precinct officers and also the duties of such officers that are not herein provided for.

Sec. 16. The county officers in all counties shall be paid a salary to be fixed by the Board of County Commissioners, but the same shall be paid out of the fees collected by the officer, and shall in no case exceed the amount of money so collected, and when such officer shall have collected sufficient money in fees to pay his salary, he shall pay the remainder to the County Treasurer, and for collecting fees over and above the amount of his salary, each officer shall be allowed a certain percentage to be fixed by the Board of County Commissioners.

Sec. 17. All [Each] officers [officer] who receive [receives] a salary shall, at the expiration of each ninety days, make a report to the County Treasurer, under oath, of all his fees and emoluments and pay to such treasurer all funds in his hands over and above the amount due him on his salary,

Sec. 18. Except as otherwise directed by this Convention, the General Assembly shall provide for the election or appointment of such other county, township and municipal officers as public convenience may require; and their terms of office and duties shall be as prescribed by law; but no term of office shall exceed two years.

Sec. 19. 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 power of each class shall be defined by general laws so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions.

Sec. 20. The General Assembly shall also make provisions by general law, whereby any city, town or village, existing by virtue of any special or local law, may elect to become subject to and be governed by the general laws relating to such corporation.

On motion of Mr. Hough, the report was received, ordered printed, and laid on the table for future consideration.

Messrs. Ebert and Stone appeared and took their seats.

The President announced as the next order of business, the consideration of the report of the Committee on State Institutions and Buildings, and on motion of Mr. Kennedy, the Convention resolved itself into Committee of the Whole, to consider the report of the Committee on State Institutions and Buildings, Mr. Felton in the chair, and after some time spent therein, the President resumed the chair. Mr. Felton reported that the Committee of the Whole Convention having, according to order, had under consideration the report of the Committee on State Institutions and Buildings, had made some progress therein, and asked leave to sit again at 2 o'clock.

On motion of Mr. James, the report of the Committee of the Whole was received and leave granted to sit again at 2 o'clock.

Mr. Beck asked leave of absence until next Monday at 2 o'clock, which was granted.

On motion of Mr. James, Convention adjourned until 2 o'clock this afternoon.

OFFICE OF
ATTORNEY GENERAL
STATE OF COLORADO

2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Beck, Cushman, Ellsworth, Head, Meyer, Marsh, Rockwell, Stone, Thatcher, Vijil, White, Wells, Wilcox, Widderfield and Yount.

Unanimous consent being given, on motion of Mr. Clark, Mr. Hurd, chairman of the Committee on Education and Educational Institutions, presented the report of that committee, as follows:

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Education and Educational Institutions, to whom was referred the subject matter pertaining to that part of the Constitution, beg leave to state that they have had the same under consideration and present the accompanying articles as their report.

All of which is respectfully submitted.

D. HURD,
Chairman.

B. L. CARR,
WILBUR F. STONE,
R. DOUGLAS,
JOHN S. WHEELER,
Committee.

PUBLIC EDUCATION.

Section 1. The supervision of instruction in the public schools of this State shall be vested in a board of education, whose powers and duties shall be prescribed by law. The State Superintendent of Public Instruction shall be president of the board. The Secretary of State and Attorney General shall be ex-officio members, and, with the Superintendent of Public Instruction, compose the State Board of Education.

Sec. 2. The General Assembly shall, as soon as practicable, after the adoption of this Constitution, provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the State, including elementary, intermediate and university departments, where all residents of the State between the ages of five and twenty-one years may be educated gratuitously. One or more public schools shall be maintained in each school district within the

State at least three months in each year. Any school district failing to have such school shall not be entitled to receive any portion of the school fund for that year.

Sec. 3. 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 State shall pay interest thereon at the rate of ten per centum per annum, in such manner as shall be prescribed by law.

Sec. 5. The public school fund of the State shall consist of the proceeds of such lands as have heretofore or may hereafter be granted to the State by the general government for educational purposes; all estates that may escheat to the State, the clear proceeds of all fines, penalties and forfeitures collected under the penal laws of the State, all property given or bequeathed to the State for educational purposes, and all proceeds derived from any or all such sources.

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

Sec. 7. Neither the General Assembly nor any county, city, town, township, school district or other public corporation shall ever make an appropriation, or pay from any public fund 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 whatever; nor shall any grant or donation of land or money or other personal property ever be made by the State or any such public corporation to any church or for any sectarian purpose.

Sec. 8. No religious test or qualification shall ever be required of any person as a condition of admission into any public educational institutions of this 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.

Sec. 9. The Superintendent of Public Instruction, Secretary of State and Attorney General shall constitute the State Board of Land Commissioners, who shall have the direction,

control and disposition of the public lands of the State under such regulations as may be prescribed by law.

Sec. 10. 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.

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

Sec. 12. All citizens of the State of the age of twenty-one years and upwards shall be entitled to vote on all matters pertaining to public schools and shall be eligible to any office which may be created by the school laws of the State.

Sec. 13. There shall be elected in each judicial district in this State, at the time of the election of judges thereof, a Regent of the University of Colorado, whose term of office shall be the same as that of said judges. The Regents thus elected and their successors shall constitute a body corporate to be known by the name and style of the Regents of the University of Colorado.

Sec. 14. 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 for cause; he shall be ex-officio a member of the board, with the privilege of speaking, but not of voting; he shall preside at the meetings of the board and be the principal executive officer of the University and a member of the faculty thereof.

Sec. 15. 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. The General Assembly shall, as soon as practicable, provide for the support of the Agricultural College and the School of Mines, and may make the same branches of the University and place them under the supervision of the Regents of the University.

On motion of Mr. Felton, the report was received, ordered printed, and laid upon the table for the future consideration of the Convention.

On motion of Mr. Boyles, the Convention resolved itself into Committee of the Whole, to further consider the report of the Standing Committee on State Institutions and Buildings, Mr. Felton in the chair, and after some time spent therein, the President resumed the chair and Mr. Felton submitted the following report:

Denver, Colorado, January 29th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Standing Committee on State Institutions and Buildings, having, according to order, had under consideration said report, have directed me to report the same back with sundry amendments thereto, and ask the concurrence of the Convention therein, in the words following:

W. B. FELTON,
Chairman of the Committee of the Whole.

STATE INSTITUTIONS AND BUILDINGS.

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

Sec. 2. The trustees, regents and managers of all such State institutions as are named or contemplated in the preceding section shall be appointed and vacancies filled by the Governor, as provided in article —, section seven, of this Constitution, unless otherwise provided by this Constitution or by law.

Sec. 3. 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 benefit and use of the respective objects for which said grants of land were made, and the General Assembly shall provide for the sale of said lands from time to time and for the faithful application of the proceeds thereof in accordance with the terms of said grants.

Sec. 4. 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 cast at said election shall be necessary to determine the location thereof. Said General Assembly shall also provide that in case there is no choice of location at said election, the two

places having the highest number of votes cast at said election for the location of the seat of government shall be submitted in like manner to the qualified electors of the State at the general election then next ensuing; provided, that until the seat of government shall have been permanently located, as herein provided, the temporary location thereof shall remain at the city of Denver.

Sec. 5. 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 the legal electors of the State voting on that question at some general election at which the question of location of the seat of government shall have been submitted by the General Assembly.

Sec. 6. 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.

The Committee of the Whole Convention have further directed me to report back to the Convention, section 7 of the report of the Committee on State Institutions and Buildings, together with sundry amendments thereto, with the recommendation that the same be referred back to the Committee on State Institutions and Buildings, as follows:

(Signed) W. B. FELTON,
Chairman of the Committee of the Whole.

"Sec. 7. All Territorial institutions heretofore established under the laws of the Territory of Colorado are hereby declared to be institutions of the State of Colorado, with all the corporate and vested rights, privileges, immunities and franchises which in any manner pertain or belong thereto."

Amendment offered by Mr. Stone, to add to the section the words "not in conflict with this Constitution."

Amendment offered by Mr. Carr, to strike out all after the words "State of Colorado," in second line, and insert in lieu thereof the words "and under the control of the General Assembly, all grants, donations and appropriations of real or personal estate, which have been heretofore made to any such institutions, are hereby confirmed to the use of such institutions, according to the terms and conditions thereof. And it shall be the duty of the several boards of trustees or managers of such institutions to transfer the management of the same to the officers provided for the supervision thereof by this Constitution or by law.

Mr. James moved that the report be received, which was agreed to.

Mr. Thatcher moved to amend section 4, as reported by Committee of the Whole, by inserting in fourth line, after the words "said election," the words "on that question," which was agreed to.

Mr. Webster moved that section 7 of the article reported by the Committee on State Institutions and Buildings, together with the amendments thereto, reported by the Committee of the Whole, be recommitted to the Committee on State Institutions and Buildings, which was agreed to.

On motion of Mr. Boyles, the article on State Institutions and Public Buildings, as reported to the Convention by the Committee of the Whole, was laid upon the table for future consideration.

By unanimous consent of the Convention, Mr. Cooper, Chairman of the Committee on Engrossing and Enrolling, presented the following report:

Denver, January 29th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Engrossing, to whom was referred article entitled "Militia," and adopted by the Convention, with orders to have it engrossed, beg leave to report the same correctly engrossed.

(Signed) A. D. COOPER,
Chairman of Committee.

Denver, January 29th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Engrossing, to whom was referred report of Committee of the Whole on Legislature and Legislation, with instructions to have it engrossed, beg leave to report the same back correctly engrossed.

(Signed) A. D. COOPER,
Chairman of Committee.

On motion of Mr. Felton, the reports of the Committee on Engrossing and Enrolling were received.

Mr. Felton moved that the article entitled "Militia," reported by the Committee on Engrossing and Enrolling, as correctly engrossed, be referred to the Committee on Revisions and Adjustments, which was agreed to.

On motion of Mr. Clark, that portion of the report of the Committee on Engrossing and Enrolling, relating to Legislature and Legislation, was referred to the Committee on Printing.

On motion of Mr. Felton, the Convention adjourned until 10 o'clock a. m. on Monday.

MONDAY, JANUARY 31ST, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Boyles, Beck, Head, Marsh, Meyer, Rockwell, Stone, White, Wilcox and Yount.

The Journal having been partially read, Mr. James moved that the reading of so much of the Journal as embraced the reports of various Standing Committees be dispensed with, which was agreed to.

The reading of the Journal was then completed and the same approved.

Mr. Ebert presented the following memorial and on his own motion it was ordered spread on the Journal and referred to the Committee on Public and Private Corporations and the Committee on Commerce.

To the Honorable President and Constitutional Convention of Colorado:

Your memorialists, deeply interested in the development of every portion of our Territory and realizing the important relation which the building of railroads bears to said development, would respectfully ask your Honorable body to so frame the Constitution as that it shall render the value of capital invested in Colorado railroads secure from being impaired by unjust interference with the same. We would not ask any special benefits or exemptions for railroads over any other class of property, but we would not jeopardize the construction of more roads in the Territory, nor be unjust to those which are now in operation. Hence we ask your Honorable body to omit from the Constitution any provision which would make it the duty of the General Assembly of the State to legislate in opposition to the spirit of this petition.

And your memorialists will ever pray, etc.,

(Signed) J. S. BROWN and Brother and Fifty Others.

Mr. Hough, Chairman of the Committee on Printing, reported back the reports of the Standing Committees on "Future Amendments," "Counties," and "Education and Educational Institutions," as correctly printed.

There being no objection, the reports of the Committee on Printing were received and filed by the Secretary.

Messrs. Webster, Stone, Garcia and Boyles appeared and took their seats.

On motion of Mr. Pease, the rules were suspended and Mr. Pease moved to reconsider the vote by which the consideration of the report of the Standing Committee on State, County and

Municipal Indebtedness was made the special order for Wednesday next, which was agreed to.

On motion of Mr. Pease, the report of the Committee on State, County and Municipal Indebtedness was taken from the table.

On motion of Mr. Pease, the Convention resolved itself into Committee of the Whole to consider the report of the Committee on State, County and Municipal Indebtedness, Mr. Carr in the Chair, and, after some time spent therein, the President resumed the Chair and Mr. Carr reported that the Committee of the Whole Convention, having according to order had under consideration the report of the Committee on State, County and Municipal Indebtedness, had made some progress therein and asked leave to sit again at 2 o'clock.

On motion of Mr. Felton, the report was received and leave granted to sit again at 2 o'clock.

On motion of Mr. Clark, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Barela, Boyles, Elder, Head, Marsh, Meyer, Rockwell, Stover, Stone, White, Wells, Wilcox and Yount.

By leave, there being no objection, Mr. Hough, Chairman of the Committee on Printing, reported back the report of the Committee of Whole on Legislature and Legislation, as correctly printed. There being no objection, the report was received and filed by the Secretary.

Mr. Elder appeared and took his seat.

The President announced the next order of business to be the consideration of the report of the Committee on State, County and Municipal Indebtedness, in Committee of the Whole.

Mr. Beck moved to reconsider the vote by which leave was granted to the Committee of the Whole to sit again at 2 o'clock, to consider said report, and the question being on the motion of Mr. Beck to reconsider, and being put, and a division having been called, it resulted in the vote: Ayes, 11; noes, 11.

So according to the rules it was decided in the negative, and the Convention refused to reconsider the vote.

Mr. Ellsworth moved to adjourn until 9 o'clock a. m. tomorrow.

And the question being on the motion of Mr. Ellsworth to adjourn, and being put, and a division being called, it was decided in the affirmative. Ayes, 14; noes, 12.

So the Convention adjourned until 9 o'clock a. m., tomorrow.

TUESDAY, FEBRUARY 1ST, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Keller.

Roll called.

Absent—Messrs. Barela, Boyles, Garcia, Marsh, Rockwell, Stone, White and Yount.

The Journal of preceding day was read and approved.

Mr. Clark presented a petition from twenty-four citizens of Clear Creek county, asking that certain classes of property be exempted from taxation, which was referred to the Committee on Revenue and Finance.

Mr. Wilcox, Chairman of the Committee on Federal Relations, presented a report from that Committee, as follows:

To the President and Representatives of the Constitutional Convention of Colorado:

Gentlemen—Your Committee, to whom was referred the petition of Henry Yeaman, on the subject of the Old and New Testaments, beg leave to report that they have had the same under their consideration, and since its re-reference to them, they have sought diligently to acquaint themselves with the facts and requirements in said petition stated, but unfortunately for this Convention, your Committee is unable to determine (as they are ignorant of both Hebrew and Greek) whether or not any or all of the Bible is correctly translated, and the original manuscript in which the Holy Scriptures were written, it is not within the power of this Committee, or even of this Convention, to obtain.

The Convention can very readily appreciate our difficulty.

Again, your Committee do not deem it best to entail upon the Legislature of this Territory, the solution of questions demanded by this petition. Many of the members of this Convention have been honored with seats in the Colorado Legislature, and as ambition still exists, it is not improbable that many of us will be called upon to represent our neighbors in the State Legislature of the Centennial State of Colorado.

Your Committee cannot under the circumstances and the kind feelings in which every member of this Convention is held, think of imposing, even contingently, so arduous a duty upon any one who has the honor of a seat in this Convention.

The gentleman who made the motion to refer this petition to the Committee (and he no doubt will be able to give general instructions in construing a fundamental and constitutional law), as well as those who have been urging your Committee to determine the question, have our hearty commiseration, and

if your Committee had the ability and power to report the facts and enlighten their minds, they would gladly do so. But your Committee are unable so to do. They feel warranted in saying that no Legislature or committee thereof will be able to do what your Committee find impossible, and they are therefore unwilling to entail upon them the performance of that which will result in certain failure.

Your committee therefore return to this honorable body the said petition and would recommend that all action thereon be referred to the Convention, which doubtless will be called in the future to revise and reform our actions. All of which is respectfully submitted.

P. P. WILCOX,
Chairman Committee on Federal Relations.

Mr. Wilcox moved that the report be laid upon the table, and ordered printed.

Mr. Carr moved to amend the motion of Mr. Wilcox, by referring the report to the Committee on Federal Relations.

And the question being on the amendment offered by Mr. Carr, and being put, and a division being called, it was decided in the negative. Ayes, 1; noes, 11.

Mr. Hurd moved to amend the motion of Mr. Wilcox by striking out the words "and ordered printed," which was agreed to.

The question then recurring on the motion of Mr. Wilcox, as amended by Mr. Hurd, it was agreed to. So the Convention laid the report of the committee on the table.

Messrs. Garcia, Boyles, Rockwell and Stone appeared and took their seats.

On motion of Mr. Wells, the Convention resolved itself into Committee of the Whole to further consider the report of the Standing Committee on State, County and Municipal Indebtedness, Mr. Carr in the chair, and after some time spent therein the President resumed the chair and Mr. Carr presented the following report:

Denver, February 1, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Standing Committee on State, County and Municipal Indebtedness, having, according to order, had under consideration said report, have directed me to report the same back with sundry amendments thereto and ask the concurrence of the Convention therein, in the words following.

B. L. CARR,
Chairman of Committee of the Whole.

STATE, COUNTY AND MUNICIPAL 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, absolutely, conditionally or contingently in any manner to or in aid of any person, association of persons, company or corporation, public or private, for any amount or for any purpose whatever, or assume, undertake, guarantee or become responsible or liable for any debt, undertaking, obligation, contract or liability of any person, association, company or corporation, public or private, in or out of this State.

Sec. 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 and 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 an amount equal to one-fourth of one 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 an amount equal to three-fourths of one mill on each dollar of said valuation until the amount of such valuation shall equal one hundred millions of dollars, and thereafter such debt shall not exceed one hundred thousand dollars, except in all cases as provided in section five hereof, and the debt incurred in any one year for erection of public buildings shall not exceed an amount equal to one-half mill on every 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 hereof), and in all cases the valuation herein mentioned shall be that of the assessment last preceding the creation of said debt.

Sec. 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 thereon provided for shall have been fully paid and discharged. Such law shall specify the purposes to which the funds so raised shall be applied, and provide for the levying 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. Such time, however, in case of debts contracted for the erection of public buildings and supplying deficiencies of revenue shall not exceed fifteen nor less than ten 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 discharged such tax shall cease.

Sec. 5. A debt for the erection of public buildings may be created by law as provided for in section 4 of this article not exceeding in the aggregate a sum equal to three mills on each dollar of valuation as above herein described; Provided, That before going into effect such law shall be ratified by the vote of

a majority of the qualified electors of the State voting thereon at a general election under such provisions as the General Assembly may prescribe.

The Committee of the Whole Convention have further direct me to report back to the Convention sections 2, 6, 7, 8 and 9 of the article as reported to the Convention by the Committee on State, County and Municipal Indebtedness, together with sundry amendments thereto, with the recommendation that the same be recommitted to the committee.

B. L. CARR,
Chairman of Committee of the Whole.

Sec. 2. Neither the State nor any county, city, town, township or school district shall become a subscriber to or shareholder or stockholder in any corporation, joint stock company or association, or a joint owner with any person, association or corporation or any municipality whatever in or out of this State, except as to such ownership as may accrue to the State by escheat or by forfeiture of franchise or property by operation or provision of law, or except as to such ownership as may accrue jointly with any county, city, town or school district or to either of them jointly with each other or with any person by forfeiture of real estate for non-payment of taxes, or by donation for public use in such manner and to be so disposed of as may be provided by law.

Sec. 6. No county or township shall contract any debt by bond or other evidence of indebtedness except for the purpose of erecting necessary public buildings or for the making or repairing of public roads or bridges, canals, water ditches, or other means of supplying such county or township with water for public uses, and such indebtedness contracted in any one year shall not exceed an amount equal to two mills on each dollar of valuation of property subject to taxation by such county or township as the case may be; and the aggregate amount of such debt inclusive of all unfunded or floating indebtedness of such county or township hereafter created and existing at the time of the creation of such debt shall not exceed an amount equal to four mills on each dollar of said last mentioned valuation, unless when in manner provided by law fixing the rate of interest thereon, and providing for the levying of a tax not exceeding the rate of three mills on each dollar of valuation last mentioned, sufficient to pay the annual interest on and extinguish the principal of such debt within fifteen, and not less than ten, years from the creation thereof. The question of incurring such debt shall be submitted to the qualified electors of such county or township, and two-thirds of those voting thereon shall vote in favor of incurring such debt.

Sec. 7. Any school district may, for the purpose of erecting suitable school buildings, purchasing grounds therefor, or for any other school purpose provided by law, create a debt by bonds

to run not exceeding fifteen, nor less than ten, years on such terms as may be by law prescribed, upon a vote of a majority of the qualified electors who are taxpayers of such district voting therefor in manner prescribed by law.

Sec. 8. No city or town shall contract any debt by loan in any form or by contract, of [for] public improvements, except by means of an ordinance first legally adopted and irrepealable until the indebtedness therein provided for shall have been fully paid and discharged, specifying the purposes for which the funds to be raised thereby shall be applied, and providing for the levying of such tax not exceeding twelve (12) mills on each dollar of valuation of property subject to taxation by such city or town as will be 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 the funds arising from the collection of such tax shall be applied to the purposes in such ordinance specified and to no other until the indebtedness in such ordinance provided for shall be paid and discharged. But no such debt shall be created unless the question of incurring the same shall be submitted to the vote of the qualified electors of such city or town at a general election for the election of councilmen, aldermen or officers thereof, and two-thirds of the said electors voting at said election by ballot deposited in a separate ballot-box in manner to be provided by law, shall vote in favor of creating such debt; but the aggregate amount of debt so created shall not at any time exceed a sum equal to three per cent. of the valuation last aforesaid. Debts contracted for the purpose of procuring supplies of water for such city or town are excepted from the operation of this section. The valuation in this section mentioned shall be in all cases that of the assessment next preceding the last assessment before the adoption of such ordinance.

Sec. 9. Nothing contained in this article shall impair the obligation of any debt heretofore contracted by any county, city, town or school district in accordance with the laws of Colorado Territory, or preventing 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 the vote of the qualified electors of any county, city, town or school district before the day of this Constitution going into effect.

On motion of Mr. Clark the report was received.

Mr. Clark moved that sections 2, 6, 7, 8 and 9 of the report of the Committee on State, County and Municipal Indebtedness, together with the amendments thereto, reported by the Committee of the Whole be recommitted to the Committee on State, County and Municipal Indebtedness, which was agreed to.

Mr. Marsh moved that sections 1, 3, 4 and 5, as reported by the Committee of the Whole, be laid upon the table for further consideration, which was agreed to.

On motion of Mr. Widderfield, the report of the Committee of the Whole on Bill of Rights and its consideration made the special order for two o'clock this afternoon.

Mr. Wells moved that the report of the Committee of the Whole on the Executive Department be taken up for consideration immediately after the report on Bill of Rights is disposed of, which was agreed to.

There being no objection, Mr. Stone, Chairman of the Committee on Judiciary, presented the following report of that committee.

To the Honorable Jos. C. Wilson, President of the Constitutional Convention.

Your Standing Committee on Judiciary, to whom was referred the following resolution, to wit:

That the Judiciary Committee consider section twenty-five of the Bill of Rights and report to this Convention whether a grand jury may lawfully consist of twelve members, nine of whom concurring may present a true bill,

beg leave to report that they have had the same under consideration and have consulted such legal authorities and judicial decisions bearing upon the question as in their limited time the committee have been able to refer to, and present the following as their conclusion with some of the authorities in support thereof: The question turns on the construction to be given to the fifth amendment to the Constitution of the United States, which prescribes that no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a general jury except in cases arising in the land or naval forces, etc. If this language is construed to refer to criminal proceedings in the courts of the several States it would follow that a grand jury could not be dispensed with in the criminal procedure of any State, and, further, that such grand jury would mean a common law grand jury consisting of twenty-three persons, and that, therefore, no State has a right to provide for a grand jury of a less number. But that the evident intent of the Section under consideration is to prescribe the manner of presenting persons accused of the class of crimes enumerated in the federal courts solely is scarcely to be questioned at this day. Since 1830 this very question has been passed upon substantially by the highest courts.

In 1836 the Supreme Court of Vermont decided a case in point which arose upon the trial of one Keyes. On an information by the state's attorney for an offense infamous at common law which had been adopted by the State, upon motion in arrest of judgment and appeal to the Supreme Court the defendant relied on the fifth amendment to the Constitution, claiming that he should have been presented by indictment by a grand jury.

The Supreme Court, per Redfield, J., in affirming the judgment of the court below say:

"The amendments were adopted to limit and explain the provisions of the Constitution. There can be no doubt that the fifth article of the amendment was adopted with reference to the second section of article third of the Constitution. This section provides for a national judiciary. It can not well be doubted that the provisions of the Constitution as first reported and the amendments all have reference solely to trials in the courts of the United States. The phraseology clearly indicates this; the reference to cases in the land and naval service of the United States (making an exception in such cases) clearly indicates that the provision in question has reference only to proceedings in the tribunals of the United States."

State vs. Keyes, 8th Vermont, 57.

In the Supreme Court of the United States in the case of Fox vs. The State, 5th Howard, 449, the opinion that these provisions in the Constitution refer only to the federal courts is declared to be the only rational and intelligible interpretation which these amendments can have.

Language equally decisive upon this point is used by the court in Smith vs. The State of Maryland, 18th Howard, 76, and Withers vs. Buckley, 20 Howard, 90.

In Baron vs. The City of Baltimore, 7th Peters, 243, the whole question was fully considered on a writ of error to the Court of Appeals of the state of Maryland. In this case Chief Justice Marshall, declaring the unanimous opinion of the Supreme Court of the United States, says:

"The question is of great importance, but not of much difficulty.

"The Constitution was ordained and established by the people of the United States for themselves, for their own government and not for the government of the individual states. Each state establishes a Constitution for itself, and in that Constitution provided such limitations and distinctions on the power of its particular government as its judgment dictated. The people of the United States framed such a government for the United States as they supposed best applied to their situation, and best calculated to promote their interests. The powers they conferred on this government were to be exercised by itself, and the limitations on power if expressed in general terms are naturally and, we think, necessarily applicable to the government created by the instrument. They are limitations of power granted in the instrument itself, not of distinct governments framed by different persons and for different purposes."

And in concluding, after a thorough examination of the several amendments which had then (1833) been adopted, he observes:

"These amendments contain no expression indicating an intention to apply them to State governments. This court can not so apply them."

This decision of the illustrious Marshall has been frequently concurred in since in the Supreme court, and always without dissent.

A late case in point is that of Mitchell vs. The Commonwealth, 7 Wall, in which the judgment of the court was rendered in 1868 by Chief Justice Chase. This case arose under the fifth amendment; and the chief justice, in referring to the opinion of Marshall above quoted, says:

"In the views thus stated and supported we entirely concur; they apply to the sixth as fully as to any other of the amendments. The scope and application of these amendments are no longer subjects of discussion here."

Upon these and other authorities, both of text writers and judicial decisions, the question may be regarded as fully settled, and the opinion that the provisions contained in these amendments were not designed as limits upon the State governments, but as restrictions exclusively upon federal power, may be considered res adjudicata. It therefore follows that a State may, if it chooses, dispense with a grand jury althogether in its system of criminal jurisprudence; and, indeed, several States of the Union have done this very thing, and for years the right has not been questioned. And if a State has the power to dispense with a grand jury altogether it follows, necessarily, that it has the right to enact that a lawful grand jury may consist of a number less than that required at common law.

We think the foregoing covers all the inquiry contained in the resolution referred to the committee, and is, therefore, respectfully submitted.

WILBUR F. STONE,
Chairman of Judiciary Committee.

On motion of Mr. Wells, the report was received and laid upon the table to be considered with the report of the Committee of the Whole on Bill of Rights.

On motion of Mr. Lee, the Convention adjourned until 2 o'clock this afternoon.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Barela, Boyles, Garcia, Hurd, Head, Marsh, Meyer, Stone, Thatcher, White, Wells and Yount.

The Pesident announced the next order of business to be the Consideration of the report of the Committee of the Whole on Bill of Rights.

Mr. Plumb moved that the report be considered by sections, which was agreed to.

Messrs. Ebert, Thatcher, Meyer, Stone, Head, Garcia, Barela and Boyles appeared and took their seats.

Mr. Marsh presented two petitions from 135 citizens of Colorado, asking that the preamble of the Constitution shall contain a recognition of the existence of God, and on his own motion it was laid on the table to be considered when the preamble is before the Convention.

Section 1 of the article on Bill of Rights was read.

Mr. Plumb moved to amend by striking out the words "government of right," out of the first line, and inserting the words "governmental power," which was not agreed to.

Mr. Bromwell moved that section 1, as reported by the Committee of the Whole, be adopted.

And the question being, "Will the Convention Adopt Section 1 as reported by the Committee of the Whole?" and being put it was declared in the affirmative. Ayes, 33. Noes, 0.

Those voting in the affirmative are: Messrs. Boyles, Bromwell, Beck, Carr, Cushman, Clark, Cooper, Douglas, Ellsworth, Elder, Ebert, Felton, Garcia, Hurd, Hough, Head, James, Kennedy, Lee, Marsh, Meyer, Plumb, Pease, Quillian, Rockwell, Thatcher, Vijil, Webster, Wells, Wilcox, Wheeler, Widderfield and Mr. President.

So the Convention adopted section 1 as reported by the Committee of the Whole.

On motion of Mr. Felton, section 2 of the report of the Committee of the Whole was adopted.

Mr. James moved the adoption of section 3 as reported by the Committee of the Whole.

Mr. Bromwell moved to amend by striking out the word "invaluable." in first line, and inserting the word "inalienable," which was agreed to.

And the question being, "Will the Convention Adopt Section 3 as Reported by the Committee of the Whole and Amended by Mr. Bromwell?" and being put, it was decided in the affirmative.

So the Convention adopted section 3 so amended.

Mr. Beck moved the adoption of section 4 as reported by the Committee of the Whole.

Mr. Carr moved to amend by striking out the word "religious" in third line, and inserting in same line after the word "opinions" the words "concerning religion."

And the question being on the motion of Mr. Carr to amend, and being put, it was decided in the affirmative. Ayes, 29. Noes, 7.

And the ayes and noes being called for:

Those voting in the affirmative are—Messrs. Barela, Boyles, Bromwell, Beck, Carr, Cushman, Clark, Douglas, Ellsworth,

Elder, Ebert, Felton, Garcia, Hurd, Hough, Head, James, Lee, Marsh, Meyer, Plumb, Pease, Rockwell, Stone, Vijil, Webster, Wilcox, Wheeler and Mr. President.

Those voting in the negative are—Messrs. Cooper, Kennedy, Quillian, Stover, Thatcher, Wells and Widderfield.

So the Convention agreed to the amendment offered by Mr. Carr.

Mr. James moved to adopt the section as amended.

And the question being, "Will the Convention adopt Section 4 as Reported by the Committee of the Whole and Amended by Mr. Carr?" and being put it was decided in the affirmative.

So the Convention adopted section 4 as amended.

Mr. Plumb moved the adoption of section 5, which was agreed to.

So the Convention adopted section 5 as reported by the Committee of the Whole.

Mr. Wells moved to concur in the amendments to section 6 as reported by the Committee of the Whole, viz.:

To strike out the word "certain," in first line, and insert the words "a speedy;" and in second line to strike out the word "sole" and insert the word "sale," which was agreed to.

So the Convention concurred in the amendments reported by the Committee of the Whole.

Mr. Plumb moved to adopt section 6 as amended by the Committee of the Whole, which was agreed to.

So the Convention adopted section 6 as amended by the Committee of the Whole.

Mr. James moved the adoption of section 7 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 7 as reported by the Committee of the Whole.

Mr. Felton moved to concur in the amendment to section 8 as reported by the Committee of the Whole, viz.:

To insert in first line after the word "that" the words "until otherwise provided by law," which was agreed to.

So the Convention concurred in the amendment reported by the Committee of the Whole.

Mr. Carr moved to strike out section 8 as reported by the Committee of the Whole and insert the following as a substitute:

Sec. 8. That until otherwise provided by law, all criminal offenses shall be prosecuted by indictment or information as concurrent remedies, excepting in cases arising in land or naval forces or in the militia when in actual service in time of war or public danger.

Mr. Quillian moved to amend the substitute offered by Mr. Carr by striking out the words "or information as concurrent remedies."

And the question being on the motion of Mr. Quillian to amend the substitute offered by Mr. Carr, and being put, it was decided in the negative.

So the Convention refused to concur in the amendment offered by Mr. Quillian.

And the question then being, "Will the Convention Adopt the Substitute Offered by Mr. Carr for Section 8 as Reported by the Committee of the Whole?" and being put, it was decided in the negative. Ayes, 12. Noes, 25.

And the ayes and noes being called for:

Those voting in the affirmative are—Messrs. Beck, Carr, Crosby, Head, Lee, Meyer, Plumb, Stone, Vijil, Wilcox, Wheeler and Mr. President.

Those voting in the negative are—Messrs. Barela, Boyles, Bromwell, Cushman, Clark, Cooper, Douglas, Ellsworth, Elder, Ebert, Felton, Garcia, Hurd, Hough, James, Kennedy, Marsh, Pease, Quillian, Rockwell, Stover, Thatcher, Webster, Wells and Widderfield.

So the Convention refused to adopt the substitute for section 8 offered by Mr. Carr.

Mr. Felton moved to adopt section 8 as reported by the Committee of the Whole.

And the question being, "Will the Convention Adopt Section 8 as Reported by the Committee of the Whole?" and being put, it was decided in the affirmative. Ayes, 27, noes, 10.

And the ayes and noes being called for:

Those voting in the affirmative are—Messrs. Barela, Boyles, Bromwell, Clark, Cooper, Douglas, Ellsworth, Elder, Ebert, Felton, Garcia, Hurd, Hough, James, Kennedy, Marsh, Meyer, Pease, Quillian, Stone, Stover, Thatcher, Vijil, Webster, Wells, Widderfield and Mr. President.

Those voting in the negative are—Messrs. Beck, Carr, Cushman, Crosby, Head, Lee, Plumb, Rockwell, Wilcox and Wheeler.

So the Convention adopted section 8 as reported by the Committee of the Whole.

Mr. Kennedy moved the adoption of section 9 as reported by the Committee of the Whole.

Mr. Pease moved to amend by striking out all after the word "death" in the fifth line.

Mr. Felton moved to amend the amendment offered by Mr. Pease by striking out all after the word "estate" in fourth line, which was not agreed to.

And the question then being on the motion of Mr. Pease to strike out all after the word "death" in fifth line, and being put, it was decided in the affirmative.

So the Convention agreed to strike out all of the section after the word "death" in fifth line.

Mr. James moved to adopt section 9 as amended.

And the question then being "Will the Convention Adopt Section 9 as Amended?" and being put, it was decided in the affirmative.

So the Convention adopted section 9 as amended.

Mr. Widderfield moved the adoption of section 10 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 10 as reported by the Committee of the Whole.

Mr. Wells moved that the Convention concur in the amendments to section 11 as reported by the Committee of the Whole, viz.:

To strike out the words "ex parte," in first line, and insert the words "ex post;" and to strike out the word "or" after the word "grant," in second line, and insert in lieu thereof the word "of;" also, to insert the word "franchises" after the word "privileges" in same line; and to strike out the word "Legislature," in second line, and insert the words "General Assembly," which was agreed to.

So the Convention concurred in the amendments as reported by the Committee of the Whole.

Mr. Cooper moved to amend by striking out the word "can," in second line, and inserting the word "shall."

And the question being on the motion of Mr. Cooper to amend, and being put, it was decided in the affirmative. Ayes, 22. Noes, 6.

So the Convention adopted the amendment offered by Mr. Cooper.

Mr. Kennedy moved to adopt section 11 as amended.

And the question being, "Will the Convention Adopt Section 11 as Amended?" and being put, it was decided in the affirmative.

So the Convention adopted section 11 as amended.

Mr. Stone moved that the Convention concur in the substitute for section 12 of the report of the Committee on Bill of Rights as reported by the Committee of the Whole, which was agreed to.

So the Convention concurred in the substitute for section 12 of the report of the Committee on Bill of Rights as reported by the Committee of the Whole.

Mr. Widderfield moved the adoption of section 12 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 12 as reported by the Committee of the Whole.

Mr. Kennedy moved that the Convention concur in the amendments to section 13 as reported by the Committee of the Whole, viz.:

To strike out the word "citizen," in first line, and insert the word "person" in lieu thereof, which was agreed to.

Mr. Plumb moved the adoption of section 13 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 13 as reported by the Committee of the Whole.

Mr. Kennedy moved that the Convention concur in the amendment to section 14 as reported by the Committee of the Whole, viz.:

To strike out the word "belonging," in the third line, which was agreed to.

So the Convention concurred in the amendment reported by the Committee of the Whole.

Mr. Hough moved the adoption of Section 14 as reported by the Committee of the Whole.

Mr. Beck moved that section 14 be referred to the Committee on Officers and Oath of Office, with instructions to embody a section in their report containing a similar provision to this section.

And the question being on the motion of Mr. Beck to refer section 14 to the Committee on Officers and Oath of Office, and being put, it was decided in the affirmative.

So the Convention referred section 14 to the Committee on Officers and Oath of Office.

Mr Beck moved that the Convention concur in the amendment to section 15 as reported by the Committee of the Whole, viz.:

To strike out all of the section after the word "accountable" in fourth line, which was agreed to.

So the Convention concurred in the amendment as reported by the Committee of the Whole.

Mr. Bromwell moved that section 15 be referred to the Committee on Officers and Oath of Office, with instructions to embody the substance thereof in their report, which was agreed to.

So the Convention referred section 15 to the Committee on Officers and Oath of Office.

Mr. Clark moved that the Convention concur in the amendment to section 16 as reported by the Committee of the Whole, viz.:

To insert after the word "agricultural," in the third line, the word "mining," which was agreed to.

So the Convention concurred in the amendment to section 16 as reported by the Committee of the Whole.

Mr. Felton moved to amend section 16 by inserting after the word "drains," in seventh line, the words "reservoirs, flumes;" and after the word "ditches," in same line, the words "on or," which was agreed to.

Mr. Pease moved to amend section 16 by striking out the words "with or without compensation," in first line, and inserting in the third line after the word "purposes" the words "upon just compensation and," which was agreed to.

Mr. Rockwell moved to amend section 16 by inserting in third line after the word "mining" the words "milling, domestic."

And the question being on the motion of Mr. Rockwell to amend, and being put, it was decided in the affirmative. Ayes, 24. Noes, 8.

And the ayes and noes being called:

Those voting in the affirmative are—Messrs. Bromwell, Beck, Carr, Clark, Crosby, Douglas, Ellsworth, Elder, Felton, Hurd, Head, James, Lee, Plumb, Pease, Rockwell, Stone, Stover, Thatcher, Vijil, Webster, Wilcox, Wheeler and Mr. President.

Those voting in the negative are—Messrs. Barela, Boyles, Cooper, Marsh, Meyer, Quillian, Wells and Widderfield.

So the Convention agreed to the amendments offered by Mr. Rockwell.

Mr. Wells moved to amend by inserting the word "necessary" before the word "drains" in the second line.

And the question being on the motion of Mr. Wells to amend, and being put, it was decided in the negative. Ayes, 9. Noes, 23.

And the ayes and noes being called for:

Those voting in the affirmative are—Messrs. Barela, Boyles, Marsh, Meyer, Quillian, Vijil, Webster, Wells and Wilcox.

Those voting in the negative are—Messrs. Bromwell, Beck, Carr, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Felton, Hurd, Head, James, Lee, Plumb, Pease, Rockwell, Stone, Stover, Thatcher, Wheeler, Widderfield and Mr. President.

So the Convention refused to adopt the amendment offered by Mr. Wells.

Mr. Stone moved to amend section 16 by inserting the words "whenever necessary for such purposes" after the word "purposes," in third line, which was not agreed to.

Mr. Plumb moved to adopt section 16 reported by the Committee of the Whole as amended.

Mr. Plumb moved the adoption of section 16 reported by the Committee of the Whole as amended.

And the question being, "Will the Convention Adopt Section 16 as Reported by the Committee of the Whole as Amended?" and being put, it was decided in the affirmative. Ayes, 28. Noes, 5.

The ayes and noes being called for:

Those voting in the affirmative are—Messrs. Barela, Bromwell, Beck, Carr, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Felton, Hurd, Head, James, Lee, Meyer, Plumb, Pease,

Rockwell, Stone, Stover, Thatcher, Vijil, Webster, Wheeler, Widderfield, Mr. President.

Those voting in the negative are—Messrs. Boyles, Marsh, Quillian, Wells and Wilcox.

So the Convention adopted section 16 as reported by the Committee of the Whole as amended.

Mr. James moved that the Convention concur in the amendments to section 17 as reported by the Committee of the Whole, viz.:

To strike out the words "jury or," in second line, and inserting, in the same line, after the word "free-holders" the words "or by a jury when required by the owner of the property," which was agreed to.

So the Convention concurred in the amendments to section 17 as reported by the Committee of the Whole.

Mr. Marsh moved to amend section 17 by inserting the words "or private" after the word "public," in first line, which was agreed to.

So the Convention adopted the amendment to section 17 offered by Mr. Marsh.

Mr. Marsh moved to strike out all of the section after the word "divested," in fourth line, which was agreed to.

So the Convention adopted the amendment offered by Mr. Marsh.

Mr. Crosby moved to adjourn, which was not agreed to.

Mr. Felton, as an amendment, moved to strike out all of the section after the word "low," in third line, which was not agreed to.

So the Convention refused to adopt the amendment offered by Mr. Felton.

Mr. Stone moved to amend section 17 by inserting the word "needlessly" before the word "disturbed," in the fourth line.

And the question being on the motion of Mr. Stone to amend, and being put, and a division being called, it was decided in the affirmative. Ayes, 17. Noes, 10.

Mr. Clark moved that section 17, as amended, be adopted, and the question being, will the Convention adopt section 17 as reported by the Committee of the Whole as amended, and being put, it was decided in the affirmative, so the Convention adopted section 17 as amended. On motion of Mr. Rockwell, the Convention adjourned until 9 o'clock A. M. tomorrow.

WEDNESDAY, FEBRUARY 2ND, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment. Prayer was offered by Rev. Mr. Sturtevant. Roll called. Absent—Messrs. Barela, Boyles, Hough, Stone and White.

The Journal having been partially read, Mr. Pease moved to omit the reading of so much of the Journal as contained the report of the Committee of the Whole on State, County and Municipal Indebtedness, and the report of the Committee on Judiciary, which was agreed to.

The reading of the Journal was then completed, and the same approved.

The Convention resumed the consideration of the report of the Committee of the Whole on Bill of Rights. Mr. Widderfield moved that the Convention concur in the amendments to section 18, as reported by the Committee of the Whole, viz.: To strike out the word "country," in the fourth line, and insert in lieu thereof the words "county or district in which the offense is alleged to have been committed," which was agreed to. So the Convention concurred in the amendments to section 18 as reported by the Committee of the Whole. Mr. Pease moved to amend section 18 by inserting in the second line after the words "face to face," the words "except as provided in section 19 of this article," which was agreed to, so the Convention adopted the amendment offered by Mr. Pease.

Mr. Bromwell moved that the Convention adopt section 18 as reported by the Committee of the Whole, as amended by Mr. Pease, which was agreed to, so the Convention adopted section 18 as reported by the Committee of the Whole as amended.

Messrs. Stone, Boyles and Barela appeared and took their seats.

Mr. Pease moved to amend the substitute for section 19 as reported by the Committee of the Whole, by inserting after the word "taken," in the third line, the words, "and the accused shall have the right to have such deposition taken in his presence."

Mr. Crosby moved to refer the substitute for section 19 as reported by the Committee of the Whole, with amendments thereto offered by Mr. Pease to the Committee on Bill of Rights, and the question being on the motion of Mr. Crosby to refer, and being put, it was decided in the affirmative, so the Convention referred the substitute for section 19 as reported by the Committee of the Whole with an amendment thereto offered by Mr. Pease to the Committee on Bill of Rights.

Mr. Carr moved to reconsider the vote by which the substitute for section 19 was referred to the Committee on Bill of Rights, which was not agreed (to), so the Convention refused to reconsider.

Mr. Widderfield moved that the Convention adopt section 20, as reported by the Committee of the Whole, which was agreed to, so the convention adopted section 20 as reported by the Committee of the Whole.

Mr. James moved the adoption of section 21, as reported by the Committee of the Whole.

Mr. Rockwell moved to amend section 21 by striking out all of the section after the word "great," in the second line, and the question being on the motion of Mr. Rockwell to strike out, and being put, it was decided in the affirmative. Ayes, 27; noes, 8; and the ayes and noes being called for, those voting in the affirmative are—Messrs. Barela, Boyles, Bromwell, Beck, Carr, Cushman, Clark, Crosby, Ellsworth, Elder, Ebert, Felton, Garcia, Hurd, Hough, Head, James, Lee, Plumb, Pease, Rockwell, Storer, Thatcher, Vijil, Webster, Wheeler and Mr. President.

Those voting in the negative are—Cooper, Douglas, Marsh, Quillian, Wells, Wilcox, Widderfield and Yount.

So the convention adopted the amendment offered by Mr. Rockwell.

Mr. Clark moved that the Convention adopt section 21 as reported by the Committee of the Whole as amended, which was agreed (to).

So the Convention adopted section 21 as reported by the Committee of the Whole as amended.

Mr. Plumb moved that the Convention adopt section 22 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 22 as reported by the Committee of the Whole.

Mr. Bromwell moved that the Convention concur in the amendment to section 23 as reported by the Committee of the Whole, viz.: To add to the section the words "unless when in cases of rebellion or invasion, the public safety may require it," which was agreed to.

So the Convention concurred in the amendments reported by the Committee of the Whole.

Mr. Plumb moved the adoption of section 23 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 23 as reported by the Committee of the Whole.

Mr. James moved the adoption of section 24 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 24 as reported by the Committee of the Whole.

Mr. Cooper moved that the Convention concur in the amendments to section 25 as reported by the Committee of the Whole, viz., to strike out the words "as heretofore enjoyed," in first line; to insert in second line after the word "Civil," the words "Cases in all courts," and to strike out the word "Legislature," in fourth

line and insert the words "General Assembly," which was agreed to.

So the Convention concurred in the amendment to section 25 as reported by the Committee of the Whole.

Mr. Thatcher moved to amend section 25 by inserting after the word "inviolate," in first line, the words "in criminal cases," which was agreed to.

So the Convention adopted the amendment to section 25 offered by Mr. Thatcher.

Mr. Cooper moved the adoption of section 25 as amended by the Committee of the Whole as amended by Mr Thatcher, which was agreed to.

So the Convention adopted section 25 as amended.

Mr. Hough moved the adoption of section 26 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 26 as reported by the Committee of the Whole.

Mr. James moved the adoption of section 27 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 27 as reported by the Committee of the Whole.

Mr. Douglas moved that the Convention concur in the amendment to section 28 as reported by the Committee of the Whole, viz., to strike out the word "cannot," in first line and insert the words "shall never," which was agreed to.

So the Convention concurred in the amendment to section 28 as reported by the Committee of the Whole.

Mr. Plumb moved to adopt section 28 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 28 as reported by the Committee of the Whole.

Mr. Hough moved the adoption of section 29 as reported by the Committee of the Whole, which was agreed to.

Mr. Felton moved to insert the following as an additional section to the article on Bill of Rights.

Section—Foreigners who are or may hereafter become *bona fide* residents of this State shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property as natural born citizens.

Mr. Thatcher moved to amend the section offered by Mr. Felton by striking out the word "enjoyment," and inserting in lieu the word "disposition," which amendment was accepted by Mr. Felton.

And the question being, will the Convention adopt the additional section offered by Mr. Felton as amended by Mr. Thatcher, and being put, it was decided in the affirmative.

So the Convention adopted the section offered by Mr. Felton as amended by Mr. Thatcher.

Mr. Felton moved to reconsider the vote by which section 16 as amended was adopted by the Convention, which was not agreed to, so the Convention refused to reconsider.

Mr. Thatcher moved that the section introduced by Mr. Felton and as amended adopted by the Convention be numbered 29 in the article on Bill of Rights, and the present section 29 in that article follow as section 30, which was agreed to.

Mr. Bromwell moved the adoption of the preamble to the article on Bill of Rights as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted the preamble to the article on Bill of Rights as reported by the Committee of the Whole.

Mr. Clark moved that the section of the article on Bill of Rights adopted by the Convention be laid upon the table for future consideration, which was agreed to.

So the Convention laid the section adopted upon the table.

Mr. Clark, chairman of the Committee on Mines and Mining presented the report of that committee as follows:

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen: Your Committee on Mines and Mining, to whom was referred the subject matter pertaining to that branch of the Constitution, respectfully state that they have had the same under consideration and as a preface to their report would say: That they have had much difficulty in ascertaining the subjects proper to embody in their report because of the absence of all precedent on this subject and because the mines are a peculiar species of property different in many respects from any other in the State, and knowing that the title to all mineral veins for which patents have not yet issued as well as to large sections known as mineral land is retained by the general government, and that the title thereto will not pass to the State, as it does to agricultural and pastoral lands, and further that the general government reserves the right to dispose of the titles to mineral veins as well as to make all laws governing the acquiring and holding of said titles, we found that little remains for the Convention to provide for. In fact, no jurisdiction of the State attaches to this species of property except of a judicial or legislative character, until the possessor of the same becomes the owner in fee simple. We have therefore reported upon such matters only as seemed to us to be fundamental, not deeming it our province to suggest as to anything pertaining to the manner of acquiring or holding titles to mineral bearing veins or to lands designated as mineral lands.

Respectfully submitted,

WM. M. CLARK,

Chairman.

MINES AND MINING.

Section. 1. There shall be established and maintained the office of State Geologist, who shall be ex officio commissioner of mines, whose duties shall be prescribed by the General Assembly.

Sec. 2. The Governor shall with the advice and consent of the State Senate appoint a person who is known to be competent for State Geologist, who shall hold his office for a term of four years unless sooner removed by the Governor for cause.

Sec. 3. The General Assembly shall fix the salary and prescribe the duties of the State Geologist—provide for the time and manner in which he shall make his report and provide generally for the wants of that office.

Sec. 4. The General Assembly shall pass such laws as may be necessary for the protection of operative mines, by providing for proper ventilation of mines wherever the same may be required as well as for the construction of escapement shafts or other such appliances as may be necessary to secure safety of the work men in a mine.

Sec. 5. The General Assembly shall provide by law for such appliances and regulations in mines being worked as may be necessary to protect the health of the operators. The employment of children in the mines under twelve years of age is prohibited.

Sec. 6. The General Assembly may make such regulations from time to time as may be necessary for the proper and equitable drainage of mines.

Sec. 7. The General Assembly shall provide by law for an equitable assessment of benefits in favor of mine owners and operators whenever by works and expenditures in mines by draining, tunneling or otherwise they produce results which inure directly or indirectly to the benefit or advantage of any contiguous or adjoining mill or mines and whether any mine is benefited by such draining, tunneling or otherwise shall be a question of fact to be determined by a jury.

Sec. 8. 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.

Sec. 9. No tax shall be imposed on any mining claim or possessory right thereto which during the year preceding the time of making the assessment has not produced an amount of ore sufficient to pay the expenses of mining for that year.

Sec. 10. All mineral bearing veins the title to which is vested by fee in the claimant shall be assessable for general purposes of taxation upon the net product of the mine for the year in which such assessment is made. Said tax shall be assessed and collected as all other taxes.

Sec. 11. The ground for which a receiver's certificate of entry has been issued and the improvements thereon situate shall pay tax in proportion to their cash valuation without regard to the value of the mineral vein or veins.

Sec. 12. The General Assembly may provide by law for the establishing of courts of arbitration, which shall have full power to hear and determine matters in controversy between litigants as to the possessory rights of parties. In no case during the pendency of a suit in law or equity in any of the courts of this State shall the operations or working of a mine be interfered with to the extent of depreciating its value.

On motion of Mr. Quillian, the report was received, ordered printed and laid upon the table for future consideration.

Mr. Stone, chairman of the Committee on Judiciary, presented a report of that committee as follows:

To the Honorable the President of the Constitutional Convention of Colorado.

Your Standing Committee on Judiciary to whom was referred the certain ordinance offered by Mr. Beck beg leave to report that they have had the same under consideration and offer the following substitute for the original ordinance and recommend its adoption.

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 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, 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 the 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, all of which is respectfully submitted.

WILBUR F. STONE,
Chairman.

January 28th, 1876.

On motion of Mr. Felton, the report was received and the ordinance ordered printed and laid upon the table for future consideration.

Mr. Marsh introduced the following rule and moved its adoption:

No member shall speak but once and then only fifteen minutes on the same subject whether in Committee of the Whole or in Convention unless by unanimous consent of the members present; provided, this rule shall not apply to the chairman of any committee on any subject matter by him reported.

Mr. Stone moved to amend the rule offered by Mr. Marsh by striking out the words "fifteen" and inserting in lieu thereof the word "ten," which amendment was accepted by Mr. Marsh.

And the question being on the motion of Mr. Marsh to adopt the rule introduced by him and amended by Mr. Stone, and being put it was decided in the affirmative.

So the Convention adopted the rule offered by Mr. Stone.

On motion of Mr. Beck, the Convention adjourned until 2 o'clock this afternoon.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Vijil, Webster and White.

On motion of Mr. Widderfield, the Convention took from the table the report of the Committee of the Whole on Executive department.

Mr. Wilcox moved that the report be considered by sections, which was agreed to.

Mr. Kennedy moved that the Convention concur in the amendments to section 1, as reported by the Committee of the Whole, viz.: To insert in the second line after the word "Treasurer," the words "Attorney General," and to strike out the word "four," in third line, and insert in lieu the word "two," which was agreed to.

So the Convention concurred in the amendments as reported by the Committee of the Whole.

Messrs. Vijil and Webster appeared and took their seats.

Mr. Carr moved as an amendment to section 1, to strike out the words "Lieutenant Governor," in first line.

And the question being on the motion of Mr. Carr to strike out the words Lieutenant Governor, and being put, it was decided in the negative—ayes, 6; noes, 27.

And the ayes and nays being called for, those voting in the affirmative are:

Messrs. Beck, Carr, Cooper, Head, Mever and Plumb.

Those voting in the negative are:

Messrs. Barela, Boyles, Bromwell, Cushman, Clark, Crosby, Douglas, Ellsworth, Elder, Ebert, Garcia, Hurd, Hough, James, Kennedy, Lee, Marsh, Pease, Quillian, Rockwell, Stone, Vigil, Wilcox, Wheeler, Widderfield, Yount and Mr. President.

So the Convention refused to strike out the word Lieutenant Governor.

Mr. Crosby moved to amend section 1, by striking out the word "two," in third line, and inserting in lieu the word "four."

And the question being on the motion of Mr. Crosby to amend and being put, it was decided in the negative—ayes, 1; noes, 35.

The member voting in the affirmative is Mr. Clark.

Those voting in the negative are:

Messrs. Barela, Boyles, Bromwell, Beck, Carr, Cushman, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Garcia, Hurd, Hough, Head, James, Kennedy, Lee, Marsh, Meyer, Plumb, Pease, Quillian, Stone, Stover, Thatcher, Vijil, Webster, Wilcox, Wheeler, Widderfield, Yount and Mr. President.

So the Convention refused to adopt the amendment offered by Mr. Crosby.

Mr. Crosby moved to amend section 1, by striking out the word "two," in third line, and insert in lieu the word "four," also to insert after the word "years," in third line, the words "except the Auditor of State and State Treasurer, who shall hold their office for the term of two years."

And the question being on the motion of Mr. Crosby to strike out and insert being put, and a division being called, it was decided in the negative—ayes, 13; noes, 23.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Barela, Bromwell, Beck, Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, James, Webster.

Those voting in the negative are:

Messrs. Boyles, Carr, Felton, Garcia, Hurd, Hough, Head, Kennedy, Lee, Marsh, Meyer, Plumb, Pease, Quillian, Stone, Stover, Thatcher, Vijil, Wilcox, Wheeler, Widderfield, Yount and Mr. President.

So the Convention refused to agree to the motion of Mr. Crosby to amend.

Mr. Elder moved to amend section 1, by striking out the word "they" in fifth line and inserting the words "said officers" in lieu.

And the question being on the motion of Mr. Elder to amend, and being put, and a division being called, it was decided in the affirmative—ayes, 25; noes, 4.

So the Convention concurred in the amendment offered by Mr. Elder.

Mr. James moved to adopt section 1 as reported by the Committee of the Whole, as amended, which was agreed to.

So the Convention adopted section 1 as reported by the Committee of the Whole, as amended.

Mr. Kennedy moved that the Convention concur in the amendments to section 2 as reported by the Committee of the Whole, viz., to strike out all after the word "in," in second line; also to strike out the words "of the State of Colorado," in the second line; also to strike out the word "are," in second line, and insert in lieu the word "be," which was agreed to.

So the Convention concurred in the amendments to section 2, as reported by the Committee of the Whole.

Mr. Kennedy moved to adopt section 2 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 2 as reported by the Committee of the Whole.

Mr. Carr moved that the Convention concur in the amendments to section 3 as reported by the Committee of the Whole, viz., to strike out all after the word "article," in first line up to and including the word "instruction," in second line, which was agreed to.

So the Convention concurred in the amendment to section 3 as reported by the Committee of the Whole.

Mr. Boyles moved to amend section 3 by striking out all after the word "State," in second line up to and including the word "Representatives," in third line.

And the question being on the motion of Mr. Boyles to amend, and being put, and a division being called, it was decided in the affirmative—ayes, 24; noes, 6.

So the Convention concurred in the motion of Mr. Boyles to amend.

Mr. Beck moved to amend section 3, by striking out the words "to the office for which he has been voted for," in the ninth line, and inserting in the eighth line after the word "votes," the words "for either of said offices," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Beck.

Mr. Jones moved to adopt section 3 as reported by the Committee of the Whole, as amended, which was agreed to.

So the Convention adopted section 3 as reported by the Committee of the Whole as amended.

Mr. Kennedy moved that the Convention concur in the amendments to section 4 as reported by the Committee of the Whole, viz., to strike out of first line the words "The Governor," and to insert after the word "civil," in same line, the word "State," which was agreed to.

So the Convention concurred in the amendments reported by the Committee of the Whole.

Mr. Plumb moved the adoption of section 4 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 4 as reported by the Committee of the Whole, which was agreed to.

Mr. Pease moved that the Convention concur in all the remaining amendments to the article on Executive Department as reported by the Committee of the Whole, viz.:

Sec. 5. To strike out the word "or," after the word "Governor," in first line, and insert in same line after the words "Lieutenant Governor," the words "or Superintendent of Public Instruction;" in second line, between the word "and" and "the," insert the word "of;" in the third line, strike out the word "three," and insert in lieu the word "two;" in the fourth line strike out the word "or," and insert after the word "Treasurer" the words "or Attorney General;" strike out the remainder of section after the word "election," in the sixth line, and add to the section the words unless he be a regularly licensed attorney and counselor-at-law—"nor shall any one be eligible to the office of Attorney General unless he be a regularly licensed attorney and counsellor at law of the Supreme Court of the Territory or State of Colorado, in good standing."

Sec. 7. To strike out the section and insert the following as a substitute:

Sec. 7. The Governor shall nominate and by and with the consent of the Senate appoint all officers whose offices are established by the Constitution or which may be created by law and whose appointment or election is not otherwise provided for. In case of a vacancy in any office which is not elective during the recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office, and any person so nominated who is confirmed by the Senate shall hold his office until his successor shall be appointed and qualified. If the office of Auditor of State, State Treasurer, Secretary of State, Attorney General or Superintendent of Public Instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. The Senate, in deliberating upon executive nominations, may sit with closed doors, but in acting upon nominations they shall sit with open doors, and the vote shall be taken by ayes and noes, which shall be entered upon the Journal.

Sec. 8. To strike out the section and insert the following as a substitute:

Sec. 8. The Governor shall have power to grant reprieves, commutations and pardons after conviction for all offenses, except treason or conviction of impeachment, subject to such regulations as may be provided by law relative to the manner of applying for pardon, 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 his reasons for

his actions. In every case where a pardon has been granted or a person has served out his full term of confinement, in accordance with the sentence, he shall at once without further action be invested with all the rights and privileges of a citizen.

Sec. 9. To insert after the words "upon oath," in the third line the words "wherever so required," and to strike out after the word "institutions," in fifth line, up to and including the word "according," in sixth line.

Sec. 11. To strike out the word "first," in second line, and insert in lieu the word "last."

Sec. 12. To strike out all after the word "appoint," up to and including the word "instruction," in second line, and to strike out all after the word "office," in second line.

Sec. 13. To strike out the word "the," after the word "to," in seventh line, and insert in lieu the word "their;" to strike out the words "yeas and nays," in the eighth line, and insert in lieu the words "ayes and noes."

Sec. 14. To strike out the words "conviction or," in the fifth line, and insert in the same line, after the word "impeachment," the words "or conviction of felony or infamous misdemeanor."

Sec. 16. To strike out the word "or" after the word "absence," in second line, and to insert after the word "impeachment" in the same line the words "or disqualifications from any cause;" to strike out the words "Senate shall choose a," in the third line, and to strike out the word "who," in the same line, and to insert the words "of the State" after the word "tempore," in the third line, and to add to the section the words "until the vacancy is filled or the disability removed."

Sec. 17. To strike out the whole of the section and insert the following as a substitute:

Sec. 17. 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, by any means, of both the Governor and Lieutenant Governor, the duties of 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.

Sec. 18. To strike out all of the section from the beginning up to and including the word "article," in the third line, and to strike out all of the section after the word "oath," in the sixth line.

Sec. 19. To strike out all of the section from the word "same," in third line, up to and including the word "laws," in the fourth line.

Sec. 20. To strike out the words "used by him officially as directed by law and it," in the second line, and to strike out the word "official," in the third line.

Sec. 21. To insert the word "are" after the word "as," in the first line, and insert the word "such" after the word "all," in the third line.

And to strike out the whole of section 23 as reported by the Committee on Executive Department.

And the question being on the motion of Mr. Pease to concur in all of the remaining amendments to the article on Executive Department as reported by the Committee of the Whole, and being put, it was decided in the affirmative.

So the Convention concurred in all of the remaining amendments to the article on Executive Department as reported by the Committee of the Whole.

Mr. Head moved to amend section 5 by striking out the words "and has been an inhabitant" and the words "for two" out of the third line, and the words "years next preceding his election" out of the fourth line, and insert the words "and shall be a qualified elector" after the word "years," in the third line, which was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Head.

Mr. Beck moved to amend section 5 by inserting after the word "election," in the fourth line, the following words, viz.:

Provided, That at the first election held under this Constitution any person who was a qualified elector under the laws of Colorado at the time of the adoption of this Constitution shall be eligible to either of said offices.

And the question being on the motion of Mr. Beck to amend, and being put, and a division being called, it was decided in the affirmative—ayes, 27; noes, 9.

And the ayes and noes being called for, those voting in the affirmative are:

Messrs. Bromwell, Beck, Carr, Cushman, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Hurd, Hough, Head, Kennedy, Lee, Marsh, Meyer, Pease, Stone, Stover, Thatcher, Webster, Wilcox, Wheeler, Yount and Mr. President.

Those voting in the negative are:

Messrs. Barela, Boyles, Clark, Garcia, James, Plumb, Quillian, Vigil, Widderfield.

So the Convention concurred in the amendment offered by Mr. Beck.

Mr. Thatcher moved to amend section 5 by striking out the word "and," at the beginning of the third line, and the word "has," in the same line, and inserting in lieu thereof the words "who" and "shall have," which was agreed to.

So the Convention concurred in the amendments offered by Mr. Thatcher.

Mr. Wilcox moved to amend section 5 by striking out the words "an inhabitant," in third line, and inserting in lieu the words "a citizen."

Mr. Bromwell moved to amend the amendment offered by Mr. Wilcox by striking out the word "citizen" and inserting in lieu the word "resident," which was agreed to.

And the question recurring on the motion of Mr. Wilcox as amended by Mr. Bromwell to amend, it was agreed to.

So the Convention concurred in the motion of Mr. Wilcox as amended by Mr. Bromwell to amend.

Mr. Pease moved to amend section 5 by striking out all after the word "Governor," in sixth line, up to and including the word "election," in the seventh line.

And the question being on the motion of Mr. Pease to amend, and being put, and a division being called, it was decided in the affirmative—ayes, 14; noes, 10.

So the Convention concurred in the amendment offered by Mr. Pease.

Mr. Crosby moved the adoption of section 5 as reported by the Committee of the Whole, as amended, which was agreed to.

So the Convention adopted section 5 as amended.

Mr. Wilcox moved the adoption of section 6 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 6 as reported by the Committee of the Whole.

Mr. Elder moved the adoption of section 7, as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted the section 7 as reported by the Committee of the Whole.

Mr. Elder moved to amend section 8 by striking out all after the word "elections," in fifth line, and to refer the sentence stricken out to the Committee on Rights of Suffrage and Elections, with instructions to embody a section in their report containing a similar provision, which was agreed to.

So the Convention concurred in the amendment offered by Mr. Elder, and the portion so stricken out was referred to the Committee on Rights of Suffrage and Elections.

Mr. Clark moved the adoption of section 8 as amended, which was agreed to.

So the Convention adopted section 8 as amended.

Mr. Hough moved the adoption of section 9 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 9 as reported by the Committee of the Whole.

Mr. Beck moved the adoption of section 10 as reported by the Committee of the Whole.

Mr. James moved the adoption of section 11 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 11 as reported by the Committee of the Whole.

Mr. Wheeler moved the adoption of section 12 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 12 as reported by the Committee of the Whole.

Mr. Elder moved the adoption of section 13 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 13 as reported by the Committee of the Whole.

Mr. Elder moved to amend section 14 as reported by the Committee of the Whole by inserting after the word "void," in the third line, the words "unless repassed in manner following," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Elder.

Mr. Stone moved the adoption of section 14 as amended, which was agreed to.

So the Convention adopted section 14 as amended.

Mr. Douglas moved the adoption of section 15 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 15 as reported by the Committee of the Whole.

Mr. Wheeler moved the adoption of section 16 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 16 as reported by the Committee of the Whole.

Mr. Cooper moved to amend section 17 as reported by the Committee of the Whole by striking out the words "by" and "means," in third line, and inserting in lieu the words "for" and "cause," which was agreed to.

So the Convention concurred in the amendments to section 17 offered by Mr. Cooper.

Mr. Wilcox moved the adoption of section 17 as amended, which was agreed to.

So the Convention adopted section 17 as reported by the Committee of the Whole as amended.

Mr. Stone moved to amend section 18 as reported by the Committee of the Whole by adding the words "as may be provided by law," which was agreed to.

So the Convention concurred in the amendment to section 18 as reported by the Committee of the Whole offered by Mr. Stone.

Mr. Webster moved the adoption of section 18 as amended, which was agreed to.

So the Convention adopted section 18 as reported by the Committee of the Whole as amended.

Mr. Wilcox moved to amend section 19 as reported by the Committee of the Whole by striking out the word "ten," in second line, and inserting in lieu the word "twenty," which was agreed to.

Mr. Wilcox moved the adoption of section 19 as reported by the Committee of the Whole as amended, which was agreed to.

So the Convention adopted section 19 as reported by the Committee of the Whole as amended.

Mr. Peck moved the adoption of section 20 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 20 as reported by the Committee of the Whole.

Mr. Stone moved to amend section 21 as reported by the Committee of the Whole by striking out the word "or," in second line, and inserting in lieu the word "and," which was agreed to.

So the Convention concurred in the amendment to section 21 as reported by the Committee of the Whole offered by Mr. Stone.

Mr. Douglas moved the adoption of section 21 as amended, which was agreed to.

So the Convention adopted section 21 as reported by the Committee of the Whole as amended.

Mr. Elder moved the adoption of section 22 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 22 as reported by the Committee of the Whole.

Mr. Stone moved to amend section 23 as reported by the Committee of the Whole by striking out the word "their," in second line, and inserting in lieu the word "his," which was agreed to.

So the Convention concurred in the amendment to section 23 as reported by the Committee of the Whole offered by Mr. Stone.

Mr. Douglas moved the adoption of section 23 as amended, which was agreed to.

So the Convention adopted section 23 as reported by the Committee of the Whole.

So the Convention adopted the following article, and, on motion of Mr. Elder, it was referred to the Committee on Engrossing and Enrolling.

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, and until his successor is elected and qualified. With the exception of the Lieutenant Governor said officers shall, during their term of office, reside at the seat of government, where they shall keep the public records, books and papers, and shall perform such duties as are prescribed by this Constitution or by law.

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

Sec. 3. The officers named in section 1 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 State 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 persons having the highest number of votes for either of said offices shall be declared duly elected; but if two or more be equal and highest in votes, one of them shall be chosen to the office by the joint votes of both houses. Contested elections for the said offices shall be determined by both houses of the General Assembly by joint ballot, in such manner as may be prescribed by law.

Sec. 4. All civil State officers shall be liable to impeachment for any misdemeanor in office.

Sec. 5. No person shall be eligible to the office of Governor, Lieutenant Governor, or Superintendent of Public Instruction except a citizen of the United States and of the State, who shall have attained the age of thirty years, and (been a resident) of the State for two years next preceding his election; provided, that at the first election held under this Constitution, any person who was a qualified elector under the laws of Colorado at the time of the adoption of this Constitution, shall be eligible to either of said offices. No one shall be eligible to the office of Secretary of State, Auditor of State, State Treasurer or Attorney General unless he shall be of the age of twenty-five years, and have all of the other qualifications for Governor. Nor shall any one be eligible to the office of Attorney General unless he be a regularly licensed attorney and counsellor-at-law of the Supreme Court of the Territory or State of Colorado in good standing.

Sec. 6. 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.

Sec. 7. 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. In case of a vacancy in any office which is not elective during the recess of the Senate, the Governor shall make temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office; and any person so nominated who is confirmed by the Senate shall hold his office until his successor shall be appointed and qualified. If the office of Auditor of State, State Treasurer, Secretary of State, Attorney General or Superintendent of Public Instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. The Senate, in deliberating upon Executive nominations, may sit with closed doors; but, in acting upon nominations, they shall sit with open doors, and the vote shall be taken by ayes and noes, which shall be entered upon the Journal.

Sec. 8. The Governor shall have power to grant reprieves, commutations and pardons after conviction for all offenses except treason or conviction of impeachment, subject to such regulations as may be provided 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 his reasons for his action.

Sec. 9. 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 when 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.

Sec. 10. The Governor may, on extraordinary occasions, convene the General Assembly by proclamation, stating therein the purpose for which it has been convened; but, at such special sessions, no business shall be transacted other than that specially named in the proclamation by which it was convened. He may convene the Senate in extraordinary session by proclamation for the transaction of executive business.

Sec. 11. The Governor, in case of a disagreement between the 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 as he may think proper, but in no case for a longer time then the first day of the next regular session.

Sec. 12. The Governor shall have power to remove any officer he may appoint in case of incompetency, neglect of duty or malfeasance in office.

Sec. 13. 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 shall have 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. But in all such cases the vote of each house shall be determined by ayes and noes, to be entered upon the Journal. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return, in which case it shall be filed, with his objections, in the office of the Secretary of State within thirty days after such adjournment, or else become a law.

Sec. 14. 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 of appropriation disapproved shall be void unless repassed in manner following: If the General Assembly be in session he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered; and each item shall then take the same course as is prescribed for the passage of bills over the Executive veto.

LIEUTENANT GOVERNOR.

Sec. 15. 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 disabilities shall be removed, shall devolve upon the Lieutenant Governor.

Sec. 16. The Lieutenant Governor shall be President of the Senate, and shall vote only when the Senate is equally divided. In cases of absence, impeachment or disqualification, from any cause, of the Lieutenant Governor, or when he shall hold the office of Governor, then the President pro tempore of the Senate shall perform the duties of the Lieutenant Governor until the vacancy is filled or the disability removed.

Sec. 17. 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 for any cause of both the Governor and Lieutenant Governor, the duties of 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.

Sec. 18. An account shall be kept by the officers of the Executive Department and of all public institutions of the State of all moneys received or disbursed by them severally from all sources and for every service performed, and a semi-annual report thereof be made to the Governor, under oath, as may be provided by law.

Sec. 19. 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, send a full and complete report of their actions to the Governor, who shall transmit the same to the General Assembly at their session.

Sec. 20. There shall be a seal of the State, which shall be kept by the Secretary of State, and shall be called the "Great Seal of the State" of Colorado. The seal of the Territory of Colorado as now used shall be the seal of the State until otherwise provided by law.

Sec. 21. The officers named in this article shall perform such duties as are required in this Constitution and by law, and 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 for services rendered by them severally, and pay the same into the State treasury.

Sec. 22. The Superintendent of Public Instruction shall be ex-officio State Librarian.

Sec. 23. Neither the State Treasurer nor State Auditor shall be eligible for re-election as his own immediate successor.

THURSDAY, FEBRUARY 3, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by Bishop Spalding.

Roll called.

Absent—Messrs. Carr, Stone and White.

The Journal, having been partially read, Mr. Kennedy moved that the reading of so much of the Journal as embraced the report of the Committee on Means and Money be dispensed with, which was agreed to.

The reading of the remainder of the Journal was then read, [completed] and the same approved.

Mr. Ellsworth presented a petition from eighty-one non-Catholic citizens of Colorado, asking that no provision shall be inserted in the Constitution withdrawing from the control of the Legislature the public school fund, and moved that it be referred to the Committee on Education and Educational Institutions.

Mr. Felton, as an amendment, moved that the petition be laid upon the table and considered with the report of the Committee on Education and Educational Institutions in committee of the whole.

And, the question being on the motion of Mr. Felton to amend the motion of Mr. Ellsworth, and being put, it was decided in the negative.

So the Convention refused to concur in the amendment offered by Mr. Felton.

And, the question recurring on the motion of Mr. Ellsworth to refer the petition to the Committee on Education and Educational Institutions, and, being put and a division being called, it was decided in the affirmative—ayes, 19; noes, 11.

So the Convention concurred in the motion of Mr. Ellsworth to refer.

Mr. Yount presented a petition from one hundred and sixty citizens of Colorado, asking that a recognition of God may be inserted in the preamble to the Constitution, and, on his own motion, it was laid upon the table, to be considered when the subject of the preamble is before the Convention.

Messrs. Carr, Stone and White appeared, and took their seats.

On motion of Mr. Kennedy the Convention resolved itself into Committee of the Whole, to consider the report of the Standing Committee on Counties, Mr. Rockwell in the chair; and after some time spent there, the President resumed the chair, and Mr. Rockwell presented the following report:

Denver, February 3, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Standing Committee on Counties, having, according to order, had under consideration said report, have made some progress therein, and recommend that sections 1, 5 and 6 be adopted, as follows:

COUNTIES.

Section 1. The several counties of the Territory of Colorado as they now exist are hereby recognized as legal subdivisions of the State of Colorado.

Sec. 5. In all cases of the establishment of any new counties, the new county shall be held for and obliged to pay its ratable proportion of all liabilities then existing of the county or counties from which said new county shall be formed.

Sec. 6. When any part of a county is stricken off and attached to another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it is taken.

The Committee of the Whole further recommends that sections 2, 3 and 7 be stricken out, and that section 4, with amendments thereto made by the Committee of the Whole, and section 8, with pending amendments thereto, and all the remaining portion of the article on counties be recommitted to the Committee on Counties.

L. C. ROCKWELL,
Chairman of Committee of the Whole.

On motion of Mr. Clark, the report was received.

Mr. Felton moved that the Convention adjourn, which was not agreed to.

Mr. Boyles offered the following resolution:

Resolved, That the term of all county officers under the Territorial organization shall expire at the time at which, under the provisions of this Constitution, the term of the office of Governor shall commence.

Mr. Stone offered the following resolution as a substitute for the resolution offered by Mr. Boyles:

Resolved, That it is the sense of this Convention that the county officers elected at the general election of 1875 shall hold their respective offices for the full term of two years for which they were elected, as near as may be.

Pending debate, Mr. Boyles moved that the Convention adjourn until 2 o'clock, which was agreed to.

So the Convention adjourned until 2 o'clock.

2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Barela, Boyles, Lee, Pease, White and Wells.

The Convention resumed the consideration of the resolution offered by Mr. Boyles, and the substitute therefor offered by Mr. Stone.

Mr. Carr moved, as an amendment to the substitute offered by Mr. Stone, to strike out all after the word "resolved," and insert the following words: "That all county officers who shall be in office at the time of the adoption of this Constitution shall hold their respective offices during the full time for which they shall have been elected, and until their successors are elected and qualified." Which amendment was accepted by Mr. Stone.

And, the question being on the motion to adopt the substitute for the resolution of Mr. Boyles offered by Mr. Stone as amended by Mr. Carr, and, being put, it was decided in the affirmative.

So the Convention adopted the substitute resolution offered by Mr. Stone and amended by Mr. Carr.

Mr. Boyles appeared, and took his seat.

Mr. Beck moved that sections 1, 5 and 6 of the report of the Standing Committee on Counties as reported by the Committee of the Whole be laid upon the table for future consideration, which was agreed to.

So the Convention laid upon the table sections 1, 5 and 6 of the report of the Committee on Counties as reported by the Committee of the Whole.

Mr. Beck moved that section 8, with amendments pending thereon as reported by the Committee of the Whole, and all of the article after section 8 be recommitted to the Committee on Counties.

Mr. Felton moved to amend the motion of Mr. Beck by adding the following:

Resolved, That the Committee on Counties be, and they are hereby, instructed to report an article so that the general elections shall be held biennially.

Mr. Douglas moved to amend the amendment offered by Mr. Felton by striking out the word "biennially" and inserting in lieu the word "annually."

And, the question being upon the motion of Mr. Douglas to amend the amendment offered by Mr. Felton, and, being put and a division being called, it was decided in the negative—ayes 15, noes 16.

So the Convention refused to concur in the motion of Mr. Douglas to amend the amendment offered by Mr. Felton.

Mr. Widderfield moved to reconsider the vote by which the Convention refused to concur in the motion of Mr. Douglas to amend the amendment offered by Mr. Felton.

On motion of Mr. Boyles, it was ordered that there be a call of the Convention.

The roll being called, the following named members failed to answer their names, viz.: Messrs. Pease, Wells and White.

Pending the call, Messrs. Pease and Wells appeared and took their seats.

On motion of Mr. Rockwell, further proceedings under the call were dispensed with.

And, the question being on the motion of Mr. Widderfield to reconsider the vote by which the Convention refused to concur in the motion of Mr. Douglas to amend the amendment offered by Mr. Felton to the motion of Mr. Beck, and, being put, it resulted in a tie vote—ayes 19, noes 19.

And, the ayes and noes being called, those voting in the affirmative are: Messrs. Beck, Carr, Cushman, Cooper, Crosby, Douglas, Ellsworth, Elder, Hough, Kennedy, Lee, Pease, Quillian, Stone, Thatcher, Webster, Wheeler, Widderfield and Mr. President.

Those voting in the negative are: Messrs. Barela, Boyles, Bromwell, Clark, Ebert, Felton, Garcia, Hurd, Head, James, Marsh, Meyer, Plumb, Rockwell, Stover, Vijil, Wells, Wilcox and Yount.

So, there being a tie vote, the Convention, under the rules, refused to reconsider.

The question then recurring on the motion of Mr. Felton to amend the motion of Mr. Beck, and, being put, it resulted in a tie—ayes 19, noes 19.

And, the ayes and noes being called for, those voting in the affirmative are: Messrs. Barela, Boyles, Bromwell, Clark, Ebert, Felton, Garcia, Hurd, Head, James, Meyer, Plumb, Rockwell, Stover, Vijil, Wells, Wilcox, Yount.

Those voting in the negative are: Messrs. Beck, Carr, Cushman, Cooper, Crosby, Douglas, Ellsworth, Elder, Hough, Kennedy, Lee, Pease, Quillian, Stone, Thatcher, Webster, Wheeler, Widderfield, Mr. President.

So, there being a tie vote, the Convention, under the rules, refused to concur in the motion of Mr. Felton to amend.

The question then recurring on the motion of Mr. Beck to recommit to the Committee on Counties, and, being put, it was decided in the affirmative—ayes 32, noes 6.

And, the ayes and noes being called, those voting in the affirmative are: Messrs. Barela, Bromwell, Beck, Carr, Cushman,

Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Garcia, Hough, Head, Kennedy, Lee, Marsh, Pease, Quillian, Rockwell, Stone, Thatcher, Vijil, Webster, Wells, Wilcox, Wheeler, Widderfield, Yount, Mr. President.

Those voting in the negative are: Messrs. Boyles, Felton, Hurd, James, Plumb, Stover.

So the Convention concurred in the motion of Mr. Beck to recommit to the Committee on Counties as recommended by the Committee of the Whole.

On motion of Mr. Carr, the Convention concurred with the amendments to strike out sections 2, 3 and 7 of the report of the Committee on Counties as reported by the Committee of the Whole.

On motion of Mr. Stone, the substitute resolution offered by him as amended by Mr. Carr and adopted by the Convention was referred to the Committee on Counties.

Mr. White appeared and took his seat.

Mr. Carr offered the following resolution, and moved its adoption:

Resolved, That there shall be elected each year in every county in the State one county commissioner, who shall hold his office for the term of three years. The commissioners thus elected shall succeed the commissioners who may be in office at the time of the adoption of this Constitution, and shall constitute the Board of County Commissioners. They shall hold sessions for the transaction of county business, as provided by law, and any two shall constitute a quorum. Provided, That, when the population of any county shall exceed ten thousand, the Board of County Commissioners may consist of six members, four of whom shall constitute a quorum; and, Provided, further, That the Board of County Commissioners of the County of Arapahoe shall remain as at present constituted until otherwise provided for by law.

Mr. Marsh moved, as an amendment, that the resolution be referred to the Committee on Counties.

Mr. Felton offered the following resolution, and moved its adoption:

Resolved, That all county officers except county commissioners shall be elected for two years. The election for county officers shall be upon a different year than the year upon which occurs the election of members of the General Assembly.

Mr. Beck moved, as an amendment, that the resolution be referred to the Committee on Counties, which was agreed to.

So the Convention referred the resolution offered by Mr. Felton to the Committee on Counties.

By leave of the Convention, Mr. Hough, chairman of the Committee on Printing, reported back the report of the Com-

mittee on Means and Money and the ordinance as reported by the Committee on Judiciary as correctly printed. There being no objection, the reports were received and filed by the Secretary.

On motion of Mr. Beck, the ordinance as reported by the Committee on Judiciary was taken from the table for consideration.

Mr. Carr moved to amend the ordinance by inserting the words "into the Union" after the words "said State," on second line, which was agreed to.

So the Convention concurred in the motion of Mr. Carr to amend.

On motion of Mr. Kennedy, the ordinance as amended was adopted by the Convention in the words following:

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 3, 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 nineteenth 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 the 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 by 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.

On motion of Mr. Clark, the ordinance as reported was referred to the Committee on Revisions and Adjustments.

On motion of Mr. Clark, the consideration of the report of the Standing Committee on Education and Educational Institu-

tions in the Committee of the Whole was made the special order for to-morrow after the regular order of business.

On motion of Mr. Stone, leave was granted to the special committee appointed to confer with the Legislature to present a report, and Mr. Meyer, chairman of that committee, presented the following report:

To the Hon. Jos. C. Wilson, President of the Constitutional Convention.

Your Special Committee appointed to confer with a joint committee of the two houses of the Legislative Assembly in reference to the matter of an appropriation by the Legislature to defray the expenses of the Constitutional Convention, have to report that, after several conferences of said committees, the joint committee of the two houses of the Legislative Assembly have agreed to report to their respective bodies that they recommend an appropriation of the gross sum of twenty thousand dollars for this purpose, basing this amount upon the estimated expenses for a session of fifty days only. The pay for members and employes of the Convention to be at the same rate as that of members of the Legislature.

The Joint Legislative Committee represent to your committee that, owing to the number and magnitude of the appropriations asked for at the present session, there is a possibility that the Legislative Assembly will not be inclined to make any appropriation whatever for this purpose unless the amount is limited, but that with the amount limited to the sum named they will recommend and support a bill for the appropriation of said amount, with the reasonable assurance of success. As this proposition seems to be the ultimatum of the negotiations and conferences of the committees, your committee reports these facts, and recommends as cheerful assent thereto as is consistent with the pecuniary circumstances of the several members of the Convention.

Respectfully submitted,

WM. H. MEYER,

Chairman.

On motion of Mr. Hough, the report was received and laid upon the table.

On motion of Mr. Yount, the Convention adjourned.

FRIDAY, FEBRUARY 4, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Miller.

Roll called.

Absent—Messrs. Boyles, James, Stone, Thatcher and White.

The Journal of preceding day having been partially read, Mr. Beck moved that the reading of so much of the Journal as embraced the report of the Special Committee appointed to confer with the Legislature be dispensed with, which was agreed to.

The remaining portion of the Journal was then read, and the same approved.

Mr. James appeared and took his seat.

Mr. Ellsworth presented a petition or communication from citizens of the Ninth District, as follows:

To the Hon. L. C. Ellsworth, Delegate from the Ninth District to the Constitutional Convention:

We, the undersigned, some of your constituents, earnestly call your attention to the resolution before your Convention concerning the school fund.

We believe that a great injustice will be done us if a section be inserted in the Constitution prohibiting forever any division of the public school funds.

We do not desire now to discuss the merits of the question itself, nor do we ask that the Constitution shall provide for any division of the fund. We simply ask that the Constitution say nothing whatever on the subject, but leave the whole matter to the action of the Legislature, both now and in the future.

We are unwilling to believe that the Catholic population of the Territory have no one to speak for them and advocate their interests in your honorable body; and we still hope that your silence on a subject of such importance to many of your constituents has not arisen from any disregard of our rights and wishes. We shall feel bound in conscience, both as Catholics and as American citizens, to oppose any Constitution which shall show such contempt of our most valued rights, both political and religious.

We request you, sir, as our representative, to present this communication to the Constitutional Convention and to oppose the adoption of the clause in question.

Respectfully yours,

(Signed) JOS. P. MACHEBEUF,

And One Hundred and Six Others.

Mr. Ellsworth moved that the petition be referred to the Committee on Education and Educational Institutions.

Mr. Pease moved to amend the motion of Mr. Ellsworth by adding the words, "and spread upon the Journal without the names."

Which amendment was accepted by Mr. Ellsworth, and the question being upon the motion of Mr. Ellsworth, as amended Mr. Pease, and being put, it was decided in the affirmative.

So the Convention concurred in the motion of Mr. Ellsworth as amended by Mr. Pease, to spread the petition upon the Journal and refer to the Committee on Education and Educational Institutions.

Mr. Rockwell presented a petition or communication from citizens of the Fifth District, as follows:

To the Honorable Lewis C. Rockwell, Delegate from the Fifth District to the Constitutional Convention:

We, the undersigned, some of your constituents, earnestly call your attention to the resolutions before your Convention concerning the School Fund.

We believe that a great injustice will be done us if a section be inserted in the Constitution prohibiting forever any division of the school funds. We do not desire now to discuss the merits of the question itself, nor do we ask that the Constitution shall provide for any division of the fund. We simply ask that the Constitution say nothing whatever on the subject, but leave the whole matter to the action of the Legislature, both now and in the future.

We are unwilling to believe that the Catholic population of the Territory have no one to speak for them and advocate their interests in your honorable body, and we still hope that your silence on a subject of so much importance to many of your constituents has not arisen from any disregard of our rights and wishes.

We shall feel bound in conscience, both as Catholics and as American citizens, to oppose any Constitution which shall show such contempt of our most valued rights, both political and religious.

We request you, sir, as our representative, to present this communication to the Constitutional Convention and to oppose the adoption of the clause in question.

Respectfully yours,

(Signed) By REV. A. N. BOURRION,

And One Hundred and Seventy Others.

And on his own motion, it was spread on the Journal without the names, and referred to the Committee on Education and Educational Institutions.

Mr. Douglas, chairman of the Committee on State Institutions and Buildings, presented the following report:

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on State Institutions and Buildings, to whom was recommitted section 7 with amendments thereto of the report of said Committee, have had the same under consideration and beg leave to submit the accompanying section in lieu thereof.

R. DOUGLAS,
Chairman of Committee.

The following Territorial Institutions, to-wit: The University, at Boulder; the Agricultural College, at Fort Collins; the School of Mines at Golden; and 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 revenues, 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.

On motion of Mr. Carr, the report was received, ordered printed and laid upon the table for future consideration.

Messrs. Stone and Thatcher appeared and took their seats.

Mr. Stone, Chairman of the Committee on Judiciary, presented the report of that committee and moved that the reading of the report be dispensed with.

And the question being upon the motion of Mr. Stone to dispense with the reading of the report, and being put and a division being called, it was decided in the negative—ayes, 14; noes, 18.

So the Convention refused to concur in the motion of Mr. Stone to dispense with the reading of the report.

The report of the Committee on Judiciary was then read by the Secretary, as follows:

Denver, Colorado, February 4, 1876.

To the Honorable Jas. C. Wilson, President of the Constitutional Convention of Colorado.

Your Standing Committee on Judiciary, to whom was refered so much of the subject matter of the Constitution as relates to the Judiciary Department, begs leave to report that they have had the same under consideration and submit the following as the result of their deliberations.

Respectfully submitted,

WILBUR F. STONE,
Chairman of Committee.

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, Probate Courts, Justices of the Peace and such other Courts as may be created by law for cities and incorporated towns.

SUPREME COURT.

Sec. 2. The Supreme Court, except in cases otherwise directed herein, shall have appellate jurisdiction only, which shall be co-extensive with the State and shall have a general superintending control over all inferior courts.

Sec. 3. It shall have power to issue writs of mandamus and quo warranto, to all officers of the Executive Departments, certiorari and prohibition to all inferior courts, with authority to hear and determine the same.

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

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

Sec. 6. The Judges of the Supreme Court shall be elected by the electors of the State at large at the Judicial election hereafter provided.

Sec. 7. The terms of office of the Judges of the Supreme Court, except of those chosen at the first election as hereinafter provided, shall be nine years.

Sec. 8. The Judges of the Supreme Court shall, immediately after the first election under the 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 Judge having the shortest time to serve, not holding his office by appointment or election to fill a vacancy, shall be the Chief Justice, and as such 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.

Sec. 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.

Sec. 10. No person shall be eligible to the office of Judge of the Supreme Court unless he shall 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 three years next pre-

ceding his election, and shall, for at least three years next preceding his election, have had a license from the Supreme Court of this State or Territory as an attorney and counsellor-at-law in good standing.

DISTRICT COURTS.

Sec. 11. The District Courts shall have original jurisdiction of all causes, both at common law and in equity, and such appellate jurisdiction as may be provided by law.

Sec. 12. The State shall be divided into five Judicial Districts, in each of which there shall be elected by the electors thereof, one Judge, who shall be Judge of the District Court therein, and 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.

Sec. 13. No person shall be eligible to the office of District Judge unless he shall be at least thirty years old and a citizen of the United States, nor unless he shall have resided in this State or Territory at least three years and in the Judicial District for which he is elected at least two years next preceding his election, and who shall not have had a license from the Supreme Court of this State or Territory as an attorney and counsellor-at-law for at least two years next preceding his election, and in good standing.

Sec. 14. Until otherwise provided by law said districts shall be as follows, viz.:

First District—The counties of Weld, Larimer, Boulder, Gilpin and Clear Creek.

Second District—The counties of Jefferson, Douglas, Park, Lake, Summit and Grand.

Third District—The Counties of Arapahoe and Elbert.

Fourth District—The Counties of Pueblo, El Paso, Fremont, Huerfano, Las Animas and Bent.

Fifth District—The Counties of Costilla, Conejos, Rio Grande, San Juan, La Plata, Hinsdale and Saguache.

Sec. 15. The time of holding courts within the said districts shall be as provided by law, but at least two terms of the District Court shall be held in each county in each year, except in such counties as may be attached for judicial purposes to some other county wherein such courts are so held.

Sec. 16. The General Assembly, whenever two-thirds of the members of each house shall concur therein, may in or after the year 1880, and not oftener than once in every six years, increase the number of Judges of the District Courts and the Judicial Districts of the State; 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 vacate the office of any Judge.

Sec. 17. The Judges of the Supreme Court and District Courts and the District Attorneys, except at the first election for State officers under this Constitution, shall be chosen at an election to be held for such purpose only, which shall be on a different day from that on which an election is held for any other purpose and in such judicial elections no person shall be voted for except candidates for the offices of the courts aforesaid, until otherwise provided by law. Such judicial elections shall be held on the first Monday of July once every three years, provided that for the purpose of filling a vacancy occurring more than one year previous to such triennial election, a special election shall be called by the Governer by proclamation, which shall be published for thirty days prior to such election in the division or district wherein such vacancy occurs; and, provided further, that when necessary the Governor shall fill any such vacancy in the office of Judge or District Attorney, pending such special election.

Sec. 18. The Judges of the Supreme and District Courts shall each receive a salary of five thousand dollars per annum, payable quarterly, and no such Judge shall receive any other compensation, perquisite or emolument for or on account of his office in any form whatever, nor act as attorney or counsellor-at-law in any manner whatever.

Sec. 19. There shall be a Clerk of each District Court, who shall be appointed by the Judges of the District Courts, respectively, who shall hold his office during the pleasure of the Judge, and whose duties and compensation shall be as provided by law, and regulated by the rules of the court.

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

Sec. 21. There shall be elected at each judicial election a District Attorney for each Judicial 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 required of Judges of District Courts in this article.

PROBATE COURTS.

Sec. 22. There shall be elected at the General Election in each organized county, a Probate Judge, who shall be Judge of the Probate Court of such county; whose term of office shall be four years, and whose compensation shall be such as may be provided by law.

Sec. 23. Probate Courts shall be courts of record, and shall have original jurisdiction within each county 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 jurisdiction as may be conferred by law; Provided, such courts shall not have jurisdiction in any case involving the question of title or boundaries of real estate, nor in any case where the debt or damage, claim, or value of property involved shall exceed One Thousand Dollars, except in cases relating to the estates of deceased persons. Appeals may be taken from Probate to District Courts in all cases, in such manner as may be provided by law.

CRIMINAL COURTS.

Sec. 24. The General Assembly shall have power to create and establish a Criminal Court in each county having a population exceeding fifteen thousand, which courts may have concurrent jurisdiction with the District Courts in all criminal cases below the grade of felony; the terms of such courts to be as provided by law, and the Judge of the Probate of any such county shall be ex-officio Judge of said Criminal Court within such county.

JUSTICES OF THE PEACE.

Sec. 25. Justices of the Peace shall be elected in and for such precincts or districts, and have such jurisdiction as may be conferred by law, provided that no Justice of the Peace shall have jurisdiction of any civil case, wherein the amount in controversy exceeds Three Hundred Dollars, nor where the boundaries or title to real property shall be called in question.

POLICE MAGISTRATES.

Sec. 26. The General Assembly shall have power to provide for creating such Police Magistrates for cities and towns as may be decided from time to time necessary or expedient.

MISCELLANEOUS.

Sec. 27. The Judges of courts of record inferior to the Supreme Court shall, on or before the first day of July in each year, report in writing to the Judges of the Supreme Court such defects and omissions in the laws as their 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 forms of bills for curing the same.

Sec. 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.

Sec. 29. All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall, excepting Judges of the Supreme Court, 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 and Clerks of said Courts, by the Judge or Judges 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.

Sec. 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."

On motion of Mr. Wilcox, the report was received, ordered printed and laid upon the table for future consideration.

Mr. Marsh moved that the special order for this day be discharged, which was agreed to.

Mr. Marsh moved that the report of the Committee of the Whole on the report of the Committee on Legislature and Legislation be taken from the table.

Mr. Beck moved to adjourn until 9 o'clock, a. m., tomorrow. And the question being upon the motion of Mr. Beck to adjourn, and being put, and a division being called, it was decided in the affirmative—ayes 28, noes 6.

So the Convention adjourned until 9 o'clock a. m., tomorrow.

SATURDAY, FEBRUARY 5, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Harford.

Roll Called.

Absent—Messrs. Barela, Boyles, Carr, Ebert, Marsh, Rockwell and Stone.

Mr. Beck asked leave of absence for Mr. Carr until Tuesday, which was granted.

Mr. Clark asked for leave of absence for Messrs. Marsh and Rockwell until Tuesday, which was granted.

The Journal of preceding day having been partially read, Mr. Kennedy moved that the reading of so much of the Journal as embraced the report of the Committee on Judiciary be dispensed with, which was agreed to.

The reading of the Journal was then completed, and the same approved.

The President announced the next order of business to be the unfinished business of yesterday, viz.: the motion of Mr. Marsh to take from the table the report of the Committee of the Whole on the report of the Committee on Legislature and Legislation. And the question being on the motion of Mr. Marsh to take from the table said report, and being put, it was decided in the negative. So the Convention refused to take said report from the table.

Mr. Hough, Chairman of the Committee on Printing, reported back the report of the Committee on State Institutions and buildings as correctly printed. There being no objection, the report was received and placed on file by the Secretary.

Mr. Head, Chairman of the Committee on Miscellaneous Subjects, presented a report of that Committee as follows:

Denver, Colorado, February 3, 1876.

To the Honorable President and Constitutional Convention:

Gentlemen—Your Committee on Miscellaneous Subjects, to whom was referred the resolutions of Mr. Felton, concerning boundaries; and the resolution of Mr. Barela, concerning the publication of the Constitution and Laws of the State of Colorado with the amendments offered to the last named resolution by Mr. Garcia and Mr. Ebert, beg leave to state that they have had the same under consideration, and present the following substitutes for said resolutions and recommend their adoption.

L. HEAD, Chairman.

PUBLICATION OF LAWS.

The General Assembly shall provide for the publication of the laws passed at each session thereof; 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.

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; thense 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.

Your Committee also present the following resolution concerning the publication of the Constitution and the address to accompany the same and recommend its adoption:

Resolved, That the Constitution, when framed, together with the address which is to accompany the same, be published in pamphlet form, for distribution among the citizens of Colorado; That the Committee on Printing be instructed to have printed in the English language ——copies; in the Spanish language——copies; and in the German language——copies of the same.

On motion of Mr. Kennedy, the report was received, ordered printed, and laid upon the table for future consideration.

Messrs. Ebert, Stone and Boyles appeared and took their seats.

Mr. Kennedy moved that the report of the Committee on Future Amendments be taken from the table, which was agreed to.

On motion of Mr. Kennedy, the Convention resolved itself into Committee of the Whole to consider the report of the Standing Committee on Future Amendments. Mr. Wilcox in the chair, and after some time spent therein, the President resumed the chair and Mr. Wilcox submitted the following report:

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Standing Committee on Future Amendments, having, according to order, had under consideration said report, have directed me to report the same back, with sundry amendments thereto, and ask the concurrence of the Convention therein, in the words following.

P. P. WILCOX,
Chairman of Committee of the Whole.

FUTURE AMENDMENTS.

Section 1. Whenever two-thirds of the members of each house of the General Assembly shall, by a vote entered upon the Journals thereof, concur that a Convention is necessary to revise, alter or amend the Constitution, the question shall be submitted to the electors at the next General Election. If a majority voting at an election vote for a Convention, the General Assembly shall, at its next session, provide for a Convention, to consist of double the number of the Senate, to 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 meeting; fix the pay of its members and officers, and provide for the payment of the same, together with the expense necessarily incurred by the Convention in the performance of its duties.

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 qualification of members shall be the same as that of members of the Senate; and vacancies occurring shall be filled in the same 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 shall 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.

Sec. 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 adoption or rejection, and if they are approved by a majority of those voting thereon, they 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.

On motion of Mr. Felton, the report of the Committee of the Whole was received.

Mr. Felton moved that the Convention concur in the amendments to the report of the Committee on Future Amendments as reported by the Committee of the Whole, viz.: in the second line of section 1, to strike out the word "conclude" and insert in lieu the word "concur;" in the fourth line of section 1 to insert between the words "Election" and "for" the word "vote"; and in the fifth line of section 1, to strike out the word "the" between the words "at" and "next", and insert in lieu the word "its;" and in section 2, to strike out the words "voted upon by," in the eighth line, and insert in lieu the words "submitted to;" and also in same line, to insert after the word "State" the words "for their adoption or rejection;" which was agreed to.

So the Convention concurred in the amendments to the report of the Committee on Future Amendments, as reported by the Committee of the Whole.

On motion of Mr. Clark the Convention adopted the following article:

FUTURE AMENDMENTS.

Section 1. Whenever two-thirds of the members of each house of the General Assembly shall, by a vote entered upon the Journals thereof, concur that a Convention is necessary to revise, alter or amend the Constitution, the question shall be submitted to the electors at the next General Election; if a majority voting at an election, vote for a Convention, the General Assembly shall, at its next session, provide for a Convention, to consist of double the number of members of the Senate, to 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 meeting; fix the pay of its members and officers and provide for the payment of same, together with the expense necessarily incurred by the Convention in the performance of its duties.

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 that of members of the Senate, and vacancies occurring shall be filled in the same manner provided for filling vacancies in the General Assembly.

Said Convention shall meet within three months after such election, and propose such revisions, alterations or amendments to the Constitution as shall 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, and no such revision, alteration or amendment shall take effect.

Sec. 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 of the General Assembly; and at said election, the said amendment or amendments shall be submitted to the qualified electors of the State for their adoption or rejection, and if they are approved by a majority of those voting thereon, they 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.

On motion of Mr. Clark, the article on Future Amendments, as adopted by the Convention, was ordered engrossed and referred to the Committee on Revisions and Adjustments. .

Mr. James moved that the Convention adjourn until 2 o'clock, p. m., which was not agreed to.

Mr. Wilcox asked leave of absence until Tuesday, which, on motion of Mr. Hough, was granted.

Mr. White moved that the Convention adjourn until Monday next at 9 o'clock a. m., which was agreed to.

So the Convention adjourned until 9 o'clock a. m., on Monday next.

MONDAY, FEBRUARY 7, 1876, 9 O'CLOCK, A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Palmer.

Roll called.

Absent—Messrs. Boyles, Carr, Lee, Marsh, Rockwell, White and Wilcox.

The Journal having been partially read, Mr. Kennedy moved that the reading of so much of the Journal as embraced the report of the Committee on Miscellaneous Subjects be dispensed with, which was agreed to.

The remainder of the Journal was then read and the same approved.

Mr. Stone presented a petition from one hundred and twenty-nine citizens of Denver, asking that the Constitution be so framed, in fixing the status of voters, that no distinction shall be made on account of sex, which, on motion of Mr. Kennedy, was referred to the Committee on Rights of Suffrage and Elections.

Mr. Ebert, Chairman of the Committee on Forest Culture, presented a report of that committee as follows:

To the Honorable, the President and the Constitutional Convention of Colorado:

Gentlemen—The Committee on Forest Culture, to whom was referred back the previous report, with several amendments for reconsideration, beg leave to report again in the words following.

(Signed) F. J. EBERT,
Chairman of Committee.

FORESTS.

Section 1. The General Assembly shall enact laws in order to prevent the destruction of and to keep in good preservation the forests upon the lands of the State, or upon the lands of the public domain, the control of which shall be conferred by Congress upon the State.

Sec 2. The General Assembly may provide that the increase in the value of private lands, as 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.

On motion of Mr. Widderfield, the report was received, ordered printed, and laid upon the table for future consideration.

Mr. Cooper, Chairman of the Committee on Engrossing and Enrolling, reported back the article on Executive Department as correctly engrossed.

On motion of Mr. Quillian, the report was received and referred to the Committee on Revisions and Adjustments.

Mr. Hough, Chairman of Committee on Printing, reported back the report of the Committee on Judiciary as correctly printed.

There being no objection, the report was received and placed on file by the Secretary.

Mr. Stone, Chairman of the Committee on Judiciary, presented a report of that committee, as follows:

To the Honorable President of the Constitutional Convention:

Your Standing Committee on Judiciary, having had under consideration the resolution offered in Convention and referred to said committee, relating to the importation, manufacture and sale of poisonous liquors, have agreed to report back the following substitute and recommend its adoption.

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 manufacture within the 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 such prohibition shall be enforced by fine and imprisonment.

Respectfully submitted,
WILBUR F. STONE,
Chairman.

On motion of Mr. Douglas, the report was received, ordered printed and laid upon the table for future consideration.

Mr. Felton, Chairman of the Committee on Officers and Oaths of Office, presented the report of that committee as follows:

Denver, Colorado, February 7, 1876.

To the Honorable President and Constitutional Convention of Colorado.

Gentlemen—Your Committee on Officers and Oaths of Office, to whom was referred the subject matter pertaining to that branch of the Constitution, beg leave to state that they have had the same under consideration, and present the accompanying article as their report.

All of which is respectfully submitted,
W. B. FELTON,
Chairman of Committee.

Section 1. All persons holding office under this State or any municipality therein, either by election or appointment,

shall exercise the duties of their respective offices until their successors are duly qualified according to law.

Sec. 2. That no person elected or appointed to any office or employment of trust or profit under the laws of this State, or any ordinance of any municipality in this State, shall hold such office without personally devoting his time to the performance of the duties of the same.

Sec. 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 in this State under the laws thereof, or of any municipality therein, until he shall have accounted for and paid over all public money for which he may be accountable.

Sec. 4. No person hereafter convicted of embezzlement of public moneys, bribery or perjury, shall be eligible to the General Assembly or capable of holding any office of trust or profit in this State.

The General Assembly may prescribe the same penalty for the violation of the laws regulating elections.

All cases specified in this section shall be deemed to be excepted out of the provision of section eight of the article relating to the Executive Department.

Sec. 5. The District Court of each county shall, at each term thereof, specially give in charge to the Grand Jury, 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 office of the Treasurer of such county, and report to the court the condition of said office.

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 office of the Auditor and Treasurer of the State.

Sec. 6. Any civil officer 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 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 provided by law.

Sec. 7. 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 corrupt 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 other 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 hereafter eligible to the same General Assembly; and (upon) conviction thereof in the civil courts shall be liable to such further penalty as may be prescribed by law.

Sec. 8. Members of the General Assembly, before they enter upon their official duties, shall take the following oath or affirmation: "You do solemnly swear (or affirm) that you will support the Constitution of the United States and the Constitution of the State of Colorado, and that you will faithfully perform the duties of your office according to the best of your ability, so help you God."

The above oath shall be administered to the members of the General Assembly by a Judge of some court of record in the hall of the house to which the member is elected.

Sec. 9. All civil officers, except members of the General Assembly and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe to the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Colorado, and that I will faithfully discharge the duties of the office of ————, whereon I am about to enter, according to the best of my ability. So help me God.

The above oath may be administered by any officer qualified by law to administer an oath.

Sec. 10. Officers of the Executive Department and Judges of the Supreme and District Courts shall file their oaths of office with the Secretary of State; all other officers shall file their oaths of office with the County Clerk of the county wherein they may exercise the duties of their office.

Sec. 11. If any officer shall refuse or neglect to qualify in his office within the time which may be prescribed by law, such office shall be deemed vacant.

Sec. 12. Previous to entering on the duties of their respective offices, all civil officers of this State shall give bond with security, in the manner and in such amount as shall be provided by law; provided, that the officers elected on the first Tuesday in October, A. D., 1876, shall give bond, with security, to the State of Colorado in the amount and in such manner as is now prescribed by law for their respective offices in the Territory of Colorado.

On motion of Mr. Kennedy, the report was received, ordered printed and laid upon the table for future consideration.

On motion of Mr. Felton, the report of the Committee on Mines and Mining was taken from the table.

On motion of Mr. Clark, the consideration of the report of the Committee on Mines and Mining in Committee of the Whole was made the special order for tomorrow, after the regular order of business.

Mr. Douglas moved that the report of the Committee of the Whole on Legislature and Legislation be taken from the table. And the question being on the motion of Mr. Douglas to take from the table, and being put and a division being called, it was decided in the affirmative—ayes 15, noes 6.

So the Convention concurred in the motion of Mr. Douglas to take from the table the report of the Committee of the Whole on Legislature and Legislation.

Mr. Kennedy moved that the report be considered by sections, which was agreed to.

Mr. Clark moved that the reading of the amendments to the report of the Standing Committee on Legislature and Legislation, as reported to the Convention by the Committee of the Whole, be dispensed with, and that said amendments be concurred in by the Convention, as follows, viz.:

In section 2 of the part entitled the Legislature, to insert the word "first" before the word "Tuesday," in first line; to strike out the words "next after the first Monday," in the second line; to strike out of same line the word "November," and insert in lieu the word "October," and in same line to strike out the words "every two years thereafter" and insert in lieu the words "1878 and in each alternate year thereafter on such day as may be provided by law," and in the sixth line to strike out the word "Legislative" and insert the word "General."

In section 6 to strike out the word "Legislative" in the first line and insert in lieu the word "General;" to strike out all from the word "Government," in the fourth line, up to and including the word "member," in the fifth line, and insert in lieu the words "and they shall receive no other compensation, perquisite or allowance whatsoever. No session of the General Assembly shall exceed sixty days," and to strike out the word "Legislative" and insert the word "General" in lieu.

To strike out the whole of section 9, as reported by the Committee on Legislature and Legislation.

To strike out of the second line of section 2 of the article on Legislation the words "as follows."

To strike out of the third line in section 3 the figures "2-3."

To strike out of the third line in section 6 the words "yeas and nays," and insert in lieu the words "ayes" and "noes."

In section 9, to insert the words "person, company or" in the first line, after the word "any," in the second line, after the word "such."

In section 10, to insert after the word "constables" the words "changing the rules of evidence in any trial or inquiry."

In section 20, to insert in first line the word "industrial" after the word "charitable;" to insert in the second line the word "corporation" after the word "person;" to insert after the word "community" in the same line, the words "not under the absolute control of the State," and to strike out of the same line the word "corporation."

Section 24, to insert in the first line after the word "any" the words "person, association or."

Section 26, to insert in the second line after the word "adjournment" the words "relating solely to the transaction of business of the two houses."

And the question, being on the motion of Mr. Clark to concur in the amendments to the report of the Committee on Legislature and Legislation, as reported by the Committee of the Whole, and being put, it was decided in the affirmative.

So the Convention concurred in the amendments to the report of the Committee on Legislature and Legislation, as reported by the Committee of the Whole.

Mr. Boyles appeared and took his seat.

Mr. Douglas moved the adoption of section 1, as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted section 1, as reported by the Committee of the Whole.

Mr. James moved the adoption of section 2, as reported by the Committee of the Whole.

Mr. Crosby moved to amend section 2 by striking out the word "October," in the first line, and insert in lieu thereof the

word "August," and the question, being on the motion of Mr. Crosby to strike out the word "October" and insert in lieu the word "August," and being put, it was decided in the negative—ayes, 4; noes, 27. And the ayes and noes being called for, those voting in the affirmative are: Messrs. Crosby, Cooper, Kennedy and Webster.

Those voting in the negative are: Messrs. Barela, Bromwell, Beck, Cushman, Clark, Douglas, Ellsworth, Ebert, Felton, Garcia, Hurd, Hough, Head, James, Meyer, Plumb, Pease, Quillian, Stover, Thatcher, Vigil, Wells, Wheeler, Widderfield, Yount and Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Crosby.

Mr. Kennedy moved to amend section 2 by striking out the word "October" in first line, and inserting in lieu the word "September."

Mr. Pease moved the previous question, and the question being, "Shall the main question be now put?" it was ordered.

And the question being, "Will the Convention concur in the amendment offered by Mr. Kennedy?" and being put, it was decided in the negative. Ayes, 3; noes 28. And the ayes and noes being called, those having voted in the affirmative are: Messrs. Cooper, Crosby and Kennedy.

Those voting in the negative are: Messrs. Barela, Bromwell, Bock, Cushman, Clark, Douglas, Ellsworth, Ebert, Felton, Garcia, Hurd, Head, Hough, James, Meyer, Plumb, Pease, Quillian, Stone, Stover, Thatcher, Vigil, Webster, Wells, Wheeler, Widderfield, Yount, Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Kennedy.

And the question recurring on the motion of Mr. James to adopt section 2 as reported by the Committee of the Whole, and being put, it was decided in the affirmative. And the ayes and noes being called for, those voting in the affirmative are: Messrs. Barela, Bromwell, Beck, Cushman, Clark, Cooper, Douglas, Ellsworth, Ebert, Felton, Garcia, Hurd, Hough, Head, James, Meyer, Plumb, Pease, Quillian, Stone, Stover, Thatcher, Vigil, Webster, Wells, Wheeler, Yount and Mr. President.

Those voting in the negative are: Messrs. Crosby, Kennedy and Widderfield.

So the Convention adopted section 2 as reported by the Committee of the Whole.

Mr. Thatcher moved to reconsider the vote by which the Convention adopted section 2 as reported by the Committee of the Whole.

And the question being upon the motion of Mr. Thatcher to reconsider, and being put and a division being called, it was decided in the affirmative. Ayes, 14; noes, 12.

So the Convention concurred in the motion of Mr. Thatcher to reconsider.

Messrs. Lee, Rockwell and Marsh appeared and took their seats.

Under the operation of the vote to reconsider, the question then recurred, "Will the Convention concur in the amendment offered by Mr. Kennedy, to strike out the word 'October,' in the first line, and insert the word 'September'? And being put, it was decided in the negative. Ayes, 10; noes, 22.

Mr. Lee, at his own request, was excused from voting.

The ayes and noes being called for.

Those voting in the affirmative are: Messrs. Crosby, Felton, Hurd, Kennedy, Plumb, Quillian, Stone, Thatcher, Wheeler and Widderfield.

Those voting in the negative are Messrs. Barela, Boyles, Bromwell, Beck, Cushman, Clark, Cooper, Douglas, Ellsworth, Ebert, Garcia, Hough, Head, James, Meyer, Pease, Stover, Vijil, Webster, Wells, Yount, Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Kennedy.

The question recurring upon the motion of Mr. James to adopt Section 2, as reported by the Committee of the Whole, pending the vote upon which Mr. Wells moved to reconsider the vote by which the previous question was ordered, which motion the President decided not to be in order.

Whereupon Mr. Wells appealed from the decision of the President, and the question being put, "Shall the decision of the Chair stand as the judgment of the Convention?" and a division being called, it was decided in the affirmative. Ayes, 14; noes, 12.

So the decision of the President was sustained by the Convention.

The question then being, "Will the Convention adopt Section 2, as reported by the Committee of the Whole?" and being put, it was decided in the affirmative. Ayes, 21; noes, 12.

And the ayes and noes being called for, those voting in the affirmative are: Messrs. Barela, Boyles, Bromwell, Beck, Cushman, Clark, Cooper, Ellsworth, Ebert, Garcia, Hurd, Hough, Head, James, Lee, Marsh, Plumb, Pease, Stover, Vijil, Yount.

Those voting in the negative are: Messrs. Crosby, Douglas, Kennedy, Quillian, Rockwell, Stone, Thatcher, Webster, Wells, Wheeler, Widderfield, Mr. President.

So the Convention adopted Section 2 as reported by the Committee of the Whole.

Mr. James moved the adoption of Section 3 as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted Section 3 as reported by the Committee of the Whole.

Mr. Thatcher moved to amend Section 4 by inserting the word "either" after the word "he" in the second line and also by inserting in the same line after the word "States" the words "or have declared his intention to become such."

Mr. Hough moved to adjourn until 2 o'clock this afternoon.

And the question being on the motion of Mr. Hough to adjourn, and being put and a division being called, it was decided in the affirmative. Ayes, 22; noes, 9.

So the Convention adojurned until 2 o'clock this afternoon.

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2 O'CLOCK P. M.

Roll called. Absent—Messrs. Boyles, Carr, Cushman, Garcia, White, Wilcox and Yount.

The Convention resumed the consideration of Section 4, and Mr. Thatcher moved the previous question, pending which, on motion of Mr. Barela, it was ordered that there be a call of the Convention.

The roll being called, the following named members failed to answer to their names, viz.: Messrs. Boyles, Carr, Cushman, Garcia, White, Wilcox and Yount.

Mr. Webster asked leave of absence for a short time for Mr. Cushman, which was granted.

Messrs. Garcia, Yount and Boyles appeared and took their seats.

On motion of Mr. Quillian further proceedings under the call of the Convention were dispensed with.

The question before the Convention then being, "Shall the main question be now put?" and being put, it was decided in the negative. Ayes, 10; noes, 26.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Boyles, Clark, Ebert, Lee, Marsh, Meyer, Quillian, Rockwell, Stone, Thatcher.

Those voting in the negative are: Messrs. Barela, Bromwell, Beck, Cushman, Cooper, Crosby, Douglas, Ellsworth, Elder, Felton, Garcia, Hurd, Hough, Head, James, Kennedy, Plumb, Pease, Stover, Vigil, Webster, Wells, Wheeler, Widderfield, Yount, Mr. President.

So the Convention refused to order the main question.

After some debate the question was put, Will the Convention concur in the motion of Mr. Thatcher to amend Section 4, by inserting in the second line the word "either" after the word "he" and also inserting after the word "States" the words "or have declared his intention to become such?" and was decided in the negative. Ayes, 14; noes, 22.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Cushman, Clark, Ebert, Head, James, Marsh, Meyer, Quillian, Rockwell, Stone, Thatcher, Webster, Wells, Mr. President.

Those voting in the negative are: Messrs. Barela, Boyles, Bromwell, Beck, Cooper, Crosby, Douglas, Ellsworth, Elder, Felton, Garcia, Hurd, Hough, Kennedy, Lee, Plumb, Pease, Stover, Vigil, Wheeler, Widderfield, Yount.

So the Convention refused to concur in the motion of Mr. Thatcher to amend Section 4.

Mr. Beck moved to amend Section 4 by adding the words, "Provided that at the first election under the Constitution any person who was a qualified elector under the Territorial laws shall be eligible to the General Assembly."

And the question being on the motion of Mr. Beck to amend Section 4, and being put, it was decided in the affirmative. Ayes, 26; noes, 10.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Barela, Beck, Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Felton, Garcia, Hurd, Hough, James, Lee, Marsh, Plumb, Pease, Rockwell, Stover, Webster, Wells, Wheeler, Widderfield, Yount, Mr. President.

Those voting in the negative are: Messrs. Boyles, Bromwell, Ebert, Head, Kennedy, Meyer, Quillian, Stone, Thatcher, Vijil.

So the committee concurred in the amendment offered by Mr. Beck.

Mr. Stone moved to amend Section 4, by striking out of second line the words "citizen of the United States" and inserting in lieu the words "qualified elector." And the question being on the motion of Mr. Stone to amend Section 4, and being put, it was decided in the negative. Ayes, 14; noes, 22.

And the ayes and noes being called for, those voting in the affirmative are: Messrs. Bromwell, Cushman, Clark, Ellsworth, Ebert, Head, James, Marsh, Meyer, Quillian, Rockwell, Stone, Thatcher, Wells.

Those voting in the negative are: Messrs. Barela, Boyles, Beck, Cooper, Crosby, Douglas, Elder, Felton, Garcia, Hurd, Hough, Kennedy, Lee, Plumb, Pease, Stover, Vigil, Webster, Wheeler, Widderfield, Yount, Mr. President.

So the President refused to concur in the amendment to Section 4, offered by Mr. Stone.

Mr. Webster moved to amend Section 4, by inserting in second line after the word "within" the words "the State twelve months and within," and by striking out in the third line the word "twelve" and inserting in lieu the word "three." And the question being upon the motion of Mr. Webster to amend

Section 4, and being put, it was decided in the negative. Ayes, 12; noes, 22.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Bromwell, Beck, Cushman, Clark, Crosby, Ellsworth, Elder, Ebert, Head, Marsh, Rockwell, Webster, Mr. President.

Those voting in the negative are: Messrs. Barela, Boyles, Cooper, Douglas, Felton, Garcia, Hough, James, Kennedy, Lee, Meyer, Plumb, Pease, Quillian, Stone, Stover, Thatcher, Vijil, Wells, Wheeler, Widderfield, Yount.

So the Convention refused to concur in the amendment offered by Mr. Webster to Section 4.

Mr. Hough moved the adoption of Section 4, as reported by the Committee of the Whole as amended, which was agreed to. So the Convention adopted Section 4, as reported by the Committee of the Whole, as amended.

On motion of Mr. Plumb the Convention adopted Section 5, as reported by the Committee of the Whole.

On motion of Mr. Thatcher, Section 6 was recommitted to the Standing Committee on Legislature and Legislation.

Mr. Thatcher moved to amend Section 7, as reported by the Committee of the Whole, by striking out in first line the word "first" and inserting in lieu the word "fourth," and by striking out in same line the word "January" and inserting in lieu the word "November," and striking out the figures "1877" in the second line and inserting in lieu the figures "1876," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Thatcher.

Mr. Thatcher moved to amend Section 7, as reported by the Committee of the Whole, by striking out the word "biennially" in the second line and inserting in lieu the words "at 12 o'clock noon on the first Wednesday in January of each alternate year," which was also agreed to.

So the Convention concurred in the motion of Mr. Thatcher to amend Section 7, as reported by the Committee of the Whole.

Mr. Thatcher moved to amend Section 7, as reported by the Committee of the Whole, by striking out the words "first day of January" in the third line and inserting in lieu the words "fourth Wednesday of November," and also by adding to the section the words "until otherwise provided by law," which was agreed to.

So the Convention concurred in the motion of Mr. Thatcher to amend Section 7, as reported by the Committee of the Whole.

On motion, Section 7, as reported by the Committee of the Whole, as amended, was adopted.

On motion, Section 8, as reported by the Committee of the Whole, was adopted.

On motion, Section 9, as reported by the Committee of the Whole, was adopted.

On motion, Section 10, as reported by the Committee of the Whole, was adopted.

On motion, Section 11, as reported by the Committee of the Whole, was adopted.

On motion of Mr. Wheeler, Section 12, as reported by the Committee of the Whole, was adopted.

Mr. Kennedy moved to amend Section 13, as reported by the Committee of the Whole, by striking out the words "yeas" and "nays" in the second line and inserting in lieu the words "ayes" and "noes," which was agreed to.

So the Convention concurred in the motion of Mr. Kennedy to amend Section 13, as reported by the Committee of the Whole.

Mr. Pease moved to amend Section 13, as reported by the Committee of the Whole, by striking out all after the word "proceedings" in the first line up to and including the word "secrecy" in the second line. And the question being on the motion of Mr. Pease to strike out, and being put, it was decided in the negative. Ayes, 16; noes, 19.

The ayes and noes being called, those voting in the affirmative are: Messrs. Beck, Crosby, Elder, Hurd, Head, Kennedy, Meyer, Plumb, Pease, Quillian, Rockwell, Stone, Stover, Wheeler, Widderfield, Yount.

Those voting in the negative are: Messrs. Barela, Boyles, Bromwell, Carr, Cushman, Clark, Cooper, Douglas, Ellsworth, Ebert, Felton, Garcia, Lee, Marsh, Thatcher, Vijil, Webster, Wells, Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Pease.

Mr. Clark moved to amend Section 13, as reported by the Committee of the Whole, by inserting in the first line after the word "and" the word "may."

Mr. Boyles moved to amend the amendment offered by Mr. Clark, by inserting the words "may in its discretion" after the word "and" in the first line, which amendment was accepted by Mr. Clark. And the question being on the motion of Mr. Clark, as amended by Mr. Boyles, to amend Section 13, as reported by the Committee of the Whole, and being put, it was decided in the affirmative. Ayes, 18; noes, 17.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Beck, Clark, Crosby, Elder, Ebert, Head, Kennedy, Marsh, Meyer, Plumb, Pease, Quillian, Rockwell, Stone, Stover, Wheeler, Widderfield, Yount.

Those voting in the negative are: Messrs. Barela, Boyles, Bromwell, Carr, Cushman, Cooper, Douglas, Ellsworth, Felton,

Garcia, Hurd, Lee, Thatcher, Vijil, Webster, Wells, Mr. President.

So the Convention concurred in the amendment offered by Mr. Clark, as amended by Mr. Boyles.

On motion of Mr. Clark, the Convention adopted Section 13, as reported by the Committee of the Whole, as amended.

On motion of Mr. Kennedy, the Convention adopted Section 14, as reported by the Committee of the Whole.

On motion of Mr. Wheeler, the Convention adopted Section 15, as reported by the Committee of the Whole.

On motion of Mr. Cooper, the Convention adopted Section 16, as reported by the Committee of the Whole.

Mr. Crosby moved to adjourn until 9 o'clock A. M. tomorrow. And the question being on the motion of Mr. Crosby to adjourn, and being put, and a division being called, it was decided in the affirmative. Ayes, 18; noes, 14.

So the Convention adojurned until 9 o'clock A. M. tomorrow.

TUESDAY, FEBRUARY 8, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Roll called. Absent—Messrs. Boyles, Felton, Hough, Quillian, Stone and White.

The Journal of preceding day having been partially read, Mr. Widderfield moved that the reading of so much of the Journal as embraced the reports of the Standing Committees on Forest Culture, Judiciary, and Officers and Oaths of Office be dispensed with, which was agreed to.

The reading of the Journal having been continued, Mr. James moved to dispense with the further reading of the Journal, which was not agreed to.

The remaining portion of the Journal was then read and the same approved.

Mr. Stone appeared and took his seat.

Mr. Garcia presented a petition of 286 citizens of Colorado, asking that no clause be inserted in the Constitution prohibiting the General Assembly from passing any law for the division of the school funds, and on his own motion the petition was referred to the Committee on Education and Educational Institutions.

Mr. Bromwell presented a memorial from the committee of the Colorado Woman Suffrage Association, asking for a definition of woman's place, if she have any, in the Bill of Rights.

Mr. Widderfield moved that the memorial be referred to the Committee of the Whole, which motion was not agreed to.

Mr. Bromwell moved that the memorial be referred to the Committee on Rights of Suffrage and Elections, which was agreed to.

Mr. Rockwell asked leave of absence until 11 o'clock, which was granted.

Mr. Thatcher asked leave of absence for Mr. Wells until 11 o'clock, which was granted.

The President announced as the next business in order the unfinished business of yesterday, which was the consideration of the report of the Committee of the Whole on Legislation.

Mr. Beck moved the adoption of Section 1 of the article on Legislation, as reported by the Committee of the Whole, which was agreed to.

So the Convention adopted Section 1, as reported by the Committee of the Whole.

On motion of Mr. Douglas, the Convention adopted Section 2, as reported by the Committee of the Whole.

Mr. Wilcox moved to amend Section 3, as reported by the Committee of the Whole, by striking out in third line "two-

thirds" and inserting in lieu the words "a majority," which was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Wilcox.

On motion of Mr. Plumb, the Convention adopted Section 3, as reported by the Committee of the Whole.

Mr. Bromwell moved to amend Section 4, as reported by the Committee of the Whole, by inserting in first line the words "by either house" after the word "considered," and also to insert in same line after the word "committee" the word "thereof." And the question being upon the motion of Mr. Bromwell to amend Section 4, and being put, and a division being called, it was decided in the negative. Ayes, 6; noes, 14.

So the Convention refused to concur in the amendment to Section 4, offered by Mr. Bromwell.

On motion of Mr. Wilcox, the Convention adopted Section 4, as reported by the Committee of the Whole.

Messrs. Hough and Felton appeared and took their seats.

On motion of Mr. Wheeler, the Convention adopted Section 5, as reported by the Committee of the Whole.

On motion of Mr. Douglas, the Convention adopted Section 6, as reported by the Committee of the Whole.

On motion of Mr. Yount, the Convention adopted Section 7, as reported by the Committee of the Whole.

On motion of Mr. Felton, the Convention adopted Section 7, as reported by the Committee of the Whole.

Mr. Beck moved the adoption of Section 9, as reported by the Committee of the Whole.

Mr. Marsh moved to strike out Section 9, as reported by the Committee of the Whole.

Mr. Beck moved the previous question. And the question being, "Shall the main question be now put?" and being put, and a division being called, it was ordered. Ayes, 18; noes, 13.

And under the operation thereof, the question being, Will the Convention adopt Section 9, as reported by the Committee of the Whole? And being put, it was decided in the affirmative. Ayes, 28; noes, 5.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Barela, Bromwell, Beck, Carr, Cushman, Clark, Cooper, Douglas, Elder, Ebert, Felton, Garcia, Hough, James, Kennedy, Lee, Meyer, Plumb, Pease, Stone, Stover, Thatcher, Vigil, Webster, Wilcox, Wheeler, Yount, Mr. President.

Those voting in the negative are Messrs. Ellsworth, Head, Marsh, Quillian and Widderfield.

So it was decided in the affirmative. Ayes 28; noes, 5.

So the Convention adopted Section 9, as reported by the Committee of the Whole.

On motion of Mr. Yount, the Convention adopted Section 10, as reported by the Committee of the Whole.

On motion of Mr. James, the Convention adopted Section 11, as reported by the Committee of the Whole.

On motion of Mr. Yount, the Convention adopted Section 12, as reported by the Committee of the Whole.

On motion of Mr. Yount, the Convention adopted Section 13, as reported by the Committee of the Whole.

On motion of Mr. Yount, the Convention adopted Section 14, as reported by the Committee of the Whole.

On motion of Mr. Yount, the Convention adopted Section 15, as reported by the Committee of the Whole.

On motion of Mr. Clark, the Convention adopted Section 16, as reported by the Committee of the Whole.

On motion of Mr. Kennedy, the Convention adopted Section 17, as reported by the Committee of the Whole.

On motion of Mr. Hough, the Convention adopted Section 18, as reported by the Committee of the Whole.

On motion of Mr. Yount, the Convention adopted Section 19, as reported by the Committee of the Whole.

On motion of Mr. Plumb, the Convention adopted Section 20, as reported by the Committee of the Whole.

On motion of Mr. Kennedy, the Convention adopted Section 21, as reported by the Committee of the Whole.

On motion of Mr. Kennedy, the Convention adopted Section 22, as reported by the Committee of the Whole.

On motion of Mr. James, the Convention adopted Section 23, as reported by the Committee of the Whole.

On motion of Mr. Clark, the Convention adopted Section 24, as reported by the Committee of the Whole.

On motion of Mr. Beck, the Convention adopted Section 25, as reported by the Committee of the Whole.

On motion of Mr. Kennedy, the Convention adopted Section 26, as reported by the Committee of the Whole.

On motion of Mr. Yount, the Convention adopted Section 27, as reported by the Committee of the Whole.

On motion of Mr. Yount, the Convention adopted Section 28, as reported by the Committee of the Whole.

On motion of Mr. Wilcox, the Convention adopted Section 29, as reported by the Committee of the Whole.

On motion of Mr. Plumb, the Convention adopted Section 30, as reported by the Committee of the Whole.

Mr. Quillian moved to reconsider the vote by which Section 2 of the article on Legislature was adopted. And the question

being upon the motion of Mr. Quillian to reconsider, and being put, and a division being called, it was decided in the negative. Ayes, 9; noes, 16.

So the Convention refused to reconsider the vote by which Section 2, of the report of the Committee of the Whole, was adopted.

Mr. Carr moved to reconsider the vote by which Section 5, of the article on Legislation, as reported by the Committee of the Whole, was adopted, which was agreed to.

So the Convention concurred in the motion of Mr. Carr to reconsider.

Mr. Carr moved to amend Section 5, of the article on Legislation by adding thereto the words "but if any subject shall be embraced in an 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," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Carr.

On motion of Mr. Carr, the Convention adopted Section 5, of the article on Legislation, as reported by the Committee of the Whole, as amended.

On motion of Mr. Felton, the article on Legislature and Legislation as adopted by the Convention was laid upon the table for future action of the Convention.

Mr. Cooper, chairman of the Committee on Engrossing and Enrolling, reported back the article on Future Amendments as correctly engrossed.

On motion of Mr. Pease, the article on Future Amendments was referred to the Committee on Revision and Adjustments.

Mr. Kennedy asked leave of absence until 2 o'clock this afternoon, which was granted.

Mr. Yount, of the Committee on Printing, reported back the reports of the Standing Committees on Forest Culture, Judiciary, Miscellaneous Subjects and Officers and Oath of Office, as correctly printed.

There being no objection, the reports were received and placed on file by the Secretary.

Mr. Webster, chairman of the Committee on Rights of Suffrage and Elections, presented a majority report of that committee, as follows:

To the Honorable President and Constitutional Convention of Colorado.

Gentlemen—The majority of your Committee on Rights of Suffrage and Elections, to whom was referred the subject-matter relating to those branches of the Constitution; also, sundry petitions and resolutions relating to the same subject, beg leave to state that they have had the same under consideration, and

herewith return said petitions and resolutions to the Convention, and submit the following as their report, all of which is respectfully submitted.

W. W. WEBSTER,
WM. E. BECK,
WILBUR F. STONE.

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 to become such citizen according to law not less than six 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, however, That in all elections for district school officers and in voting upon all questions relating to public schools within such district, there shall be no distinction on account of sex.

Sec. 2. The General Assembly may, at any time, extend by law the right of suffrage to persons not herein enumerated, but no such law shall take effect or be in force until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all the votes cast for and against such law.

Sec. 3. The General Assembly may prescribe by law an educational qualification for electors, but no such law shall take effect or be in force prior to the year of our Lord one thousand eight hundred and ninety (1890), and no person who shall be a qualified elector prior to the year one thousand eight hundred and ninety (1890) shall be disqualified by virtue of such law.

Sec. 4. For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service either military of this State or of the United States, nor while a student of any institution of learning, nor while kept in any poor house or other asylum at public expense, nor while confined in public prison.

Sec. 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.

Sec. 6. No person shall be elected or appointed to any civil or military office in this State who is not a citizen of the United States, and who shall not have resided in this State six months next preceding his election or appointment.

Sec. 7. The general election of all officers, except as herein otherwise provided, shall be held on the first Tuesday of Oc-

tober in the years of our Lord one thousand eight hundred and seventy-six (1876) and one thousand eight hundred and seventy-eight (1878), and thereafter as may be provided by law.

Sec. 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 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 disclose how any voter shall have voted unless required to do so as a witness in a judicial proceeding; Provided, That 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.

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

Sec. 10. No person while confined in any public prison shall be entitled to vote at any election under the laws of this State, 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 confinement, shall, without further action, be invested with all the rights of citizenship.

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

Sec. 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 assigning jurisdiction or regulating its exercise shall apply to any contest arising out of an election held before its passage.

MINORITY REPORT.

By leave of the Convention, Mr. Bromwell presented a minority report of the Committee on Rights of Suffrage and Elections, as follows:

Denver, Colorado, February 8, 1876.

To the Honorable President of the Constitutional Convention:

The undersigned, a minority of the Committee on "Rights of Suffrage and Election," respectfully beg leave to submit to the Convention the views of the minority of said Committee upon the subjects submitted to them.

This minority of said committee respectfully submit that the report made by the majority of said committee contains one pro-

vision which can not be reconciled with justice and equal rights among the citizens of the State.

Said provision is in the form of a limitation upon the right of suffrage, conferring that right to less than one-half of the citizens of the State over the age of twenty-one years.

The undersigned know of no reason why any portion of our citizens should be disfranchised except in case of crime, and even in that case this Convention has already voted to remove the badge of infamy which disfranchisement inevitably fixes, from any criminal who shall serve out his time of punishment. This vote of itself is all that is neded to stamp the proscription here complained of as a provision wholly unwarrantable and indefensible, because said vote was and is based on the recognized truth that among a body or community who stand upon a general equality, any particular distinction by way of deprivation or disqualification applied to any portion of such community operates, in spite of all that may be said or desired to the contrary, as a badge of inferiority, degradation and reproach, and can not operate otherwise. And it is only because it does so operate that there is any foundation for the sympathy toward criminals who have endured the penalties of the law.

This Convention only reflects the sentiments of the whole people when it shows such sympathy with parties deprived of the principal and real badge of citizenship, which deprivation places any one subject to the same in a position of perpetual punishment after the demands of the law are satisfied.

But the deprivation in this case is one distinctly at war with the deliberate act of this Convention, touching the most solemn and fundamental article of the Constitution now being formed—the bill of rights. That article begins as follows:

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

In order to assert our rights—whose rights?—manifestly the rights of the whole people. Acknowledge our duties—duties toward whom?—clearly toward the whole people, and every one of them, "and proclaim the principles upon which our government is founded, we declare," etc.

On what principles is our government founded? The principles following in the bill of rights, which are among other things these: "That all government of right originates from the people." What people? The whole people of Colorado who are of years of maturity. To prove this let the section speak further for itself in these words: "Is founded upon their will only, and is instituted for the good of the whole." Can there be a more emphatic, complete and direct denial of the rights of one-half the people to disfranchise the other? Why, according to the bill of rights the whole people have no right to disfranchise any part, much less can those do so who are not even a majority. And if any ma-

jority can disfranchise a minority, what hinders a majority of those doing so from disfranchising a part of them, and so on down until but one is left, and thereupon he in fact set up an autocratic government, and proclaim himself the sovereign. And to conform to the bill—that is, his bill—of rights, he may call himself the sovereign people from whom all government by said bill originates.

But the bill goes on to say: "That the people of this State have the sole and exclusive right of governing themselves." What does that mean? Why, the whole people have this right, and not any part only. The right is exclusive. What does that mean? Why, that it excludes the right of any one, or any portion of the people to arrogate to himself or to themselves the right of governing. How then can this Convention proclaim that bill of rights so admirably framed to set forth the true "principles" of this government, and yet begin at the very next step by declaring that half the people are not any part of the governing power, whose will originates all government?

But aside from the universally recognized principles of the Bill of Rights, what right has any one class of the citizens to sit in judgment, or [in] allowing to others the exercise of their rights?

Nobody can, and we believe, no one does deny that one citizen has just as much right as another.

This proscription then is an actual taking away or preventing of the exercise of the very first right possible to a member of the commonwealth. Therefore the minority refuses to join in said report.

But aside from the abstract rights, and aside from contradiction between the parts of this organic law, the practical effort of disfranchising any portion of the citizens of a republic is to create a sense of inferiority on their part, and of contempt for them on the part of the favored class.

It may be stated as a rule applicable to every species of republic that the depriving of any class of the right of suffrage invites contempt of that class, and in fact produces (it).

Further, in a republic, the right of suffrage is part of the means of welfare of any person or class of persons. Experience has shown abundantly that the right to vote is concerned with securing food and raiment.

No man who has examined the subject doubts that the enfranchisement of the colored people put bread and butter into the mouths of their children. It enabled men to live by the labor of their hands who before were pariahs of the community, the foot balls of the police courts and officers, and the last who could secure a chance to earn a bone or crust for their children. Their enfranchisement in the District of Columbia added thirty thousand producing and thrifty citizens to the population. The merchant and business man of the district found that ten dollars

paid into his till by a black man was as good as any ten dollars he could get hold of. The people all found they had been enriched to some extent, and nobody hurt by the enfranchisement forced upon the district.

How is it with woman? In the city of New York alone more than forty thousand women are making vests and shirts at ten cents apiece, toiling with bloody fingers and weary eyes at late hours to find scanty support for their children.

In all the Union there are doubtless near a million of such cases. They represent perhaps three millions of children. There are to-day thousands in Colorado. In the near future there will be ten thousand. Can any one suppose that if these women had the right to vote their interests would not be looked after by the politicians of all classes? The favors shown by the politicians in and out of office, to the lower classes of men because they are armed with the ballot, have ameliorated their condition in every city of the Union. Can any one doubt the same result would follow in any other case?

This minority speaks for more than three millions of children who are dependent on the support of their mothers or sisters. The attempt to keep up the distinction of barbarous ages is a simple abuse of power, which works an outrage on their rights, and all for what? Simply to gratify a prejudice, and in many cases, a conceit of self-superiority always found in men in the savage state, and disappearing, perhaps more slowly than any other savage characteristic, as civilization advances.

In no class of business is such discrimination allowed. The stockholders in all associations vote. Nobody is stupid enough to object that they are women. The members of every society, male and female, vote. Nobody thinks of setting up a distinction so ill-mannered and out of character as to put a question to one class of the members present. But in the government of the commonwealth, which is primary to all governments of corporations or societies within its sphere, we go on refusing the exercise of the plainest and most fundamental right to half the people.

All the arguments—if sneering and cracking jokes are to be called arguments—brought against the exercise of universal suffrage are the very same used by the favored class one hundred years ago against the right of just such men as now compose this Convention.

Then was heard the cry that in order to vote a man must be identified with the government by something of great value, to preserve to himself and family. Primogeniture and entailment, and other means of forming a family distinction and perpetuity, all conspired to accumulate power in the hands of a favored few. We have torn all those badges of kingcraft and aristocracy to shreds, dignified labor, established freedom, and in part emancipated humanity. But here we stopped half way, as if some magic worked a spell on us. We stand dazzled like the buck in

the glare of the night hunter's torch, and fail to look at or perceive what is behind the prejudice which disables our intellectual eyes.

All the arguments based on superiority are false in two respects: First it makes no difference who is superior. We do not classify our present voters in that way; the most inferior clown in the whole country is protected in his vote because it is his right. He is a shareholder in the government; the unconvicted thief votes without hindrance. Secondly, it is false that woman is inferior to man. Any such assumption is false on its face and falsified by all history. The capacity of woman to govern has been shown. There is hardly a kingdom or empire, excepting those where the Salic law has prevailed, which does not point to a reign when the scepter was held by a woman, as the most illustrious period of its history, either in war or in peace. It stands undisputed, and to-day it is found throughout the land, that the best governors in the school room are those normal governors of our infancy and youth—women.

The truth is we are a human race; part of us are men, part of us are women—both equal—each superior and each inferior. Each is part and parcel of the same humanity. If either is to tread on the other why must woman be the victim? Have we not had enough of the absurd, outrageous and silly laws of the past centuries concerning the rights of married women?—laws adhered to for generations after all legislators and jurists were ashamed of them, and then only set aside by piecemeal after the continuation of injustice and fraud growing out of them had been endured beyond anything tolerated in other cases.

The question involves the welfare of all. Other nations are passing us now in this respect. England will yet beat the United States to the goal of universal suffrage. She has advanced beyond us in that direction as she has in law reforms. Unless we change our action we will be behind all the monarchies of Europe in one generation more. Taxation without representation is being put aside in all countries. We hold on to it against our women as England held on to it against the colonies in 1775. To-day they grade streets in the city of Denver and elsewhere, charge the expenses to the property-holders in cases where half are women, and shut their mouths at the polls, while they commission the tax collector to levy upon and sell their homes to pay for jobs often put up to give contracts to some ward politician.

The whole thing is a shame and reproach to our civilization, and in a few years will be looked back upon with as much astonishment as we now look back upon the hunting of slaves by blood hounds in the South and the laws for imprisoning and selling colored men in the North.

The argument that many women would not vote if they had a chance answers nothing. There are thousands who will vote and who petition for the opportunity. What is it the business

[what business is it] of other people, men or women, that those should vote who desire so to do?

In this Convention such has been the solicitude to provide facilities for men to vote that we have changed the day of election from November to October, in order to prevent the men of certain mining districts from being disfranchised by snows and storms. Yet here on the table are petitions of hundreds of women to be allowed to vote, and we coolly fling the request aside as though it came from the Cheyenne Indians, and tell ten thousand and more of the citizens of this Territory that the lords and masters of suffrage in this new State one hundred years after the Declaration of Independence, hold all which that insrument contains like our bill of rights, to be but an amplification of our own superiority compared with theirs—that the march of civilization differs nothing from the single file of the Ute chief with his feathers and old brass and paint, while his squaw lugs the burden, trudging helplessly and hopelessly behind, the slave of a savage.

But we propose one step—that is to allow women to vote at school elections. If this is done in good faith it is a confession of judgment against us that we are in the wrong. Though it is right as far as it goes, it is not a magnanimous movement; for it appears to recognize a right without the determination to establish it. It looks as if the darling conceit of superiority could not bear to do without some badge of distinction to make believe we are still able to keep something beneath us. This may be a great consolation to certain minds. We must expect them to wrestle forever with any principle which would operate to leave nobody below them in the social or political scale.

The true office of the judge is to discern justice by the law. The true office of the law-giver is to make the law the exponent of justice.

In order that this be done the undersigned respectfully submit that one article be adopted the same in all respects as that reported by this committee, save that the one word "male" in the first section be stricken out, to follow that other word "white," lately expunged from thirty-seven Constitutions to the same charnel house of ancient abuses, and that the organic law so perfected, be adopted as the foundation of government in the Centennial State. The [Thus] the body of our Constitution will conform to its first principles—which would otherwise thunder in the index—in the bill of rights to mock the impotence of its subsequent provisions.

Respectfully submitted,

H. P. H. BROMWELL,
AGIPETA VIGIL.

Mr. Rockwell moved that both the majority and minority reports of the Committee on Rights of Suffrage and Elections

be received, ordered printed and laid upon the table for future consideration.

Mr. Widderfield asked for a division of the question, and the question being on the motion to print the majority report, and being put, it was decided in the affirmative. And the question recurring on the motion to print the minority report, and being put, it was decided in the affirmative. So the Convention concurred in the motion of Mr. Rockwell to print both the majority and minority reports.

Mr. Cushman moved that 500 copies of both the majority and the minority reports be ordered printed.

Mr. Yount moved to amend the motion of Mr. Cushman by striking out "500" and inserting in lieu "1,000," which amendment was accepted by Mr. Cushman, and the question being upon the motion of Mr. Cushman, as amended by Mr. Yount, that 1,000 copies of both the majority and the minority reports be ordered printed, and being put, it was decided in the negative. Ayes, 16; noes, 20. And the ayes and noes being called for, those voting in the affirmative are—Messrs Barela, Bromwell, Carr, Cushman, Clark, Cooper, Crosby, Ebert, Garcia, Hurd, Marsh, Plumb, Rockwell, Vigil, Webster, Yount.

Those voting in the negative are—Messrs. Beck, Douglas, Ellsworth, Elder, Felton, Head, Hough, James, Lee, Meyer, Pease, Quillian, Stone, Stover, Thatcher, Mills, Wilcox, Wheeler, Widderfield and Mr. President.

So the Convention refused to concur in the motion of Mr. Cushman, as amended by Mr. Yount, that 1,000 copies of the minority report be ordered printed.

Mr. Stover moved that 500 copies of the minority report be ordered printed.

Mr. Wilcox moved as an amendment that 150 copies each of the majority and the minority reports be ordered printed.

Mr. Stone moved that both the motion of Mr. Stover and the amendment thereto, offered by Mr. Wilcox, be laid upon the table.

And the question being on the motion of Mr. Stone to lay upon the table, and being put, it was decided in the affirmative. Ayes, 29; noes, 7.

The ayes and noes being called for, those voting in the affirmative are—Messrs, Bromwell, Beck, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Garcia, Hurd, Hough, James, Lee, Marsh, Meyer, Plumb, Pease, Quillian, Stone, Thatcher, Vigil, Webster, Wells, Widderfield, Mr. President.

Those voting in the negative are—Messrs. Barela, Head, Rockwell, Stover, Wilcox, Wheeler and Yount.

So the Convention concurred in the motion of Mr. Stone to lay upon the table.

Mr. Bromwell, chairman of the Committee on State, County and Municipal Indebtedness, presented a report of that committee, as follows:

Denver, Colo., February 8, 1876.

To the Honorable President and Constitutional Convention of Colorado.

Gentlemen—Your Committee on State, County and Municipal Indebtedness, to whom was [were] recommitted sections 2, 6, 7, 8 and 9 of their former report, together with certain amendments adopted thereto by the Committee of the Whole, report the same back with said amendments and certain other amendments, and also a section to be numbered section 3 of said article, and they recommend that said amendments and said additional section be adopted, and that the numbering of said sections be changed accordingly. All of which is respectfully submitted.

H. P. H. BROMWELL,
A. R. YOUNT,
W. H. CUSHMAN,
R. DOUGLAS,
Committee.

Sec. 2. Neither the State nor any county, city, town, township or school district shall become a subscriber to or stockholder or shareholder in any corporation, joint stock company or association or a joint owner with any person, association or corporation or any municipality whatever, in or out of this State, except as to such ownership as may accrue to the State by escheat or by forfeiture of franchise or property, by operation or provision of law, 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 or either of them, or with any person or persons, association or corporation by forfeiture of real estate for non-payment of taxes or by donation or devise, for public use, or by purchase by or on behalf of the State or any county, city, town, township or school district, or any or either of them jointly with any or either of them, under execution in cases of fines, penalties or forfeiture of bail, recognizance, official bond or bonds to secure public moneys or the performance of contracts in which they or any or either of them may be jointly or severally interested.

Sec. 3. No appropriation shall be made, nor any expenditure authorized by the General Assembly, nor by any board of county commissioners, nor by the city council, board of aldermen, trustees or selectmen of any city or town or township, nor by the directors of any school district, whereby the expenditure of the State or of such county, city, town, township or school district, as the case may be, for and during the then next ensuing fiscal year, shall be incurred beyond an amount equal to the total tax then levied and available for such appropriation or expenditure, unless the law, ordinance or order, as the case may be,

making such appropriation or authorizing such expenditure provide for the levying of such tax allowed by law as will raise sufficient funds to pay such increased amount of appropriation or expenditure, allowing for estimated delinquencies within such next ensuing fiscal year, but no such appropriation or expenditure shall in any case exceed an amount equal to ten per cent. of the tax then levied and available as aforesaid.

Sec. 7. No county shall contract any debt by bond or other evidence of indebtedness except for the purpose of erecting necessary public buildings, making or repairing of public roads and bridges and for supplying each county or township with water for public use. And such indebtedness contracted during any one year by any county shall not exceed the rates following, to-wit: Counties in which the assessed valuation of property subject to taxation shall exceed ten millions of dollars, one mill on each dollar thereof. Counties in which such valuation shall be more than five millions and not more than ten millions of dollars, two mills on each dollar thereof. Counties in which such valuation shall be more than three millions but not more than five millions of dollars, three mills on each dollar thereof. Counties in which such valuation shall be more than one million but not more than three millions of dollars, five mills on each dollar thereof, and in counties in which such valuation shall be less than one million of dollars, —— cents on each dollar thereof. And the aggregate amount of such indebtedness contracted by any county, inclusive of all unfunded or floating indebtedness thereof, hereafter created and then existing, shall not at any time exceed twice the amount above limited in the case of such county, unless when in manner provided by law fixing the rate of interest thereon and providing for the levying of a tax not exceeding —— mills on each dollar of said valuation sufficient to pay the interest on and extinguish the principal of such debt within fifteen and not less than ten years from the creation thereof. The question of incurring such debt shall be submitted to the qualified electors of such county and ——— of those voting thereon shall vote in favor of incurring such debt.

Sec. 8. No school district shall contract any debt by loan in any form except for the purpose of erecting and furnishing suitable school buildings for such district (or) purchasing suitable grounds therefor, unless upon a proposition for that purpose submitted as may be provided by law to the votes of the qualified electors of such district, who shall be taxpayers therein. A majority of those voting thereon shall vote in favor of incurring such debt.

Sec. 9. No city or town shall contract any debt by loan in any form, except by means of an ordinance first legally adopted, and which shall be irrepealable until the indebtedness thereon shall have been fully paid and discharged, specifying the purposes to which the funds so to be raised thereby shall be applied, and providing for the levying of such tax, not exceeding twelve

(12) mills on each dollar of valuation of property subject to taxation by such city or town as will be 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 the funds arising from the collection of such tax shall be applied to the purposes in such ordinance specified and to no other until the indebtedness in such ordinance provided for shall be paid and discharged. But no such debt shall be created unless the question of incurring the same shall be submitted to the vote of the qualified electors of such city or town at a regular election for the election of councilman, alderman or officers thereof, and two-thirds of the said electors voting at said election, by ballot deposited in a separate ballot box, in manner to be provided by law, shall vote in favor of creating such debt, but the aggregate amount of debt so created shall not at any time exceed a sum equal to three per cent. of the valuation last aforesaid. Debts contracted for the purpose of procuring supplies of water for such city or town are excepted from the operation of this section. The valuation in this section mentioned shall be in all cases that of the assessment next preceding the last assessment before the adoption of such ordinance.

Sec. 10. Nothing contained in this article shall impair 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 the vote of the qualified electors of any county, city, town or school district before the day of this Constitution going into effect.

On motion of Mr. Webster, the report was received, ordered printed and laid upon the table for future consideration.

The President announced the next order of business to be the special order of this day for consideration of the report of the Committee on Mines and Mining.

Mr. James moved that the Convention adjourn till two o'clock p. m., which was agreed to.

So the Convention adjourned until 2 o'clock p. m.

TWO O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called. Absent—Messrs. Boyles, Cushman, Hurd and White.

Mr. Lee asked leave of absence for Mr. Boyles until tomorrow, which was granted.

Mr. Kennedy asked leave of absence for Mr. Cushman for one hour, which was granted.

Mr. Pease asked leave of absence for Mr. White for this day, which was granted.

Mr. Yount asked leave of absence for one hour, which was granted.

Messrs. Hurd, Boyles and Cushman appeared and took their seats.

On motion of Mr. Carr, the Convention resolved itself into Committee of the Whole to consider the report of the Committee on Mines and Mining, Mr. Quillian in the chair, and after some time spent therein the President resumed the chair and Mr. Quillian reported that the Committee of the Whole Convention, to whom was referred the report of the Committee on Mines and Mining, having, according to order, had under consideration said report, had made some progress therein, and asked leave to sit again after the regular order of business to-morrow.

On motion of Mr. Kennedy, the report was received and leave granted.

On motion of Mr. Kennedy, the Convention adjourned until 9 o'clock a. m. to-morrow.

WEDNESDAY, FEBRUARY 9, 1876, 9 O'CLOCK. A. M.

Convention met pursuant to adjournment.

Roll called. Absent—Messrs. Barela, Boyles, Hough, Stone, White and Yount.

Mr. Widderfield asked leave of absence for Mr. Hough on account of sickness in his family, which was granted.

The Journal having been partially read, on motion of Mr. Widderfield, the further reading of the Journal was dispensed with.

Messrs. White and Yount appeared and took their seats.

Mr. Beck presented the following petition and addenda, and on his own motion they were ordered spread upon the Journal, omitting the names:

To the Honorable Constitutional Convention of Colorado:

We, the undersigned citizens of the United States and residents of Colorado, firm in the belief that free, non-sectarian common schools are essential to the life and perpetuity of our form of government, and constitute the only security for a free, untrammeled ballot; and believing it better that such questions be settled at once and permanently, so that designing and corrupt politicians may not continually distract the attention and impose upon the minds of our people, do hereby most earnestly and respectfully petition your honorable body: First, to make ample provision for the support of free common schools. Second: To compel parents or guardians to educate their children. Third: To guard well the public school land, guarding against hasty sales that greater results may be obtained for the school fund; and Fourth: To now and forever settle the question of a non-sectarian character and non-division of the sacred school fund, thus taking the question out of our politics entirely. This we will ever pray.

Boulder, Colorado, February 7, 1876.

(Signed) O. F. A. GREENE,
And one hundred and thirty-five others.

We, the undersigned, fully endorse the foregoing petition, with the understanding that non-sectarian implies the exclusion of the reading of any Bible and all religious training and exercises from the public schools.

(Signed) J. H. DECKER,
And forty others.

Mr. Ellsworth presented the following petition, and on his own motion it was ordered spread on the Journal, omitting the names, and referred to Committee on Education:

To the Honorable the Constitutional Convention of Colorado:

The undersigned respectfully represent to your honorable body that they are citizens of Colorado, and are not members of the Protestant Church; that they sincerely desire the speedy admission of this Territory into the Union, and fear such admission will be endangered or delayed to the great prejudice of common interests should the Constitution not contain a provision sacredly and forever guarding the common school fund from appropriation to any sect or sects of religious denominations; they believe that sections 7 and 8, as reported by the Committee on Education, contain all that justice and honor dictate, and that wrong will be done to no one and equal rights secured to all by the adoption of those sections.

(Signed) P. GOTTESLEBEN,
And one hundred others.

On motion of Mr. Beck, the petition and addenda presented by him to the Convention were referred to the Committee on Education and Educational Institutions.

Mr. Barela appeared and took his seat.

Mr. Widderfield moved that the Convention resolve itself into Committee of the Whole to consider the report of the Comon Mines and Mining, which was agreed to.

Mr. James moved to reconsider the vote by which the Convention refused to resolve into Committee of the Whole, which was agreed to.

On motion of Mr. Wedderfield, the Convention resolved itself into Committee of the Whole to further consider the report of the Committee on Mines and Mining, Mr. Quillian in the chair, and after some time spent therein the President resumed the chair and Mr. Quillian submitted the following report:

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Standing Committee on Mines and Mining, having, according to order, had under consideration said report, have directed me to report back to the Convention sections 1, 2, 3, 4, 5, 6 and 8 with sundry amendments thereto, and ask the concurrence of the Convention in the words following, viz.:

MINES AND MINING.

Section 1. There shall be established and maintained the office of Commissioner of Mines, whose duties shall be prescribed by the General Assembly.

Sec. 2. The Governor shall, with the advice and consent of the Senate, appoint a person who is known to be competent for Commissioner of Mines, who shall hold his office for the term of four years unless sooner removed by the Governor for cause.

Sec. 3. The General Assembly shall fix the salary of the Commissioner of Mines and prescribe the time and manner in which he shall make his report, and provide generally for the wants of that office.

Sec. 4. The General Assembly shall pass such laws as may be necessary for the protection of operative miners by providing for proper ventilation of mines whenever the same may be required, as well as for the construction of escapement shafts or other such appliances as may be necessary to secure safety to the workmen in a mine.

Sec. 5. The General Assembly shall provide by law for such appliances and regulations in mines as may be necessary to protect the health of the operatives, and prohibit the employment of children in the mines under twelve years of age.

Sec. 6. The General Assembly may make such regulations from time to time as may be necessary for the proper and equitable drainage of mines.

Sec. 8. 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.

The Committee of the Whole have further directed me to recommend that section 7 of the report be recommitted to the Committee on Mines and Mining.

Sec. 7. The General Assembly shall provide by law for an equitable assessment of benefits in favor of mine owners and operators, whenever by works and expenditures in mines by draining, tunnelling or otherwise, they produce results which enure directly or indirectly to the benefit or advantage of any contiguous or adjoining mine or mines, and whether any one is benefited by such draining, tunnelling or otherwise, shall be a question of fact to be determined by a jury.

The Committee of the Whole further recommend that sections 9, 10 and 11, with amendments thereto, be laid upon the time of making the assessment has not produced an amount of table and considered when the report of the Committee on Revenue and Finance is before the Convention.

Sec. 9. No tax shall be imposed on any mining claim or possessory right thereto which, during the year preceding the ore sufficient to pay the expenses of mining for that year.

Sec. 10. All mineral-bearing veins, the title to which is vested by fee in the claimant, shall be assessable for general purposes of taxation upon the net product of the mine for the year in which such assessment is made. Said tax shall be assessed and collected as all other taxes.

Sec. 11. The ground for which a receiver's certificate of entry has been issued and the improvements thereon situate, shall pay a tax in proportion to their cash valuation without regard to the value of the mineral vein or veins.

Substitute offered by Mr. Marsh for section 9:

Sec. 9. No tax shall be imposed on any mine or possessory right thereto except the improvements thereon and the net proceeds thereof when the title thereto remains in the government of the United States.

The Committee of the Whole further recommend that section 12 be referred to the Committee on Judiciary.

Sec. 12. The General Assembly may provide by law for the establishing of courts of arbitration, which shall have full power to hear and determine matters in controversy between litigants as to possessory rights of parties. In no case during the pendency of a suit in law or equity in any of the courts of this State shall the operation or working of a mine be interfered with to the extent of depreciating its value.

ROBT. A. QUILLIAN,
Chairman of Committee of the Whole.

On motion of Mr. Webster, the report was received.

Mr. Widderfield moved that the report of the Committee of the Whole be laid upon the table, which was not agreed to.

On motion of Mr. Webster, section 7 of the report of the Committee on Mines and Mining was recommitted to that committee.

On motion of Mr. Clark, sections 9, 10 and 11 of the report of the Committee on Mines and Mining were laid upon the table, to be considered when the report of the Committee on Revenue and Finance is before the Convention.

On motion of Mr. Webster, section 12 of the report of the Committee on Mines and Mining was referred to the Committee on Judiciary.

On motion of Mr. Clark, sections 1, 2, 3, 4, 5 6 and 8 of the report of the Committee on Mines and Mining, as reported by the Committee of the Whole, were laid upon the table for future consideration.

Mr. Wells moved that the report of the Committee on Forest Culture be taken from the table, which was agreed to.

On motion of Mr. Plumb, section 1, as reported by the Committee of the Whole, was adopted.

On motion of Mr. Wells, section 2 was amended by striking out the word "as," in first line.

Mr. Yount moved that section 2 as amended be adopted.

And the question being upon the motion of Mr. Yount to adopt section 2 as amended, and being put, it was decided in the affirmative—ayes, 21; noes, 9.

The ayes and noes being called for those voting in the affirmative are:

Messrs. Bromwell, Beck, Crosby, Ellsworth, Elder, Ebert, Garcia, Hurd, Head, Lee, Rockwell, Stover, Thatcher, Vijil, Webster, White, Wilcox, Wheeler, Yount and Mr. President.

Those voting in the negative are:

Messrs. Barela, Cushman, Cooper, Douglas, Marsh, Plumb, Quillian, Wells, Widderfield.

So the Convention adopted section 2 as amended.

On motion of Mr. Wells, the article as follows was referred to the Committee on Revisions and Adjustments.

FOREST CULTURE.

Section 1. 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.

Sec. 2. 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.

On motion of Mr. Wells, the report of the Committee on Miscellaneous Subjects was taken from the table.

On motion of Mr. Beck, the Convention resolved itself into Committee of the Whole to consider the report of the Committee on Miscellaneous Subjects, Mr. Cooper in the chair, and after some time spent therein, the President resumed the chair and Mr. Cooper reported that the Committee of the Whole Convention, to whom was referred the report of the Committee on Miscellaneous Subjects, having according to order had under consideration said report, had made some progress therein and asked leave to sit again at 2 o'clock this afternoon.

On motion of Mr. Bromwell, the report was received and leave granted to sit again at 2 o'clock.

On motion of Mr. Widderfield, the Convention adjourned until 2 o'clock this afternoon.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Boyles, Crosby, Ellsworth, Garcia, Hurd, Hough, Quillian, Stone, Vijil and White.

Leave of absence was granted for an hour to Mr. Ellsworth.

Mr. Wells asked for leave of absence for himself and Mr. Rockwell for the forenoon session tomorrow, which was granted.

Mr. Thatcher asked for leave of absence after 3 o'clock this day, which was granted.

On motion of Mr. Yount, the special Committee of Conference with the Legislature was granted leave of absence for the afternoon.

On motion of Mr. Meyer, Mr. Beck was added to the special Committee on Conference with the Legislature.

Messrs. Crosby, Garcia, Quillian, White and Vijil appeared and took their seats.

On motion of Mr. Douglas, the Convention resolved itself into Committee of the Whole to further consider the report of the Committee on Miscellaneous Subjects, Mr. Cooper in the chair. And, after some time spent therein, the President resumed the chair and Mr. Cooper submitted the following report:

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen:—The Committee of the Whole Convention to whom was referred the report of the Committee on Miscellaneous Subjects having, according to order, had under consideration said report, have directed me to report the same back with an amendment thereto, and ask the concurrence of the Convention therein in the words following.

A. D. COOPER,
Chairman.

PUBLICATION OF LAWS.

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

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.

Your Committee also presents the following resolution concerning the publication of the Constitution, and the address to accompany the same and recommend its adoption.

Resolved, That the Constitution, when framed, together with the address which is to accompany the same, be published in pamphlet form for distribution among the citizens of Colorado.

That the Committee on Printing be instructed to have printed, in the English language, 20,000 copies; in the Spanish language, 2,000 copies, and in the German language, 1,000 copies of the same.

On motion of Mr. James, the report was received.

Mr. Clark moved that the Convention concur in the amendments to the articles as reported by the Committee of the Whole.

Mr. Felton called for a division of the question, and the question being on the motion to concur in the amendment to the section on "Publication of Laws," as reported by the Committee of the Whole, viz.: To insert after the word "thereof," in second line, the words, "and until the year 1900." It was agreed to.

Mr. Bromwell moved to amend the same section by inserting after the word "Laws," in the third line, the words, "and the report of the Superintendent of Public Instruction," which was not agreed to.

Mr. White moved to amend the same section by striking out the word "shall," in the second line, and inserting in lieu the word "may;" and the question being upon the motion of Mr. White to amend, and being put, and a division called, it was decided in the negative. Ayes, 8; noes, 12. So the Convention refused to concur in the motion of Mr. White to amend.

On motion of Mr. Barela, the section on Publication of Laws was adopted as reported by the Committee of the Whole.

On motion of Mr. Plumb, the Convention adopted the section on Boundaries as reported by the Committee of the Whole.

On motion of Mr. Bromwell, the resolution reported by the Committee of the Whole was laid upon the table for further consideration.

On motion of Mr. Bromwell, the sections on Publication of Laws and Boundaries was [were] ordered engrossed and referred to the Committee on Revisions and Adjustments.

On motion of Mr. Clark, the report of the Committee on Officers and Oaths of Office was taken fom the table.

On motion of Mr. Kennedy, the Convention resolved itself into Committee of the Whole to consider the report of the Committee on Officers and Oaths of Office, Mr. White in the chair. And, after some time spent therein, the President resumed the chair and Mr. White submitted the following report:

Denver, February 9th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen:—The Committee of the Whole Convention to whom was referred the report of the Committee on Officers and Oaths of Office having, according to order, had under consideration said report, have directed me to report the same back with sundry amendments thereto in the words following.

G. G. WHITE,

Chairman of Committee of the Whole.

OFFICERS AND OATH OF OFFICE.

Section 1. Every person holding office under this State, or any municipality therein, either by election or appointment, shall exercise the duties of his office until his successor is duly qualified according to law.

Sec. 2. That no person elected or appointed to any office, or employment of trust, or profit under the laws of this State, or any ordinance of any municipality in this State, shall hold such office without devoting his personal attention to the performance of the duties of the same.

Sec. 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.

Sec. 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.

Sec. 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 Auditor and Treasurer of the State.

Sec. 6. Any civil officer 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 provided by law.

Sec. 7. (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 offences, 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.

Sec. 8. Members of the General Assembly, before they enter upon their official duties, shall take the following oath or affirmation:

You do solemnly swear (or affirm), that you will support the Constitution of the United States, and the Constitution of the State of Colorado, and that you will faithfully perform the duties of your office according to the best of your ability, so help you God.

This oath shall be administered in the Hall of the House, to which the member is elected.

Sec. 9. All civil officers, except members of the General Assembly and such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe to the following oath or affirmation:

I do solemnly swear (or affirm), that I will support the Constitution of the United States, and the Constitution of the State of Colorado, and that I will faithfully discharge the duties of the office of.....whereon I am about to enter, according to the best of my ability, so help me, God.

Sec. 10. Officers of the Executive Department, and judges of the supreme and district courts, shall file their oaths of office

with the Secretary of State. All other officers shall file their oaths of office with the County clerk of the county wherein they may exercise the duties of their office.

Sec. 11. If any person, elected or appointed to any office, shall refuse or neglect to qualify therein, within the time which may be prescribed by law, such office shall be deemed vacant.

Sec. 12. Previous to entering on the duties of their respective offices, all civil officers of this State shall give bond with security, in the manner and in such amount as shall be prescribed by law; Provided, That the officers elected on the first Tuesday in October, A. D. 1876, shall give bond with security to the State of Colorado in the amount and in such manner as is now prescribed by law for such officers, respectively, in the Territory of Colorado.

On motion of Mr. Kennedy, the report was received.

On motion of Mr. James, the Convention concurred in the amendments to the report of the Committee on Officers and Oath of Office, as reported by the Committee of the Whole, viz.:

Section 1. To strike out the word "all," in the first line, and insert in lieu the word "every;" in the second line, to strike out the words "their respective," and insert in lieu the word "his;" also to strike out in same line the word "their," and insert in lieu the word "his;" and in third line to strike out the word "are," and insert the word "is."

Sec. 2. To strike out the word "personally," in the third line; also to strike out the word "time," in same line, and insert in lieu the words "personal attention."

Sec. 3. To insert the words "or profit," after the word "trust," in the third line.

Sec. 4. To strike out the word "or," in the first line, and to insert after the word "perjury," in the second line, the words "solicitation of bribery or subornation of perjury;" and to strike out all in fourth, fifth, sixth and seventh lines.

Sec. 5. To insert in the second line, after the word "jury," the words "if there be one;" in the fourth line, to strike out the word "office," and insert in lieu the words "official accounts and affairs;" in the fifth line, to strike out the words "of said office," and insert the word "thereof;" and in the eighth line, to strike out the word "office," and insert the words "official affairs.

Sec. 6. To insert after the word "bribery," in the tenth line, the words "or solicitation of bribery, as the case may be."

Sec. 7. To strike out the word "corrupt," in the seventh line, and also the word "other," in the fourteenth line; to strike out the word "hereafter," in the fifteenth line, and insert in lieu the word "thereafter."

Sec. 8. To strike out the words "the above," in the first line, and insert in lieu the word "this;" also to strike out all after the word "administered," in the first line, up to and including the word "record," in the seventh line.

Sec. 9. To strike out all after the word "God," in the seventh line.

Sec. 11. To strike out the word "officer," in the first line, and insert in lieu the words "person elected or appointed to any office;" also to strike out of same line the words "in his office," and insert in lieu the word "therein."

Sec. 12. To strike out the word "provided," in second line, and insert in lieu the word "prescribed;" also, to strike out the words "their respective offices," in the fifth line, and insert in lieu the words "such officers respectively."

Mr. Kennedy moved that the report be ordered printed and laid upon the table for future consideration.

Mr. Carr, as an amendment, moved that the report be ordered engrossed, which was agreed to.

So the Convention referred the report to the Committee on Engrossing and Enrolling.

On motion of Mr. Douglas, the consideration of the report of the Committee on State, County and Municipal Indebtedness, made the special order for tomorrow after the regular order of business.

On motion of Mr. Pease, the Convention adjourned until 9 o'clock tomorrow.

THURSDAY, FEBRUARY 10TH, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Hawley.

Roll called. Absent—Messrs. Barela, Boyles, Beck, Elder, Felton, Hurd, Hough, Meyer, Rockwell, Stone, Wells and Wheeler.

On motion of Mr. Plumb, the special committee, appointed to confer with the Legislature, was granted leave to sit during the morning's session of the Convention.

The Journal having been partially read, Mr. Widderfield moved that the further reading of the Journal be dispensed with, which was agreed to.

Mr. Yount, of the Committee on Printing, reported back the majority report of the Committee on Rights of Suffrage and Elections; the report of the Committee on State, County and Municipal Indebtedness, and the minority report of the Committee on Rights of Suffrage and Elections, as correctly printed.

There being no objection, the reports were received and placed on file by the Secretary.

Messrs. Barela, Felton, Hurd and Wheeler appeared and took their seats.

Mr. Marsh asked leave of absence until 11 o'clock, which was granted.

The President announced the next order of business to be the special order for consideration of report of Committee on State, County and Municipal Indebtedness.

On motion of Mr. Kennedy, the Convention resolved itself into Committee of the Whole to consider the report of the Committee on State, County and Municipal Indebtedness, Mr. Webster in the chair; and, after some time spent therein, the President resumed the chair, and Mr. Webster reported that the Committee of the Whole Convention, to whom was referred the report of the Committee on State, County and Municipal Indebtedness, having, according to order, had under consideration said report, had made some progress therein, and asked leave to sit again at 2 o'clock.

On motion of Mr. Kennedy, the report was received, and leave granted to sit again.

Mr. Meyer moved that Mr. Beck be excused from further service as a member of the special Committee of Conference with the Legislature, which was not agreed to.

On motion of Mr. Meyer, Messrs. Clark and Kennedy were added to the special Committee of Conference with the Legislature.

On motion of Meyer, leave was granted to the special Committee of Conference with the Legislature to sit during this afternoon's session.

Mr. Widderfield asked for leave of absence until Monday next, which was granted.

On motion of Mr. Carr, the Convention adjourned until 2 o'clock P. M.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called. Absent—Messrs. Barela, Boyles, Beck, Clark, Elder, Garcia, Hough, Kennedy, Meyer, Stone, Wheeler and Yount.

On motion of Mr. Quillian, the Convention resolved itself into Committee of the Whole to further consider the report of the Committee on State, County and Municipal Indebtedness, Mr. Webster in the chair; and, after some time spent therein, the President resumed the chair, and Mr. Webster submitted the following report:

Denver, February 10th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen:—The Committee of the Whole Convention, to whom was referred the report of the Committee on State, County and Municipal Indebtedness, having, according to order, had said report under consideration, have directed me to report the same back to the Convention with sundry amendments thereto, and ask the concurrence of the Convention therein in the words following.

WM. WEBSTER,
Chairman of Committee of the Whole.

STATE, COUNTY AND MUNICIPAL INDEBTEDNESS.

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 stockholder or shareholder in any corporation, joint stock company or association, or a joint owner with any person, association or corporation, or any municipality whatever, in or out of this state, except as to such ownership as may accrue to the State by escheat, or by forfeiture of franchise or property, by operation or provision of law; and except as to such ownership as may accrue to the State, or to any county, city, town or township or school district, or to either or any of them, jointly or with any or either of them, or with any person or persons, association or corporation, by forfeiture of real estate for non-payment of taxes; or by donation or devise for public use, or by purchase by or on behalf of the State or any county, city, town, township or school district, or any

or either of them jointly, with any or either of them under execution in cases of fines, penalties or forfeiture of bail, recognizance, official bond or bonds, to secure public moneys, or the performance of contracts in which they or any of them may be jointly or severally interested.

Sec. 8. No debt by loan, in any form, shall be contracted by any school district for the purpose of erecting and furnishing school buildings for such district, or purchasing grounds therefor, unless the proposition to create such debt shall first be submitted to the qualified electors of such district, who 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 in the manner provided by law.

Sec. 9. No city or town shall contract any debt by loan, in any form, except by means of an ordinance first legally adopted, and which shall be irrepealable until the indebtedness therein provided for shall have been fully paid and discharged, specifying the purposes to which the funds, to be raised thereby, shall be applied, and providing for the levying of such tax not exceeding twelve (12) mills on each dollar of valuation of property, subject to taxation by such city or town, as will be 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 the funds arising from the collection of such tax shall be applied to the purposes in such ordinance specified, and to no other, until the indebtedness in each ordinance provided for shall be paid and discharged; but no such debt shall be created unless the question of incurring the same shall be submitted to the vote of the qualified electors of such city or town who shall in the year next preceding have paid a property tax therein, at a regular election for the election of councilmen, aldermen or officers thereof, and a majority of the said electors voting at said election by ballot deposited in a separate ballot box, in manner to be provided by law, shall vote in favor of creating such debt; but the aggregate amount of such debt so created, together with the debt existing against such city or town at the time of such election, shall not at any time exceed a sum equal to three per cent of the valuation last aforesaid. Debts contracted for the purpose of procuring supplies of water for such city or town are excepted from the operation of this section. The valuation in this section mentioned, shall be in all cases that of the assessment next preceding the last assessment before the adoption of such ordinance.

Sec. 10. Nothing contained in this article shall impair the obligation of any debt heretofore contracted by any 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 the vote of the qualified electors of any county,

city, town or school district before the day of this Constitution going into effect.

The Committee of the Whole Convention have further directed me to report back to the Convention section 3 of the report of the Committee on State, County and Municipal Indebtedness, with the recommendation that it be referred to the Committee on Revenue and Finance.

(Sec. 3) No appropriation shall be made nor any expenditure authorized by the General Assembly nor by any Board of County Commissioners, nor by the City Council, Board of Aldermen, Trustees or Selectmen of any city or town or township, nor by the directors of any school district, whereby the expenditures of the State or of such county, city, town, township or school district, as the case may be, for and during the then next ensuing fiscal year, shall be increased beyond an amount equal to the total tax then levied and available for such appropriation or expenditure unless the law, ordinance or order, as the case may be, making such appropriation or authoriizng such expenditure provide for the levying of such tax allowed by law as will raise sufficient funds to pay such increased amount of appropriation or expenditure, allowing for estimated delinquencies within such next ensuing fiscal year, but no such appropriation or expenditure shall in any case exceed an amount equal to ten per cent. of the tax then levied and available as aforesaid.

The Committee of the Whole Convention, have further directed me to report back section 7, together with a substitute for the last clause thereof offered by Mr. Carr, with the recommendation that they be referred back to the Committee on State, County and Municipal Indebtedness.

Sec. 7. No county shall contract any debt by bond or other evidence of indebtedness, except for the purpose of erecting necessary public buildings or making or repairing of public roads and bridges, and for supplying such county or township with water for public use, and such indebtedness contracted during any one year by any county shall not exceed the rates following, to wit:

Counties in which the assessed valuation of property subject to taxation, shall exceed ten millions of dollars—one mill on each dollar thereof; counties in which such valuation shall be more than five millions, and not more than ten millions of dollars—two mills on each dollar thereof; counties in which such valuation shall be more than three millions, but not more than five millions of dollars—three mills on each dollar thereof; and in counties in which such valuation shall be less than one million of dollars .....cents on each dollar thereof; and the aggregate amount of such indebtedness contracted by any county, inclusive of all unfunded or floating indebtedness thereof hereafter created and then existing, shall not at any time exceed twice the amount above limited in the case of such county, unless when in manner provided by law fixing the rate of interest thereon, and providing for the levying of a tax not exceeding.....mills on each dollar

of said valuation, sufficient to pay the interest on and extinguish the principal of such debt within fifteen and not less than ten years from the creation thereof; the question of increasing such debt shall be submitted to the qualified electors of such county, and.....of those voting thereon shall vote in favor of incurring such debt.

Substitute offered by Mr. Carr for portion of section 7: To strike out all after the word "thereof," in the fifteenth line, and inserting in lieu the following words, "the aggregate amount of the indebtedness of any county shall not at any time exceed twice the amount above limited, unless by vote of the people, and unless two-thirds of those voting on the question of such indebtedness vote in favor of incurring such debt."

On motion of Mr. James, the report was received.

On motion of Mr. Widderfield, section 3 was referred to the Committee on Revenue and Finance.

On motion of Mr. White, section 7, with the substitute for a portion thereof, offered by Mr. Carr, was referred back to the Committee on State, County and Municipal Indebtedness.

Mr. Widderfield moved that the amendments to the report of the Committee on State, County and Municipal Indebtedness, as reported by the Committee of the Whole, be concurred in by the Convention.

Mr. Bromwell, as an amendment, moved that the report of the Committee of the Whole be laid upon the table for future consideration, and the question being upon the motion of Mr. Bromwell to lay upon the table, and being put, it was decided in the affirmative.

So the Convention concurred in the motion of Mr. Bromwell to lay the report on the table.

On motion of Mr. Thatcher, the report of the Committee on Judiciary on the resolutions relating to the importation, manufacture and sale of poisonous liquors, was taken from the table.

Mr. Pease moved to amend the section by inserting between the words "and" and "said," in the fifth line, the words "any violation of;" and also by striking out the word "enforced," in sixth line, and inserting in lieu the word "punished," which was agreed to.

So the Convention concurred in the amendments offered by Mr. Pease.

Mr. Pease moved to further amend the section by inserting after the word "the," in the third line, "compounding or," which was agreed to.

So the Convention concurred in the amendments offered by Mr. Pease.

Mr. White moved to amend the section by striking out, in the fifth line, the words "to be used as a beverage."

Mr. Carr moved to amend the amendment offered by Mr. White by inserting in lieu of the words to be stricken out the

words "except for chemical or mechanical purposes," which amendment was accepted by Mr. White.

And, the question being upon the motion of Mr. White, as amended by Mr. Carr, to amend the section, and, being put, and a division being called, it was decided in the negative. Ayes, 12; noes, 13.

So the Convention refused to concur in the motion of Mr. White as amended by Mr. Carr to amend.

Mr. Thatcher moved to amend the section by inserting after the words "violation of," the words "either of;" and also by striking out the word "prohibition," in the fifth line, and inserting in lieu the word "prohibitions," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Thatcher.

Mr. Wells offered the following as an additional section to the article, and moved its adoption:

"Section 2. The General Assembly shall provide by law for the condemnation and destruction of all such spurious, poisonous or drugged liquors."

Mr. Carr moved to amend section 2 as offered by Mr. Wells, by striking out the words "and destruction," which was not agreed to.

So the Convention refused to concur in the motion of Mr. Carr to amend.

On motion of Mr. James, section 1 as reported by the Committee on Judiciary, as amended, was adopted.

Mr. Ellsworth moved to amend section 2 as offered by Mr. Wells, by striking out the word "destruction," and inserting in lieu the words "disposed of," which was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Ellsworth.

On motion of Mr. Cooper, the Convention adopted section 2 as offered by Mr. Wells.

Mr. White offered the following as an additional section to the article, and moved its adoption:

Section 3. The vending of spirituous, vinous, malt or mixed liquors in quantities less than one quart, except for medical purposes, shall not be permitted within the State of Colorado.

Mr. Plumb moved to amend the section offered by Mr. White by striking out the word "quart," and inserting in lieu the word "gallon."

And, the question being upon the motion of Mr. Plumb to amend, and being put, and a division call, it was decided in the negative—ayes, 8; noes, 16.

So the Convention refused to concur in the motion to amend, offered by Mr. Plumb.

The question then being on the motion of Mr. White to adopt section 3 as introduced by him, and being put, it was decided in the negative—ayes, 13; noes, 20.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Barela, Boyles, Carr, Cushman, Cooper, Crosby, Douglas, Felton, Garcia, Hurd, Plumb, Rockwell, and Stover.

Those voting in the negative are: Messrs. Bromwell, Beck, Ellsworth, Ebert, Hurd, James, Lee, Marsh, Meyer, Pease, Quillian, Thatcher, Vigil, Webster, White, Wells, Wilcox, Widderfield, Yount and Mr. President.

So the Convention refused to adopt the section introduced by Mr. White.

So the Convention adopted the article as follows:

ARTICLE.—

SPURIOUS LIQUORS.

Section 1. 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, 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 as a beverage, and any violation of either of said prohibitions shall be punished by fine and imprisonment.

Sec. 2. The General Assembly shall provide by law for the condemnation and destruction of all such spurious, poisonous or drugged liquors.

On motion of Mr. Pease, the article as adopted was ordered engrossed and referred to the Committee on Revisions and Adjustments.

On motion of Mr. Webster, the consideration of the report of the Committee on State Institutions and Buildings was made the special order for tomorrow after the regular order of business.

On motion of Mr. White, the Convention adjourned until 9 o'clock tomorrow.

FRIDAY, FEBRUARY 11TH, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Frost.

Roll called. Absent—Messrs. Barela, Boyles, Elder, Hough, Stone, Webster, White, Wheeler and Widderfield.

On motion of Mr. Meyer, the special Committee on Conference with the Legislature was granted leave to sit during the morning's session.

Messrs. Elder, Barela and Webster appeared and took their seats.

The Journal of preceding day having been partially read, on motion of Mr. White, the further reading of the Journal was dispensed with.

Mr. Carr presented the following petition, and on his own motion it was ordered spread on the Journal, omitting the names, and referred to the Committee on Education and Educational Institutions.

To the Honorable President and Members of the Constitutional Convention.

Gentlemen:—Your petitioners, citizens of the Territory of Colorado, believing that the basis of our free institutions is a free, uniform and non-sectarian school system, and that the permanency of the free schools depends upon the establishment of such system; most respectfully request your honorable body to so form the Constitution of this State as to make it unlawful for the Legislature or any municipal corporation to divide or use the common school fund for sectarian purposes.

(Signed) JOHN KILELY,
And sixty-four others.

Mr. Carr also presented a similar petition from M. K. Holbrook and 56 other citizens of Colorado, which, on Mr. Carr's motion, was referred to the Committee on Education and Educational Institutions.

Mr. Carr also presented a similar petition from C. N. Douglas and fifty-one other citizens of Colorado, which, on the motion of Mr. Carr, was referred to the Committee on Education and Educational Institutions.

Mr. Douglas presented the following petition, and, on his own motion, it was ordered spread on the Journal, and referred to the Committee on Education and Educational Institutions.

To the Honorable Constitutional Convention, now assembled in Denver, Colo.

We, the undersigned, do respectfully petition your honorable body to insert in the Constitution you are now framing for the

prospective State of Colorado a provision which will forever prevent the possiblity of dividing the public school fund or to permit the use of any portion at it for the support of sectarian schools. We urge upon you the necessity of setting this vexed question by such a constitutional provision.

(Signed) HENRY LIMBACK,
And thirty-four others.

Mr. Wheeler presented the following petition, and, on his own motion, it was ordered spread upon the Journal and referred to the Committee on Education and Educational Institutions.

Platteville, Weld County.

To the Constitutional Convention of Colorado.

Gentlemen—We, the undersigned citizens of Colorado of adult age, do hereby petition your honorable body, in convention assembled, to so frame your Constitution that there never shall be any division of the public school fund by legislative enactment.

(Signed) WILLIAM SHORTLEY, SR.,
And sixty others.

Mr. Plumb, chairman of the Committee on Irrigation, Agriculture and Manufactures, presented the following report of that committee:

Denver, Colo., February 11th, 1876.

To the Honorable President and Constitutional Convention of Colorado.

Gentlemen—Your committee on Irrigation, Agriculture and Manufactures, to whom was referred the subject-matter relating to those branches of the Constitution, beg leave to state that they have had the same under consideration and present the accompanying article as their report, all of which is respectfully submitted.

S. J. PLUMB,
Chairman.

IRRIGATION AND AGRICULTURE.

Section 1. The water of every natural stream within the State of Colorado is hereby declared to be the property of the people of said State and the same is dedicated to their use forever.

Sec. 2. Priority of appropriation shall give priority of right, except from the first day of June until the first day of September in each and every year, when lands used for agricultural purposes shall have the preference.

Sec. 3. 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 con-

veying water for the irrigation of agricultural lands and for mining and manufacturing purposes and for drainage.

Sec. 4. All ditches, canals and flumes constructed by any person or corporation for conveying water from its natural channel shall be subject to all acquired rights to the waters upon said stream, above and below the head of such ditch or flume.

Sec. 5. The Board of County Commissioners in their respective counties shall regulate the price to be charged for the use of water, whether furnished by individuals or by corporation, so as to secure justice between the contracting parties.

Sec. 6. All ditches, canals and flumes constructed by individuals or corporations for the exclusive purpose of irrigating lands owned by said individuals or corporations shall not be separately taxed.

Sec. 7. All laws regulating fences in this State shall be general in their provisions and shall be applicable only in such counties as shall adopt the same by a vote of a majority of the land holders voting for the proposition at some general election at which the question shall have been submitted.

On motion of Mr. Douglas the report was received, ordered printed and laid upon the table for future consideration.

Mr. Ebert, chairman of the Committee on Forest Culture, presented the following report and memorial to Congress:

Denver, January 12th, 1876.

To the Honorable President and the Constitutional Convention of Colorado:

Gentlemen—Your Committee on Forest Culture, to whom was referred a resolution of this Convention to prepare a memorial to Congress, praying that the control of forests growing upon the public lands in the mountain regions be conferred upon the local governments of the several states and territories of that region, have in accordance with this resolution prepared such a memorial, and beg leave to submit the same to the further consideration of this body.

F. J. EBERT,
Chairman of Committee on Forest Culture.

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

The members of the Constitutional Convention assembled for the purpose of framing a Constitution for the State of Colorado, respectfully represent that the greatest attention ought to be directed to the preservation and care of those resources upon which the welfare of the people depends. This principle finds an especial application with us as far as our forests are concerned. With the exception of our mountain regions, but little timber is met with anywhere in Colorado. But along the creeks and rivers which cross our prairies we may find now and then a

small spot covered with scattered trees and short, useless undergrowth. Our mountains alone contain forests worth the while to be mentioned and considered. But even these, except some valleys where indeed beautiful forests are yet growing, present an alarming spectacle to the close observer. The slopes, ridges and higher plateaus of the mountains contain but few trees, generally short and twisted, from their constant exposure to strong winds. The higher regions, of course, are bare on account of their great elevation. Only the more protected portions of the mountains, valleys and small parks contain valuable timber. The area of the mountainous portion of Colorado, as far as we can estimate from the best topographical maps and our own knowledge, amounts to about 15,000,000 of acres: of these thirty per cent. may be considered bare at present, thirty per cent. covered by useless wood, thirty per cent. to contain about twenty-five cords of wood per acre, and ten per cent. unobjectional forests. But the rapid increase of our population, the spread of industries, the building of extensive railroads, the reckless devastation of timber in cutting and transporting it, and the frequent fires mostly caused by carelessness, and often raging for months, threaten to soon destroy our forests and expose us to the danger of a wood famine, if some effectual means are not employed to check a further destruction, and to remedy as far as possible the damage already done. The consequences of such a calamity would be severely felt, thousands of laborers would be thrown out of employment, who had made a living in cutting, transporting and working up the products of our forests. Saw mills would have to stop and smelting works have to be removed entirely out of our mountains; many mines could not be worked at all on account of want of timber, and thus our main resource of existence—mining—would be severely crippled. Besides, the large capital now interested in machinery would become unprofitable and still greater sums of money would have to be yearly expended to supply us with the necessary wood for building purposes and machinery. We must not console ourselves with the thought that such a calamity is yet far off. A comparison of the condition of our forests sixteen years ago, when our Territory began to settle up, with that at present, and taking into consideration that there is a geometrically progressing consumption of wood to be anticipated, entitles us to the belief that twenty-five years from now the devastation of our forests will be complete and that our mountains then will rather have the appearance of ruin than that of an inviting field for human enterprise. It would be a shame for an intelligent people to look with indifference at such an approaching calamity, and it would be an unpardonable mistake in a wise government not to provide in time, whatever may be the sacrifice, against an evil which when once it overtakes us can never afterward be remedied, or at least not for centuries. So far we have referred to the direct results if we do not pro-

tect our forests against devastation. But there are besides indirectly connected with it certain evils which still increase the mischief. These are produced by losing the beneficial influences of our forests upon climate and vegetation. A forest, or larger samples of trees and bushes growing rather in close proximity is, so to say, a magazine of moisture from which the atmosphere is constantly supplied with this commodity. How great this exhalation of moisture of a forest into the atmosphere must be, can easily be concluded by stating that experiments have shown that a single full grown lime tree is able to exhale twenty tons of water from spring to fall. Further, regular forests keep the soil in which their roots grow in a comparatively loose condition, and thus enable the melting snows and falling rains to easily sink into the ground, and in course of time are gradually given back to the atmosphere by exhalation through the leaves or run slowly off, if there be a surplus, through springs into the large water courses. They also attract the moisture suspended in the air and conveyed there from other parts of the earth by the great atmosphere currents. In short, we may say forests form natural reservoirs of moisture, fertilize the atmosphere and prevent heavy rains from rushing suddenly down into the valleys and causing floods. They keep up a lasting supply of water in the natural streams, break the force of the winds and exert generally a most beneficial influence on climate and vegetation, and where irrigation is to be used they may be considered their [its] natural auxiliaries. This is exactly what we want in Colorado, where our climate is so dry that we are obliged to irrigate, if we wish to raise crops, and where our pasture regions will become more profitable the more our atmosphere is moistened. If we continue the devastation of our present forests, we will certainly at the same time destroy a great portion of our means to develop our agricultural and pastoral resources, and taking this, together with the above mentioned dangers arising from actual want of wood, we may well stop and consider how to escape these calamities. It may be perhaps not quite out of place here to refer to the experience made in this respect in other countries, as well in ancient as in modern times. The Bible speaks of the cedars of Lebanon as large and beautiful trees; the country around was then thickly settled. At present, according to a late report, only a few dwarfy trees are there to be found, and the adjoining country is a perfect desert, only able to support a few nomadic hordes. Spain at the time of the Roman Republic was covered with majestic forests, and the Romans built their ships there, and the country was renowned for its fertility. At present their forests have disappeared to a great extent. Agriculture has become of little profit and stock raising has taken its place, and a poor scanty population, about one-third of its former number, now inhabits the peninsula. We read the same of the north coast of Africa, Minor Asia, Persia, Greece, Turkey and many other countries.

Everywhere the fertility of the soil has greatly diminished with the disappearance of the forests, and where once 300,000,000 of people were living we can now hardly count 50,000,000. But more convincing are the experiences of modern times in Russia, France, South Africa and even some parts of the United States, especially in Ohio and Pennsylvania. Everywhere in these countries the forests were cut down without being replanted, the natural results of which are they now suffer from frequent droughts, floods and a lower temperature in winter, and a frequent failure of their crops in consequence. Of all Europe only Germany escaped these evils, and this only by introducing in time a suitable system of forest culture, which is now brought almost to perfection, and no expense and care are spared to sustain it. Great efforts have been made for some time past all over Europe, outside of Germany, to introduce this system and even an international forest law is taken into serious contemplation by all sections of Europe. As far as we in Colorado are concerned we can not afford to delay any longer to make at least some movement to save our forests and attempt to extend them as soon as possible, even into our plains, if we wish to fully develop our agricultural, pastoral and mining interests, and to escape the danger of becoming destitute of the necessary wood for building purposes, fuel, machinery, etc. But if we now refer to an obstacle which if not removed would greatly hinder our purpose, this is the circumstance that we do not possess the full control of the forests in Colorado. By far the greatest part of them is in the hands of the government of the United States. Those small tracts now owned by private persons would hardly, for the present at least, materially interfere with the management we intend to propose. We think it essential, nay necessary, for the furtherance of our object to acquire not only the exclusive control of all the government forests in our mountains, but also at least one-fourth of all the government land on our plains to use in future times for forest culture.

This proposal may seem at first glance as somewhat exorbitant, but we have no doubt, after a little reflection, that it will appear quite proper, nay even advantageous to all parties concerned. If the forests of Colorado are left as they now are their fate is sealed; they will have disappeared before another generation will have half passed away. There are a great number of cases on record where parties have been prosecuted for cutting timber on government lands, and although the facts in such case were undeniable and the laws referring to them plain and unmistakable, still no jury or judge can be found or ever will be found in our territory who will pronounce such trespassing parties guilty and punish them. The reason is simply this: We need the wood and can not exist without it, and will have it as long as there is any left. We see here that great truth clearly demonstrated, need is stronger than right. But with the disappearance of our forests we may as well cease our efforts to

progress. Our otherwise immense natural wealth will never be developed to any extent, our progress in and direction can (not) be thought of. What would the Government of the United States gain by having the forests of Colorado destroyed. They can not be sold, and the National Government can not protect them. We alone, who are living here, dependent upon them and appreciating their value, are able to save them from destruction, and the chain of attendant evils. If we were an old and a wealthy people with a dense population, we could buy the forests, but we are young as a people, and as in all newly settled countries we need our all with which to build canals, ditches, railroads, factories, schools and colleges, and fully develop the resources of our mines and virgin soil. Would it not be the wisest policy for the Government of the United States to transfer the control of our forests to the care of the prospective State of Colorado, together with all the lands on our plains needed for the future culture of forest trees? Such a measure seems to us so plain, so just and advantageous to the nation at large, as well as to ourselves in Colorado, that we venture to propose to Congress to make such a transfer.

It may not be out of place here to mention that however wise and beneficial the present system of disposing of public lands may have been when applied to other states and territories, still its enforcement in Colorado will be injurious not only to us, but will, if persisted in, bring destruction and calamity upon the entire population of the so-called Far West. Here the climate is dry, and agriculture is impossible without irrigation. However fertile the soil may be, and if ever the prairie should be redeemed and made the home of a dense population, it can only be effected by a combination of irrigation and forest culture.

Does it not seem to be the duty of the National Government to protect our forests from destruction by putting them into the hands of somebody who is able and willing to protect them? And is there a reasonable doubt in the minds of any that those who are the most able to do so are Territorial and State Governments of the west? Congress ought to pass a law that in countries where the climate is so dry that agriculture can not be carried on without irrigation, that there the existing forests should be withdrawn from private entry, and put under the control of the respective State or Territorial Governments, with such by-laws as will preserve and keep them in a flourishing condition.

This condition has already embodied in the Constitution of the prospective State of Colorado the following article, to-wit:

The General Assembly shall enact laws in order to prevent 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.

In contemplation of the above stated reasons, the Convention respectfully suggests to Congress to put the respective forests and waste forest grounds of all these regions, where irrigation has to be used for agricultural purposes, under the control of the respective Territorial and State Governments.

On motion of Mr. Wells, the report and memorial to Congress were ordered engrossed and laid upon the table for future consideration.

On motion of Mr. Hurd, the consideration of the report of the Committee on Education and Educational Institutions was made the special order for tomorrow, after the regular order of business.

On motion of Mr. Rockwell, the consideration of the report of the Committee on Judiciary was made the special order for Tuesday next, after the regular order of business.

Mr. Elder asked for leave of absence for Mr. Lee for a few days, which was granted.

On motion of Mr. Douglas, the Convention resolved itself into Committee of the Whole to consider the report of the Committee on State Institutions and Buildings, Mr. Ellsworth in the chair, and after some time spent therein the President resumed the chair and Mr. Ellsworth submitted the following report:

Denver, Colo., February 11th, 1876.

To the Honorable President and Constitutional Convention of Colorado.

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Standing Committee on State Institutions and Buildings, having, according to order, had under consideration said report, have directed me to report the same back to the Convention with sundry amendments thereto and ask the concurrence of the Convention therein in the words following, viz.:

L. C. ELLSWORTH,
Chairman of Committee of the Whole.

Section 7. The following Territorial Institutions, to-wit: The University at Boulder, the Agricultural College at Fort Collins, the School of Mines at Golden, and 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 and personal, of which is now vested in the trustees

thereof until such time as said property be transferred by such conveyance as may be necessary, together with the management thereof, to the officers provided for the management of said institution by the Constitution.

On motion of Mr. Webster the report was received.

On motion of Mr. Douglas, the first report of the Committee of the Whole on State Institutions and Buildings was taken from the table.

On motion of Mr. Douglas, the two reports of the Committee of the Whole on State Institutions and Buildings, were ordered printed and laid upon the table for future consideration.

On motion of Mr. Webster, the consideration of the majority and minority reports of the Committee on Rights of Suffrage and Elections was made the special order for Monday next after the regular order of business.

On motion of Mr. Pease, the convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Barela, Boyles, Garcia, Hough, Kennedy, Lee, Quillian, Stone, Thatcher, Vijil, White, Wheeler and Widderfield.

Mr. Cooper, chairman of the Committee on Engrossing, reported back the report of the Committee of the Whole on Officers and Oath of Office, as correctly engrossed.

There being no objection, the report was received and placed on file by the Secretary.

On motion of Mr. Ellsworth, the report of the Committee of the Whole on Officers and Oath of Office was taken from the table.

On motion of Mr. Carr, the Convention proceeded to consider the report by sections.

On motion of Mr. Clark, the Convention adopted Section 1 as reported by the Committee of the Whole.

Mr. Pease moved to amend Section 2 by striking out the word "That" in first line, which was agreed to.

So the Convention concurred in the amendment offered by Mr. Pease.

On motion of Mr. Douglas, the Convention adopted Section 2, as reported by the Committee of the Whole as amended.

On motion of Mr. Carr, the Convention adopted Section 3 as reported by the Committee of the Whole.

On motion of Mr. Plumb, the Convention adopted Section 4 as reported by the Committee of the Whole.

On motion of Mr. Plumb, the Convention adopted Section 5, as reported by the Committee of the Whole.

On motion of Mr. Cooper, the Convention adopted Section 6 as reported by the Committee of the Whole.

On motion of Mr. Wilcox, the Convention adopted Section 7 as reported by the Committee of the Whole.

Messrs. Garcia, Vijil, Barela, Thatcher and Wheeler appeared and took their seats.

On motion of Mr. Stover, the Convention adopted Section 8, as reported by the Committee of the Whole.

On motion of Mr. Douglas, the Convention adopted Section 9, as reported by the Committee of the Whole.

On motion of Mr. Yount, the Convention adopted Section 10, as reported by the Committee of the Whole.

On motion of Mr. Douglas, the Convention adopted Section 11, as reported by the Committee of the Whole.

On motion of Mr. Yount, the Convention adopted Section 12, as reported by the Committee of the Whole.

Mr. Rockwell moved to reconsider the vote by which Section 4 was adopted by the Convention, which was not agreed to.

So the Convention refused to reconsider.

So the Convention adopted the Article on Officers and Oath of Office, as follows:

ARTICLE—OFFICERS AND OATH OF OFFICE.

Section 1. Every person holding office under this State or any municipality therein, either by election or appointment, shall exercise the duties of his office until his successor is duly qualified according to law.

Sec. 2. No person elected or appointed to any office or employment of trust or profit under the laws of this State or any ordinance of any municipality in this State, shall hold such office without devoting his personal attention to the performance of the duties of the same.

Sec. 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.

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

Sec. 5. 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 Auditor and Treasurer of the State.

Sec. 6. Any civil officer 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, 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 provided by law.

Sec. 7. 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 thereafter be 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.

Sec. 8. Members of the General Assembly, before they enter upon their official duties shall take the following oath or affirmation:

You do solemnly swear (or affirm) that you will support the Constitution of the United States and the Constitution of the State of Colorado, and that you will faithfully perform the duties of your office according to the best of your ability. So help you God.

This oath shall be administered in the hall of the house to which the member is elected.

Sec. 9. All civil officers of the General Assembly and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe to the following oath or affirmation.

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Colorado, and that I will faithfully discharge the duties of the office of ———— whereon I am about to enter, according to the best of my ability. So help me God.

Sec. 10. Officers of the Executive Department and Judges of the Supreme and District Courts shall file their oaths of office with the Secretary of State. All other officers shall file their oaths of office with the County Clerk of the county wherein they may exercise the duties of their office.

Sec. 11. If any person elected or appointed to any office shall refuse or neglect to qualify therein within the time which may be prescribed by law, such office shall be deemed vacant.

Sec. 12. Previous to entering on the duties of their respective offices all civil officers of this State shall give bond with security in the manner and in such amount as shall be prescribed by law; Provided, that the officers elected on the first Tuesday in October, A. D. 1876, shall give bond with security to the State of Colorado in the amount and in such manner as is now prescribed by law for such officers, respectively, in the Territory of Colorado.

On motion of Mr. James, the Article on Officers and Oath of Office was referred to the Committee on Revisions and Adjustments.

Mr. Marsh moved that the Convention reconsider the vote by which the consideration of the report of the Committee on Rights of Suffrage and Elections was made the special order for Monday next.

And the question being upon the motion of Mr. Marsh to reconsider, and being put and a decision called, it was decided in the negative—ayes, 11; noes, 15.

So the Convention refused to reconsider.

Mr. Cooper, chairman of the Committee on Engrossing, reported back to the Convention the report of the Committee on Miscellaneous Subjects as correctly engrossed.

There being no objection, the report was received and placed on file by the Secretary.

On motion of Mr. Thatcher, the "Preamble" to the Constitution, as reported by the Committee of the Whole, was taken from the table.

On motion of Bromwell, the amendments to the "Preamble," as reported by the Committee of the Whole, were concurred in by the Convention, viz.: To insert after the word "Colorado," in the first line, the words, "with profound reverence for the Supreme Ruler of the Universe," and to strike out the word, "government," in the third line.

Mr. Douglas moved to amend the Preamble by inserting after the word, "Universe," the words, "Grateful for His goodness and humbly invoking His guidance."

And the question being upon the motion of Mr. Douglas to amend, and being put, it was decided in the negative—ayes, 12; noes, 22. And the ayes and noes being called for, those voting in the affirmative are: Messrs. Barela, Boyles, Bromwell, Cooper, Douglas, Hurd, Kennedy, Marsh, Quillian, Rockwell, Stover, Thatcher.

Those voting in the negative are: Messrs. Beck, Carr, Cushman, Clark, Crosby, Ellsworth, Elder, Ebert, Felton, Garcia, Head, James, Meyer, Plumb, Pease, Vigil, Webster, Wells, Wilcox, Yount, Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Douglas.

Mr. Bromwell moved to amend the "Preamble," by inserting after the word "Universe," the words "and grateful for the civil, political and religious liberty we have hitherto enjoyed, for the purpose of transmitting the same unimpaired to succeeding generations."

And the question being upon the motion of Mr. Bromwell to amend, and being put, it was decided in the negative—ayes, 12; noes, 22.

And the ayes and noes being called for, those voting in the affirmative are:

Messrs. Barela, Boyles, Bromwell, Cooper, Douglas, Hurd, Kennedy, Marsh, Quillian, Rockwell, Stover, Thatcher.

Those voting in the negative are:

Messrs. Beck, Carr, Cushman, Clark, Crosby, Ellsworth, Elder, Ebert, Felton, Garcia, Head, James, Meyer, Plumb, Pease, Vijil, Webster, Wells, Wilcox, Wheeler, Yount, Mr. President.

So the convention refused to concur in the amendment offered by Mr. Bromwell.

Mr. Yount moved the adoption of the Preamble as reported by the Committee of the Whole.

And the question being, "Will the Convention adopt the Preamble to the Constitution as reported by the Committee of the Whole?" and being put, it was decided in the affirmative—ayes, 30; noes, 4.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Boyles, Bromwell, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Felton, Garcia, Hurd, Head, James, Kennedy, Marsh, Meyer, Plumb, Pease, Quillian, Rockwell, Stover, Thatcher, Vigil, Webster, Wilcox, Wheeler, Yount, Mr. President.

Those voting in the negative are:

Messrs. Barela, Beck, Ebert, Wells.

So the Convention adopted the Preamble as follows:

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 tranquillity, 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 a State to be known as "the State of Colorado."

On motion of Mr. Clark the Preamble as adopted by the Convention was ordered engrossed and referred to the Committee on Revisions and Adjustments.

On motion of Mr. Yount, the Convention adjourned until 9 o'clock a. m. tomorrow.

SATURDAY, FEBRUARY 12TH, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Eads.

Roll called.

Absent—Messrs. Hough, Lee, Rockwell, Webster and Widderfield.

The Journal having been partially read, Mr. Stover moved that the reading of so much of the Journal as embraced the report of the Committee on Irrigation, Agriculture and Manufactures be dispensed with, which was agreed to.

Mr. Ebert also moved to dispense with the reading of so much of the Journal as embraced the report of the Committee on Forest Culture, which was agreed to.

The remainder of the Journal was then read and approved.

Mr. Marsh asked leave of absence for Mr. Rockwell until Monday morning, which was granted.

Mr. Beck asked for leave of absence until Monday morning, which was granted.

Mr. Wilcox introduced the following resolution and moved that its consideration be made the order for Monday next at 2 o'clock p. m.

Resolved, That this Convention adjourn sine die on Wednesday, the 23d inst, at 12 m. of said day.

Mr. White moved that the consideration of the resolution introduced by Mr. Wilcox be indefinitely postponed, which was agreed to.

So the Convention concurred in the motion of Mr. White to indefinitely postpone.

Mr. Ebert presented the following petition, which on the motion of Mr. Carr, was ordered spread on the Journal, omitting the names:

To the Honorable Constitutional Convention now assembled in Denver, Colorado:

"We, the undersigned, do respectfully petition your honorable body to insert in the Constitution you are now preparing for the prospective State of Colorado, a provision which will forever prevent the possibility of dividing the public school fund or to permit the use of any portion of it for the support of sectarian schools. We urge upon you the necessity of settling this vexed question by such a Constitutional provision.

(Signed) JOHN C. MAYER,
And forty-three others.

Also a similar petition signed by H. Hiblichle and 69 others.

Also a similar petition signed by Chas. Schrader and 73 others.

Also a similar petition signed by J. B. Groesbock and 57 others.

Also a similar petition signed by Joseph Ham and 83 others.

Also a similar petition signed by W. Whist and 14 others.

Also a similar petition signed by Emile Gehring and 153 others.

Also a similar petition signed by Dock Warner and 42 others.

Also a similar petition signed by Alex. Vogt and 53 others.

Also a similar petition signed by Max Weinger and 47 others.

Also a similar petition signed by R. Engel and 26 others.

Also a similar petition signed by Fritz Messenger and 61 others.

The President presented the following communication.

Denver, Colo., Februarly 11th, 1876.

To the Honorable the Members of the Constitutional Convention:

Gentlemen—You are cordially invited to attend Divine service at St. John's Episcopal Church, corner of 14th and Arapahoe streets, on Sunday evening next (February 13th) at half past seven o'clock.

The Rt. Rev. J. F. Spalding, D. D., Bishop of the Protestant Episcopal Church in Colorado, will preach on the occasion on the subjects connected with the interests of the church in this Territory, and upon which he would like, if possible, to secure a hearing from your honorable body. I am

Very respectfully, your obedient servant.

P. VOORHIES FINCH.

Rector of St. John's Church.

The communication was received and placed on file by the Secretary.

Mr. Webster appeared and took his seat.

Mr. Hurd, chairman of the Committee on Education and Educational Institutions, presented the following report, which was received and placed on file by the Secretary.

To the Honorable Constitutional Convention:

Gentlemen—Your Standing Committee on Education and Educational Institutions, to whom was [were] referred several petitions upon the division of the public school fund, beg leave to report that they have had the same under consideration and find that these petitions for and against such division contain nearly an equal number of names.

We refer these petitions back to the Convention without recommendation. All of which is respectfully submitted.

D. HURD,
Chairman.

Denver, February 12th, 1876.

Mr. Meyer, chairman of the Special Committee of Conference with the Legislature, made a verbal report that the Legislature had made an appropriation of twenty-six thousand dollars to defray the expenses of the Convention, and asked that the Special Committee be discharged.

On motion of Mr. Wilcox, the report was received and the committee discharged.

The President announced the next order of business to be the special order for the consideration of the report of the Committee on Education and Educational Institutions.

On motion of Mr. Beck, the Convention resolved itself into Committee of the Whole to consider the report of the Committee on Education and Educational Institutions, Mr. Kennedy in the chair, and after some time spent therein, the President resumed the chair and Mr. Kennedy reported that the Committee of the Whole Convention, to whom was referred the report of the Committee on Education and Educational Institutions, having, according to order, had under consideration said report, had made some progress therein and asked leave to sit again.

On motion of Mr. White, the report was received and time granted to sit again at 2 o'clock.

Mr. Crosby moved that the Convention adjourn until 9 o'clock a. m. on Monday.

Mr. Cooper, as an amendment, moved that the Convention adjourn until 2 o'clock this afternoon, which was agreed to.

So the Convention adjourned until 2 o'clock this afternoon.

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2 O'CLOCK P. M.

Convention met, pursuant to adjournment.

Roll called.

Absent—Messrs. Barela, Boyles, Beck, Felton, Garcia, Hough, Head, Lee, Plumb, Rockwell, Vigil and Widderfield.

Mr. Marsh asked for leave of absence, after 3 o'clock, until Monday morning, which was granted.

Messrs. Barela, Boyles, Felton, Garcia, Head and Vijil appeared and took their seats.

On motion of Mr. Quillian, the Convention resolved itself into Committee of the Whole to further consider the report of the Committee on Education and Educational Institutions, Mr. Kennedy in the chair; and, after some time spent therein, the President resumed the chair, and Mr. Kennedy reported that the

Committee of the Whole Convention, to whom was referred the report of the Committee on Education and Educational Institutions, having, according to order, had under consideration said report, had made further progress therein and asked leave to sit again.

On motion of Mr. White the report was received and leave granted.

On motion of Mr. White, the Convention adjourned until 9 o'clock a. m. on Monday.

MONDAY, FEBRUARY 14, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Bliss.

Roll called. Absent—Messrs. Boyles, Beck, Cushman, Douglas, Hough, Plumb, Pease, Rockwell, Stone, Webster, White and Widderfield.

The Journal of the preceding day was read and approved.

The President asked for leave of absence until Wednesday for Mr. Cushman, which was granted.

Mr. Ebert presented the following petition, and on his own motion it was ordered spread on the Journal, omitting the names, and referred to the Committee on Education and Educational Institutions:

To the Honorable Constitutional Convention now assembled in Denver, Colorado:

We, the undersigned, do respectfully petition your honorable body to insert in the Constitution you are now framing for the prospective State of Colorado, a provision which will forever prevent the possibility of dividing the Public School Fund or to permit the use of any portion of it for the support of sectarian schools; we urge upon you the necessity of settling the vexed question by such a constitutional provision.

(Signed) LEOPOLD LOHMAN,
And thirty-three others.

Also a similar petition from Henry Clunson and fourteen others.

Also a similar petition from Henry Fuerstein and thirty-five others.

Also a similar petition from E. Wortman and thirteen others.

Also a similar petition from H. Wortman and fourteen others.

Also a similar petition from Jacob Mathias and seventeen others.

Also a similar petition from Albert H. Weber and sixty-one others.

Also a similar petition from John C. Kaufman and eleven others.

Also a similar petition from R. Kaltenbach and brother and twelve others.

Also a similar petition from C. M. Schayer and twenty-one others.

Also a similar petition from George W. Chambers and four others.

Also a similar petition from Edward Pisko and nine others.

Also a similar petition from John Robertson and eight others.

Also a similar petition from William Holly and twenty-two others.

Also a similar petition from Erchard Mung and sixteen others.

Also a similar petition from H. R. Price and 106 others.

Mr. Yount offered the following resolution, which, on his own motion, was referred to the Committee on Revenue and Finance:

Resolved, The Committee on Finance be instructed to report for the consideration of this Convention a section or sections on legislative appropriations, looking to a more safe and secure method of appropriating and disbursing the public funds.

Mr. Carr presented the following memorial, and on his own motion, it was ordered spread on the Journal and laid upon the table for consideration when the reports of the Committee on Rights of Suffrage and Elections are before the Convention:

MEMORIAL OF THE MASSACHUSETTS WOMEN SUFFRAGE ASSOCIATION.

To the Constitutional Convention of Colorado, now in session at Denver:

Gentlemen—At the seventh annual meeting of the Massachusetts Woman Suffrage Association, held in Boston, January 26, 1876, the following resolution was unanimously adopted:

Resolved, That the officers of the association be hereby instructed to address a memorial to the Constitutional Convention of Colorado, now in session in Denver, asking them to incorporate impartial suffrage for women in the Constitution of the Centennial State.

Resolved, That in view of the complete practical success of woman's suffrage in Wyoming and of the constitutional amendment just adopted in Minnesota, providing that women may vote at any elections for officers of schools or in any measure relating to schools, and may be eligible to any office pertaining to the management of schools; and in view of the beneficial results of woman suffrage in England, Holland, Austria and Sweden, we appeal to the good men of all parties to signalize this centennial year of American independence by establishing impartial suffrage and equal rights for all.

In presenting these resolutions to the Constitutional Convention of Colorado, now in session at Denver, we offer our sincere congratulations to our younger sister State that she will enter

the Union at the end of a hundred years of our national life, and that as our fathers made themselves a name forever memorable by enumerating the grand principle of equal rights for all, to you also comes the opportunity to crown the century, honor yourselves and confer untold blessings upon future generations by applying the principle and establishing impartial suffrage for all American citizens, irrespective of sex.

JAMES FREEMAN CLARKE,
President.

WM. LLOYD GARRISON,
First Vice President.

LUCY STONE,
Chairman of Exec. Com.,

HENRY B. BLACKWELL,
Corresponding Secretary.

Boston, February 5, 1876.

Mr. Yount, of the Committee on Printing, reported back to the Convention the report of the Committee on Irrigation, Agriculture and Manufactures, and the report of the Committee of the Whole on State Institutions and Buildings as correctly printed. There being no objection, the reports were received and placed on file by the Secretary.

On motion of Mr. Hurd, the privileges of the hall were granted to the ladies present.

On motion of Mr. Wilcox, the special order for this day for the consideration of the majority and minority reports of the Committee on Rights of Suffrage and Elections was discharged.

Messrs. Boyles, Douglas, Stone, Webster and White appeared and took their seats.

On motion of Mr. Douglas, the Convention resolved itself into Committee of the Whole to consider the report of the Committee on Education and Educational Institutions, Mr. Kennedy in the chair; and, after some time spent therein, the President resumed the chair, and Mr. Kennedy reported that the Committee of the Whole Convention, to whom was referred the report of the Committee on Education and Educational Institutions, having, according to order had under consideration said report, had made further progress therein and asked leave to sit again.

On motion of Mr. Clark, the report was received and leave granted to sit again.

On motion of Mr. Clark, the consideration of the majority and minority reports of the Committee on Rights of Suffrage and Elections was made the special order immediately after the report of the Committee on Education and Educational Institutions is disposed of.

On motion of Mr. Hurd, the convention adjourned until 2 o'clock p. m.

2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called. Absent—Messrs. Beck, Cushman, Crosby, Elder, Garcia, Hough, Marsh, Rockwell, Stone, Wells, and Widderfield.

Mr. Boyles presented the resignation of Mr. David F. Wilkins, interpreter, as follows:

Denver, February 14, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—I hereby tender my resignation as interpreter of the Convention.

(Signed) D. F. WILKINS.

On motion of Mr. Boyles, the resignation of David F. Wilkins, the interpreter, was accepted.

On motion of Mr. Boyles, Mr. C. Dominguez was appointed interpreter to the Convention.

The President administered the oath to C. Dominguez as interpreter to the Convention.

Messrs. Elder, Garcia, Stone and Wells appeared and took their seats.

On motion of Mr. Clark, the Convention resolved itself into Committee of the Whole to further consider the report of the Committee on Education and Educational Institutions. Mr. Kennedy in the chair. And, after some time spent therein, the President resumed the chair, and Mr. Kennedy submitted the following report:

Denver, February 11, 1876.

To the Honorable President and Constitutional Convention of Colorado.

Gentlemen—The Committee of the Whole Convention on Education and Educational Institutions, having, according to order had under consideration said report, have directed me to report the same back, with sundry amendments thereto, and ask the concurrence of the Convention therein in the words following, viz.:

WM. R. KENNEDY.
Chairman Committee of the Whole

EDUCATION AND EDUCATIONAL INSTITUTIONS.

Section 1. The general supervision of the public schools of this State shall be vested in a Board of Education, whose powers and duties shall be prescribed by law; the State Superintendent of Public Instruction shall be president of this board; the Secretary of State and Attorney General shall be ex-officio members, and with the Superintendent of Public Instruction

compose the State Board of Education. They shall have no power to prescribe text books for the common schools for the State of Colorado.

Sec. 2. The General Assembly shall, as soon as practicable after the adoption of this Constitution, provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the State, where all residents of the State between the ages of 6 and 21 years may be educated gratuitously. One or more public schools shall be maintained in each school district within the State at least three months in each year. Any school district failing to have such school shall not be entitled to receive any portion of the school fund for that year.

Sec. 3. 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.

Sec. 4. All school funds belonging to the counties or school districts of this State shall be collected by the County Treasurers and held by them until disbursed to the proper districts by warrants drawn on the County Treasurers by County Superintendents, or by proper district authorities, as may be provided by law.

Sec. 5. The public school fund of this State shall consist of the proceeds of such lands as have heretofore 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 purposes.

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

Sec. 7. 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 dona-

tion of land, money or other personal property ever be made by the State or any such public corporation to any church for sectarian purpose.

Sec. 8. No religious test or qualification shall ever be required of any person as a condition of admission into any public educational institution of this 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; nor shall any distinction or classification of pupils be made on account of race or color.

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

Sec. 10. It shall be the duty of the State Board of Land Commissioners to provide for the location, protection, sale or other disposition of 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.

Sec. 11. The General Assembly may require by law that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of 6 and 18 years for a time equivalent to three years, unless educated by other means.

Sec. 12. 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 people of the district. Such directors shall have control of instruction in the public schools of their respective districts.

On motion of Mr. Felton, the report was received, ordered printed and laid upon the table for future consideration.

There being no objection, Mr. Barela offered the following resolution, and moved its adoption:

Resolved, That the interpreter, Mr. D. Wilkins, be allowed the sum of seven dollars per day, as allowed by the Legislature.

Mr. Felton, as an amendment, moved that the consideration of the resolution be postponed until tomorrow after the regular order of business, and the question being upon the motion of Mr. Felton to postone, and being put and a division being

called, it was decided in the affirmative. Ayes, 12; noes, 10. So the Convention concurred in the motion of Mr. Felton to postpone.

Mr. Meyer moved that the Convention adjourn until 9 o'clock a. m. tomorrow, and the question being upon the motion of Mr. Meyer to adjourn and being put, it was decided in the affirmative. Ayes, 20; noes, 11.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Barela, Bromwell, Cooper, Ellsworth, Elder, Ebert, Garcia, Head, Hurd, James, Kennedy, Lee, Meyer, Stone, Stover, Thatcher, Vigil, Webster, Wheeler, Mr. President.

Those voting in the negative are: Messrs. Boyles, Carr, Clark, Douglas, Felton, Plumb, Pease, Quillian, Wells, Wilcox, Yount.

So the Convention concurred in the motion of Mr. Meyer to adjourn until 9 o'clock a. m. tomorrow.

OFFICE OF
ATTORNEY GENERAL
STATE OF COLORADO

TUESDAY, FEBRUARY 15, 1876, 9 A. M.

Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Millington.

Roll called. Absent—Messrs. Barela, Boyles, Cushman, Cooper, Felton, Garcia, Lee, Pease, Rockwell, Stone, Webster, White and Wells.

The President asked for leave of absence for ten days or two weeks for Messrs. Barela and Garcia, which was granted.

Mr. Ellsworth asked for leave of absence for Mr. Wells for this day, which was granted.

The Journal having been partially read, Mr. Widderfield moved that the reading of so much of the Journal as embraced the report of the Committee of the Whole on Education and Educational Institutions be dispensed with, which was agreed to. The remaining portion of the Jourunal was then read and the same approved.

Messrs. Cooper and Felton and Lee appeared and took their seats.

Mr. Cooper, Chairman of the Committee on Engrossing, reported back to the Convention the preamble to the Constitution as correctly engrossed. There being no objection, the reports were received and filed by the Secretary.

On motion of Mr. Bromwell, the Committee on Commerce was discharged from further consideration of the subject.

Mr. Yount, Chairman of the Committee on Accounts and Expenditures of the Convention, reported that a certificate for fifty-one and one-half days' service as interpreter had been furnished to David F. Wilkins, which certificate had been signed by the President.

On motion of Mr. Yount, the resolution offered yesterday by Mr. Barela was adopted, viz.:

Resolved, That the interpreter, Mr. D. F. Wilkins, be allowed the sum of seven dollars per day as allowed by the Legislature.

On motion of Mr. James, the special order for the consideration this day of the report of the Committee on Judiciary was discharged.

Mr. Marsh presented a petition from 248 citizens of Boulder and Gilpin counties, asking that provisions be inserted in the Constitution providing for compulsory education, and for the non-division of the school fund, which, on his own motion, was laid upon the table.

Messrs. Boyles, Cushman, Stone, Webster, White and Rockwell appeared and took their seats.

On motion of Mr. Widderfield, the Convention resolved itself into Committee of the Whole to consider the report of the Com-

mittee on Rights of Suffrage and Elections, Mr. Quillian in the chair; and, after some time spent therein, the President resumed the chair, and Mr. Quillian reported that the Committee of the Whole Convention, to whom was referred the report of the Committee on Rights of Suffrage and Elections, having, according to order had under consideration said report, had made some progress therein and asked leave to sit again at 2 o'clock. On motion of Mr. Kennedy, the report was received and leave granted to sit again at 2 o'clock p. m.

On motion of Mr. Carr, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called. Absent—Messrs. Barela, Boyles, Bromwell, Ellsworth, Garcia, James, Lee, Pease, Rockwell, Thatcher and White.

On motion of Mr. Kennedy, the Convention resolved itself into Committee of the Whole to further consider the report of the Committee on Rights of Suffrage and Elections. Mr. Quillian in the chair. And, after some time spent therein, the President resumed the chair, and Mr. Quillian submitted the following report:

Denver, Colorado, February 15, 1876.

Mr. President—The Committee of the Whole Convention, to whom was referred the report of the Committee on Rights of Suffrage and Elections, having, according to order had under consideration said report, have directed me to report the same back, with sundry amendments thereto, and ask the concurrence of the Convention therein in the words following, viz.:

R. A. QUILLIAN,
Chairman Committee of the Whole.

SUFFRAGE AND ELECTIONS.

Section 1. Every male person over the age of 21 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 to become such citizen according to law 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, however, that in all elections for district school officers and in voting upon all questions relating to public schools within such districts, there shall be no distinc-

tion on account of sex; every such qualified elector shall be eligible to hold any office within such district.

Sec. 2. The General Assembly shall at its first session after the adoption of this Constitution, and may at any time thereafter, extend by law the right of suffrage to persons not herein enumerated; but no such law shall take effect or be in force until the same shall have been submitted to a vote of the people at a general election and approved by a majority of all the votes cast for and against such law.

Sec. 3. The General Assembly may prescribe by law an educational qualification for electors, but no such law shall take effect or be in force prior to the year of our Lord one thousand eight hundred and ninety (1890), and no person who shall be a qualified elector prior to the year one thousand eight hundred and ninety (1890) shall be disqualified by virtue of such law.

Sec. 4. For the purpose of voting, no person shall be deemed to have gained a residence by reason of his presence or lost it by reason of his absence while employed in the service, either civil or military, of this State or the United States, nor while a student of any institution of learning, nor while kept in any poorhouse or other asylum at public expense, nor while confined in public prison.

Sec. 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.

Sec. 6. No person shall be elected or appointed to any civil or military office in this State who does not possess all the qualifications of an elector as prescribed in Section 1 of this article.

Sec. 7. The general election of all officers, except as herein otherwise provided, shall be held on the first Tuesday in October, in the years of our Lord one thousand eight hundred and seventy-six (1876) and one thousand eight hundred and seventy-eight (1878), and thereafter as may be provided by law.

Sec. 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 disclose how any voter shall have voted, unless required to do so as witnesses in a judicial proceeding; provided, that 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.

Sec. 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 afterward be used against him in any judicial proceeding, except for perjury in giving such testimony.

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

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

Sec. 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 assigning jurisdiction or regulating its exercise shall apply to any contest arising out of an election held before its passage.

On motion of Mr. Widderfield, the report was received.

On motion of Mr. Carr, the report was ordered engrossed and laid on the table for future consideration.

On motion of Mr. Douglas, the report of the Committee of the whole on State Institutions and Buildings was taken from the table.

Mr. Stover moved that the report be considered by sections, which was agreed to.

On motion of Mr. Clark, the Convention concurred in the amendments to the report of the Committee on State Institutions and Buildings as reported by the Committee of the Whole, viz.:

"In Section 3 to insert in third line after the word 'trust' the words 'subject to disposal,' and in fourth line to strike out all after the word 'the' and insert in lieu the words '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 4—In first line strike out the word "capital" and insert in lieu the words "seat of government;" in the second line strike out the word "the" after the word "at" and insert in lieu the word "its," and also in same line strike out "1880" and insert in lieu the words "one thousand eight hundred and eighty;" in the third line strike out the word "capital" and insert in lieu the words "seat of government;" in the fourth line strike out the word "next" and insert after the word "election" the words "then next ensuing;" in the sixth line strike out the word "that" and insert in lieu the word "the;" in the seventh line strike out the

words "capital location" and insert in lieu the words "the location of the seat of government," and in same line strike out the word "next" in the eighth line after the word "election" and insert the words "then next ensuing" and in same line strike out the word "capital" and insert in lieu the words "seat of government."

Section 5—In the first line strike out the word "capital" and insert in lieu the words "seat of government;" in the second line strike out the words "votes cast in" and insert in lieu the words "electors of;" also in same line insert after the word "State" the words "voting on that question;" in the third line strike out the word "capital" and insert after the word "location" the words "of the seat of government."

Section 6—In the second line strike out the word "same" and insert in lieu the words "seat of government."

Section 7—To add to the section the words "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 time as said property be transferred by such conveyances as may be necessary, together with the management thereof to the officers provided for the management of said institution by this Constitution or by law.

On motion of Mr. Carr, the Convention adopted Section 1 as reported by the Committee of the Whole.

On motion of Mr. Yount, the Convention adopted Section 2 as reported by the Committee of the Whole.

On motion of Mr. Beck, the Convention adopted Section 3 as reported by the Committee of the Whole.

On motion of Mr. Plumb, the Convention adopted Section 4 as reported by the Committee of the Whole as amended by Mr. Thatcher.

On motion of Mr. Yount, the Convention adopted Section 5 as reported by the Committee of the Whole.

On motion of Mr. Plumb, the Convention adopted Section 6 as reported by the Committee of the Whole.

Mr. Carr moved the adoption of Section 7 as reported by the Committee of the Whole, and the question being upon the motion of Mr. Carr to adopt Section 7 and being put, it was decided in the affirmative. Ayes, 28; noes, 1.

The ayes and noes being called, those voting in the affirmative are: Messrs. Bromwell, Beck, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Elder, Ebert, Hurd, Head, James, Kennedy, Marsh, Meyer, Plumb, Quillian, Stone, Stover, Vigil, Webster, White, Wilcox, Wheeler, Widderfield, Yount, Mr. President.

Mr. Wells voted in the negative.

So the Convention adopted Section 7 as reported by the Committee of the Whole.

So the Convention adopted the article in the following words:

ARTICLE.

STATE INSTITUTIONS AND BUILDINGS.

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

Sec. 2. The trustees, regents and managers of all such State institutions as are named or contemplated in the preceding section shall be appointed and vacancies filled by the Governor as provided in Article ——, Section 7, of this Constitution, unless otherwise provided by this Constitution or by law.

Sec. 3. 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 judicially located and carefully preserved and held in trust, subject to disposal for the use and benefit of the respective objects for which said grants of land were made, and the General Assembly shall provide for the sale of said lands from time to time, and for the faithful application of the proceeds thereof in accordance with the terms of said grants.

Sec. 4. 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 cast at said election on that question shall be necessary to determine the location thereof; said General Assembly shall also provide that in case there is no choice of location at said election, the two places having the highest number of votes cast at said election for location of the seat of government shall be submitted in like manner to the qualified electors of the State at the general election then next ensuing; provided, that until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Denver.

Sec. 5. 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 legal electors of the State voting on that question at some general election at which the question of location of the seat of government shall have been submitted by the General Assembly.

Sec. 6. The General Assembly shall make no appropriation or expenditure for capitol buildings or grounds until the

seat of government shall have been permanently located as herein provided.

Sec. 7. The following Territorial institutions, to wit: The University at Boulder, the Agricultural College at Fort Collins, the School of Mines at Golden and 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 Sate, 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 and personal of which is now vested in the trustees thereof, until such time as said property be transferred by such conveyance as may be necessary, together with the management thereof, to the officers provide for the management of said institution by this Constitution or by law.

On motion of Mr. Carr, the article on State Institutions and Buildings was referred to the Committee on Revisions and Adjustments.

Mr. Carr moved that the Convention adjourn until 9 o'clock a. m. tomorrow, which was not agreed to.

On motion of Mr. Kennedy, the "Memorial to Congress" as reported by the Committee on Forest Culture was taken from the table.

On motion of Mr. Wells, the reading of the "Memorial" was dispensed with.

On motion of Mr. Kennedy, the Convention adopted the Memorial to Congress reported by the Committee on Forest Culture, as recorded on page 383 of this Journal.

On motion of Mr. Wells, the Convention ordered that two copies of the "memorial" be engrossed and attested by the President and Secretary and sent to the Hon. T. M. Patterson, Delegate to Congress, with the request that he present the memorial to Congress.

On motion of Mr. Clark, the consideration of the report of the Committee on Irrigation, Agriculture and Manufactures was made the special order for Thursday next after the regular order of business.

On motion of Mr. Beck, the consideration of the report of the Committee on Judiciary was made the special order for tomorrow after regular order of business.

On motion of Mr. Kennedy, the Convention adjourned until 9 o'clock a. m. tomorrow.

WEDNESDAY, FEBRUARY 16, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Miller.

Roll called. Absent—Messrs. Barela, Boyles, Clark, Ebert, Garcia, James, Pease and White.

The Journal having been partially read, Mr. Widderfield moved that so much of the Journal as embraced the report of the Committee of the Whole on Rights of Suffrage and Elections be dispensed with, which was agreed to.

Mr. Quillian moved that the reading of so much of the Journal as embraced the article on State Institutions and Buildings adopted by the Convention be dispensed with, which was agreed to.

Mr. Widderfield moved that the reading of so much of the Journal as embraced the Memorial to Congress as adopted by the Convention be dispensed with, which was agreed to.

The remainder of the Journal was then read and the same approved.

Mr. Wilcox introduced the following resolution, and moved its adoption:

Resolved, That the several standing committees of this body are hereby required to make their reports to this Convention on Saturday, the 19th instant, at 2 p. m., except the Committee on Revisions and Adjustments; and the question being on the motion of Mr. Wilcox to adopt the resolution, it was agreed to.

Messrs. Thatcher, Clark and White appeared and took their seats.

On motion of Mr. Kennedy, the Convention resolved itself into Committee of the Whole to consider the report of the Committee on Judiciary, Mr. Douglas in the chair; and, after some time spent therein, the President resumed the chair, and Mr. Douglas reported that the Committee of the Whole Convention, to whom was referred the report of the Committee on Judiciary, having, according to order had under consideration said report, had made some progress therein and asked leave to sit again.

On motion of Mr. Beck, the report was received and leave granted to sit again.

On motion of Mr. Clark, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called. Absent—Messrs. Barela, Ebert, Garcia, James, Lee, Meyer, Pease and Webster.

The President asked leave of absence until next Monday for Mr. James, which, on motion of Mr. Hough, was granted.

Mr. Kennedy asked for leave of absence this afternoon for Mr. Lee, which was granted.

Messrs. Ebert, Meyer and Webster appeared and took their seats.

On motion of Mr. Clark, the Convention resolved itself into Committee of the Whole to consider the report of the Committee on Judiciary, Mr. Douglas in the chair; and, after some time spent therein the President resumed the chair, and Mr. Douglas reported that the Committee of the Whole Convention, to whom was referred the report of the Committee on Judiciary, having, according to order, had the same under consideration, had made further progress therein, and asked leave to sit again after regular order of business to-morrow.

On motion of Mr. Hurd, the report was received and leave granted.

On motion of Mr. Hurd, the Convention adjourned until 9 o'clock a. m. to-morrow.

THURSDAY, FEBRUARY 17, A. D. 1876.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Allen.

Roll called. Absent—Messrs. Barela, Boyles, Clark, Ebert, Garcia, Hurd, Hough, James, Pease, Stone, Stover, Webster and White.

The Journal of preceding day was read and approved.

Mr. Yount asked for leave of absence for Mr. Stover until to-morrow, which was granted.

Mr. Meyer presented the following address, which, on his own motion, was ordered spread upon the Journal:

ADDRESS OF RT. REV. J. P. MACHEBEUF, VICAR APOSTOLIC OF COLORADO, TO THE HONORABLE THE CONSTITUTIONAL CONVENTION OF COLORADO, 1876.

Gentlemen—In the hope that it may not be a violation of the parliamentary rules or the etiquette of your honorable body, I ask the privilege of addressing you upon a subject of some consequence to the whole population of our Territory and of especial consequence to all the Catholics of Colorado.

I have had my home in this Territory for upwards of fifteen years, and in the neighboring Territory of New Mexico for ten years before coming to Colorado. No doubt some, at least, of your distinguished body, who have long resided here, will have known something of my life and occupation during all those years, and to them and to hundreds—nay, thousands—of others of my fellow citizens I appeal to bear me witness that if I came to Colorado very early in its history, before even it bore its present name; if I bore my share of the hardships and privations of that rude time, it has been my sole occupation here to make good citizens of those whom God has entrusted to my guidance in spiritual things by teaching them the precepts of His gospel and obedience to His holy law, both as priest and as bishop of the Catholic church in this Territory. Such has been the object by day and by night of my thoughts, my ambition and my labor.

But it is not to gratify a weak vanity, nor is it in a spirit of Pharisaical self-righteousness, that I have recalled these things. It is to convince you, gentlemen, that I love Colorado, that I wish its people well, and that if I venture now to address you on the question, "What Should Our Constitution Say on the Subject of Education?" I have in some sense earned the right to speak by the devotion of many of my best years to the discharge of my sacred office in this Territory, and by the expectation of passing in like manner what may remain to me of life in our new State. But it is not merely as a private citizen that I speak to you. I

am clothed, also, with an official character, which lays on me certain grave duties. True, the law takes no formal notice of the episcopal office. But as a fact it is familiar to you all. Now, it is historically true that the Catholic Church has always declared the necessity of a religious education for the young, and the advisability of uniting, so far as practicable, secular with religious instruction. Such is the position occupied by the church to-day in Europe, as well as in America. If the future may be judged by the past and the present, such will be likewise the future position of the church. My successors in office will think and speak on this head substantially as I do. The Catholic population of this Territory and of the new State will not differ practically with their spiritual father on a question peculiarly within his competence. Exceptions there will be, no doubt; but the general rule will be such as I have stated it. In addressing you, therefore, gentlemen, I feel that I speak the thoughts and express the feelings of a considerable portion of your fellow citizens, and not only their thoughts and feelings, and mine, but those of my successors in the episcopal chair, and of succeeding generations of Catholic citizens of Colorado.

We ask you, gentlemen of the Constitutional Convention, to omit from the Constitution any clause which may forbid the future legislative bodies of the State to deal with the question of separate schools and denominational education as to them may seem just. We don't ask the insertion of any clause directing the solution of that question by the Legislature in our sense.

The decision of the majority we are quite willing to accept, not that by such decision our views of right and wrong, of justice and injustice, would be changed; but we know that in the administration of governments some practical rule of settling questions must be adopted.

Why, then, it may be asked, are you not content that this very question may be settled by a vote on the Constitution, which may be adopted or rejected by a majority? For two reasons, gentlemen of the Convention. First, the question itself has never been fully and dispassionately discussed in this country, and can not be said to have been discussed at all in Colorado. We have had, so far as I am informed, nothing said on our side of the question in your honorable body. Much, no doubt, has been said and written concerning the expediency or inexpediency of definitely settling the question in the Constitution itself, but upon the merits of the question I believe the Catholics have not been represented among you.

So far, both in this country at large and in Colorado, the language of passion has been more often uttered than that of reason. Prejudice has stood for argument. We have been often denounced, though never refuted. Moreover, the question itself has been but one of many which have received the attention and occupied the time of your Convention. You have debated many subjects of great moment, and have not had the time to devote

to the school question which a thorough discussion of it would require. We have called the attention of your Convention to our wishes on the subject by petitions from the different constituencies, addressed to their respective representatives. I am informed that some feeling of displeasure has been expressed by different members at what have been termed the threats and aggressive tone of those petitions. It is a matter of regret that any such feeling should exist, but I am convinced it is founded in a misapprehension. The petitions in question were addressed, or intended to be addressed, to the members of the Convention individually. We expressed our surprise that on a question of such moment no one should be found in your body to advocate our cause, and, further, that we would feel bound, both as Catholics and as citizens, to oppose the adoption of a Constitution which should so utterly disregard our civil and religious rights. I can not construe this to be a threat, but simply an expression of our feeling. If our expression seems strong it but renders the more our feeling. Perhaps, had we designed to address the Convention directly, we would have adopted a different style.

The second reason, gentlemen, for our request that the decision of this question be left to the Legislature, is that while a bare majority of votes will secure the adoption of a Constitution, it will probably require a two-thirds vote to amend it hereafter. Now, this will put it in the power of a minority to control the action of the law on the whole subject of education. We ask, simply, that the majority shall decree, and we know that at present that majority is hostile to our demand. The present is no time for the exposition of the arguments in favor of denominational schools. But we look forward hopefully to the future. A day shall at last dawn—surely it shall—when the passions of this hour will have subsided; when the exigencies of partisan politics will no longer stand in the way of right and justice, and political and religious equality shall again seem the heritage of the American citizen.

And when that hour comes we desire that no oppressive minority shall have the power to paralyze the action and defeat the instructions of an upright and fair-minded majority.

Gentlemen of the Convention, do we ask too much? It is now some thirty-six years since I left my native country to undertake in the United States the functions of my holy ministry, and in those thirty-six years I have never taken any part in political affairs, except to advise on many occasions in New Mexico the native population to submit to the national authority, then so new to them, and to faithfully pay the taxes to which under the Mexican rule they were wholly unused.

You will therefore, I am sure, believe me when I say that it has been very repugnant to my inclinations and habits to address you on this subject. But the strong compulsion of a duty, which no other can discharge for me, has urged me to this step. I owe it to those whose bishop I am, though unworthy, by the appoint-

ment of God, and whose children's children may be affected in things of great concern by your action on this day. I owe it to the chair in which I sit, that its protest should be heard. I owe it to you, gentlemen, to dissuade you, if it may yet be, from perpetrating a grievous wrong; and, finally, I owe it to the sacred cause of religious education, which shall surely long outlive both you and me; that the utterances of the Catholic Church and of the Catholic citizens of Colorado upon the question now awaiting your vote shall not be wavering or uncertain, nor become hereafter matter of question and doubt.

Gentlemen of the Convention, I respectfully, but solemnly, protest against the passage of this bill.

Dated at Denver this 16th day of July, A. D. 1876.

(Apostolic Seal.) JOSEPH P. MACHEBEUF,
Vicar Apostolic of Colorado.

Messrs. Webster, Stone, Clark and Hurd appeared and took their seats.

Mr. Felton introduced the following resolution, which, on his own motion, was adopted:

Resolved, That the Printing Committee be instructed to inquire into what arrangements can be made for and the expense of publishing the Constitution in English, German and Spanish, and report to the Convention.

Mr. Rockwell, Chairman of the Committee on Public and Private Corporations, presented the report of that committee, as follows, and, on his own motion, it was ordered printed and laid upon the table for future consideration.

Denver, Colorado, February 17, 1876.

To the President and Constitutional Convention of Colorado.

Gentlemen—Your Standing Committee on Public and Private Corporations, to whom was referred so much of the subject-matter of the Constitution as relates to corporations, beg leave to report they have had the same under consideration, and submit the following as the result of their deliberations.

Respectfully submitted,

L. C. ROCKWELL,
Chairman of Committee.
L. C. ELLSWORTH.
WM. H. MEYER.
R. DOUGLAS.
JOHN S. WHEELER.
HENRY C. THATCHER.
A. D. COOPER.
W. W. WEBSTER.

PUBLIC AND PRIVATE CORPORATIONS.

Section 1. All existing charters or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith at the time of the adoption of this Constitution, shall thereafter have all† validity.

Sec. 2. No corporation shall be created by special laws, or its charter extended, changed or amended, except such municipal, charitable, educational, penal or reformatory corporations as are or may be under the patronage or control of the State, but the General Assembly shall provide by general laws for the organization of all corporations hereafter to be created.

Sec. 3. The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revokable 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 this State; in such manner, however, that no injustice shall be done to the corporations.

Sec. 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 the road to intersect, connect with or cross other railroads.

Sec. 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, nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having under its control a parallel or competing line; and the question whether railroads are parallel or competing lines shall, when demanded by the party complainant, be decided by the courts.

Sec. 6. All individuals, associations and corporations shall have equal rights to have persons and property transported over railroads 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, or any lessee or employee thereof, shall give any preference to individuals, associations or corporations in furnishing cars or motive power.

Sec. 7. No railroad or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation, except on condition of complete compliance with all the provisions of this article.

†So in text.

Sec. 8. The exercise of the right of eminent domain shall never be abridged or 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 exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

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

Sec. 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.

Sec. 11. No law shall be passed by the General Assembly granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

Sec. 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.

Sec. 13. All railroad companies organized under the provisions of this article shall have the power and authority to borrow money for the purpose of aiding in the construction, operation and maintenance of their road, at such rates of interest as shall be agreed upon by the trustees or directors of said company, not exceeding ten per centum per annum, and to execute trust deeds or mortgages, in their discretion, upon the road of said company, its depots, depot grounds, rolling stock, which shall be considered realty, and such other property or lands as it shall be lawfully possessed of, with power of sale to secure the payment of such loan or loans.

Sec. 14. Dues from corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable in any amount over or above the amount of stock owned by him or her.

Sec. 15. Any association or corporation, or the lessees or managers thereof, organized for that purpose, or any individual,

shall have the right to construct and maintain lines of telegraph within this State and to connect the same with other lines, and the General Assembly shall by general law, of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph company owning or having the control of a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

Sec. 16. 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 of the 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 the State shall retain jurisdiction over that part of the corporate property within the limits of this State in all matters which may arise, as if said consolidation had not taken place.

Sec. 17. The liability of railroad, express and telegraph companies as common carriers shall never be limited, except by special contract between the parties affected thereby.

Sec. 18. The General Assembly shall pass no law limiting the maximum sum for which a recovery may be had, in action brought against any corporation for loss of life.

Sec. 19. The term "corporations," as used in this article, shall be construed to include all joint stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

Mr. Meyer asked for leave of absence for himself and Mr. Hurd for the remainder of the morning's session, which was granted.

Mr. Marsh, Chairman of the Committee on Bill of Rights, presented a substitute for section 19 of the original report of that committee, as follows:

Sec. 19. 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 can not give security his deposition shall be taken by some judge of the District or Supreme Court at the earliest moment he can attend at some convenient place by him appointed for that purpose, in presence of the attorney prosecuting for the people, the accused and his counsel (if he has no counsel the judge shall assign him one in that behalf only), whereupon 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 can be procured by the prosecution or is procured by the accused. No exceptions shall be had to said deposition as to its form or substance.

On motion of Mr. Carr, the substitute for section 19, as reported by the Committee on Bill of Rights, was received, ordered printed and laid upon the table for future consideration.

Mr. Bromwell, chairman of the Committee on State, County and Municipal Indebtedness, presented a report of that committee as follows:

Denver, Colorado, February 17, 1876.

To the President and Members of the Constitutional Convention:

Your Committee on State, County and Municipal Indebtedness, to whom was recommended section 7 of their last former report, respectfully report the same back, together with a substitute therefor, which they recommend for adoption as follows:

H. P. H. BROMWELL.
R. DOUGLAS.
A. R. YOUNT.
WM. H. CUSHMAN.
JOHN S. HOUGH.

Sec. 7. No county shall contract any debt by loan in any form, except for the purpose of erecting necessary public buildings, making or repairing of public roads and bridges, and for supplying such county with water for public use; and such indebtedness contracted in any one year shall not exceed the rates upon 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, exclusive of debts contracted before the adoption of the Constitution, shall not at any time exceed twice the amount above herein limited in case of such county, unless, when in manner provided by law, the question of incurring such debt shall be submitted to the vote of the qualified electors of such county, at a general election, and a majority of those voting thereon shall vote in favor of incurring such debt, but the bonds, if any be issued for payment thereof, shall not run less than ten nor more than fifteen years.

On motion of Mr. Kennedy, the report was received, ordered printed and laid upon the table for future consideration.

On motion of Mr. Felton, the special order for this day for the consideration of the report of the Committee on Irrigation, Agriculture and Manufactures was discharged.

Messrs. Ebert, Boyles and White appeared and took their seats.

On motion of Mr. Carr, the Convention resolved itself into Committee of the Whole, to further consider the report of the Committee on Judiciary, Mr. Douglas in the chair, and after some

time spent therein, the President resumed the chair, and Mr. Douglas reported that the Committee of the Whole Convention, to whom was referred the report of the Committee on Judiciary, having, according to order, had under consideration said report, had made further progress therein, and asked leave to sit again at 2 o'clock.

On motion of Mr. Wilcox, the report was received and leave granted to sit again at 2 o'clock.

On motion of Mr. Webster, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment. Roll called.

Absent—Messrs. Barela, Garcia, James, Pease and Stover.

On motion of Mr. Webster, the committee resolved itself into Committee of the Whole to further consider the report of the Committee on Judiciary, Mr. Douglas in the chair; and, after some time spent therein, the President resumed the chair, and Mr. Douglas submitted the following report:

Denver, Colorado, February 17, 1876.

To the Honorable President and Constitutional Convention of Colorado.

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Committee on Judiciary, having, according to order, had under consideration said report, have directed me to report the same back with sundry amendments thereto, and ask the concurrence of the Convention in the words following, viz.:

R. DOUGLAS,
Chairman of Committee of the Whole.

JUDICIARY.

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.

Sec. 2. The Supreme Court, except in cases otherwise directed herein, shall have appellate jurisdiction only, which shall be co-extensive with the state, and shall have a general superintending control over all inferior courts.

Sec. 3. It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunctions, and other original and remedial writs, with authority to hear and determine the same.

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

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

Sec. 6. The judges of the Supreme Court shall be elected by the electors of the State at large at the judicial election hereinafter provided.

Sec. 7. The terms of office of the judges of the Supreme Court, except of those chosen at the first election as hereinafter provided, shall be nine years.

Sec. 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 judge having the shortest time to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and as such 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.

Sec. 10. No person shall be eligible to the office of judge of the Supreme Court unless he shall 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 the State or Territory ot least two years next preceding his election.

DISTRICT COURTS.

Sec. 11. The District Courts shall have original jurisdiction of all cases, both at law and in equity, and such appellate jurisdiction as may be provided by law.

Sec. 12. The State shall be divided into five judicial districts, in each of which there shall be elected by the electors thereof one judge of the District Court therein, and whose term of office shall be six years. The judges of the District Courts may hold court for each other, and shall do so when required by law.

Sec. 13. No person shall be eligible to the office of District judge unless he shall 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 this 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.

Sec. 14. Unless otherwise provided by law, said districts shall be as follows, viz.: First district, the counties of Weld, Larimer, Boulder, Jefferson and Grand. Second district, the counties of Park, Lake, Summit, Gilpin and Clear Creek. Third district, the counties of Arapahoe, Elbert and Douglas. Fourth district, the counties of Pueblo, El Paso, Fremont, Huerfano, Las

Animas and Bent. Fifth district, the counties of Costilla, Conejos, Rio Grande, San Juan, La Plata, Hinsdale and Saguache.

Sec. 15. 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 in each county in each year, except in such counties as may be attached for judicial purposes to some other county wherein such courts are held.

Sec. 16. The General Assembly, whenever two-thirds of the members of each house shall concur therein, may, after the year 1880, and not oftener than once in every six years, increase the number of judges of the District Courts and the judicial districts of the State; 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 vacate the office of judge.

Sec. 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 in any manner whatever.

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

DISTRICT ATTORNEYS.

Sec. 21. There shall be elected at each judicial election a district attorney for each judicial 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 required of judges of District Courts in this article.

COUNTY COURTS.

Sec. 22. There shall be elected at the general election in each organized county a county judge, who shall be judge of the Probate Court of such county, whose term of office shall be three years, and whose compensation shall be such as may be provided by law.

Sec. 23. County Courts shall be courts of record, and shall have original jurisdiction within each county 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 jurisdiction as may be conferred by law; Provided, Such courts shall not have jurisdiction in any case involving the question of title or boundaries of real estate, nor in any case where the debt or damage claim or value of prop-

erty involved shall exceed two thousand dollars in cases relating to the estate of deceased persons.

Appeals may be taken from County to District Courts in all cases in such manner as may be provided by law.

JUSTICES OF THE PEACE.

Sec. 25. Justices of the peace shall be elected in and for such precincts and districts, and have such jurisdiction as may be conferred by law; Provided, That no justice of the peace shall have jurisdiction of any civil case wherein the value of the property or amount in controversy exceeds the sum of three hundred dollars, nor where the boundaries or title to real property shall be called in question.

POLICE MAGISTRATES.

Sec. 26. The General Assembly shall have power to provide for creating such police magistrates for cities and towns as may be deemed from time to time necessary or expedient.

MISCELLANEOUS.

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

Sec. 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 grades so far as regulated by law, and the force and effect of the proceedings, judgments and decrees of such courts severally shall be uniform.

Sec. 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 and clerks of said courts by the judge or judges 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.

Sec. 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."

The Committee of the Whole Convention have further directed me to report back to the Convention the following sections offered by Mr. Bromwell, with the recommendation that they be ordered printed and laid upon the table for future consideration.

Sec. 4. The Supreme Court shall have original jurisdiction to hear and determine all controversies arising upon bill or information filed by the attorney general or any district attorney upon relation of any party grieved, or on behalf of the people concerning the rights, duties and liability of railroad, telegraph and toll road companies or corporations, as to charges, or rates or classifications of charges, claimed, adopted or used by any such operation for services performed or to be performed by it for the people or any persons in the line of business under its charter.

Sec. 5. In all such cases said court may make orders allowing proceedings upon such bill or information, may appoint time and place of sitting, hear all allegations of extortion or unreasonable charges or rates of charges against any such corporation for the performance of any duty under its charter, and order and decree just and reasonable rates of compensation to such corporation for services under its charter, and said court in such cases shall hear and consider all evidence of facts material to the subject-matter of the controversy, and may enforce its decrees by all modes known to courts of common law or chancery.

Sec. 6. Said court in said cases shall have power to issue writs of quo warranto, mandamus, injunctions, summons, subpœna or other writ necessary to give effect to its proceedings.

The Committee of the Whole Convention have further directed me to report back to the Convention sections 9, 17 and 19 of said report, with sundry amendments thereto, with the recommendation that the same be recommitted to the Committee on Judiciary.

Sec. 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 prescribed by law and by the rules of the Supreme Court.

Sec. 17. After the year 1878, the General Assembly may provide for the election of the judges of the Supreme, District and County Courts and the district attorneys on a different day from that on which an election is held for any other purpose, and on such judicial elections no person shall be voted for except candidates for the officers of the courts aforesaid. Until otherwise provided by law, such judicial elections shall be held at the time of holding general elections; Provided, That, for the purpose of filling a vacancy occurring more than one year previous to the

expiration of the term of office, a special election shall be called by the Governor by proclamation, which shall be published for thirty days prior to such election in the district wherein such vacancy occurs; and, Provided, further, That, when necessary, the Governor shall fill any such vacancy in the office of judge or district attorney pending such special election."

Sec. 19. There shall be a clerk of the District Court within each county wherein a term is held, who shall be appointed by the judges of the District Courts respectively, who shall hold his office during the pleasure of the judges, and whose duties and compensation shall be as provided by law and regulated by the rules of the court.

Mr. Carr moved that the report of the Committee of the Whole on the report of the Committee on Judiciary be received, and that the Convention concur in the recommendations made therein.

Mr. Wells called for a division of the question, and the question being, "Will the Convention receive the report of the Committee of the Whole on the report of the Committee on Judiciary?" and being put, it was decided in the affirmative.

So the Convention received the report.

The question then recurring upon the question, "Will the Convention concur in the recommendations of the Committee of the Whole, that sections 9, 17 and 19 of the report of the Committee on Judiciary be recommitted, with sundry amendments thereto, reported by the Committee of the Whole to the Committee on Judiciary, and that three additional sections offered by Mr. Bromwell be ordered printed and laid on the table for future consideration, and, being put, it was decided in the affirmative.

So the Convention recommitted sections 9, 17 and 19 to the Committee on Judiciary, and the additional sections offered by Mr. Bromwell to the article on judiciary were ordered printed and laid on the table for future consideration.

Mr. White moved that section 14, as reported by the Committee of the Whole, be recommitted to the Judiciary Committee, which was not agreed to.

So the Convention refused to concur in the motion of Mr. White to recommit section 14.

On motion of Mr. White, the report of the Committee of the Whole was laid upon the table for future consideration.

On motion of Mr. Felton, the consideration of the report of the Committee on Irrigation, Agriculture and Manufactures was made the special order for to-morrow after regular order of business.

Mr. Hough, chairman of the Committee on Printing, reported back to the Convention the report of the Committee on Education and Educational Institutions as correctly printed.

There being no objections, the report was received and filed by the Secretary.

On motion of Mr. Clark, the Convention adjourned.

FRIDAY, FEBRUARY 18, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Dudley.

Roll called.

Absent—Messrs. Barela, Boyles, Clark, Garcia, James, Pease, Rockwell, Thatcher, Webster, White and Wells.

The Journal having been partially read, Mr. Kennedy moved that the reading of so much of the Journal as embraced the address from Bishop Machebeuf, the reports of the Committee on Public and Private Corporations, Bill of Rights and State, County and Municipal Indebtedness, and the report of the Committee of the Whole on the article on Judiciary be dispensed with, which was agreed to.

The remainder of the Journal was then read, and the same approved.

Mr. Hough, chairman of the Committee on Printing, reported back to the Convention the additional sections to the article on Judiciary, offered by Mr. Bromwell, as correctly printed.

There being no objection, the report was received and filed by the Secretary.

Messrs. Clark, Rockwell, Wells, White and Boyles appeared and took their seats.

On motion of Mr. Kennedy, the Convention resolved itself into Committee of the Whole to consider the report of the Committee on Irrigation, Agriculture and Manufactures, Mr. Hough in the chair; and after some time spent therein, the President resumed the chair, and Mr. Hough submitted the following report:

Denver, Colorado, February 18, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Committee on Irrigation, Agriculture and Manufactures, having, according to order, had under consideration said report, have directed me to report that they have made some progress therein, and ask leave to sit again.

The Committee of the Whole have further directed me to report back to the Convention section 1 of the report, together with a substitute therefor, offered by Mr. Felton, with the recommendation that they be recommitted to the Committee on Irrigation, Agriculture and Manufactures, as follows:

Section 1. The water of every natural stream within the State of Colorado is hereby declared to be the property of the people of said State, and the same is dedicated to their use forever.

Substitute for section 1, offered by Mr. Felton:

Section 1. The unappropriated water of the natural streams within the State of Colorado is hereby declared to be dedicated to the use of the public, subject to the provisions of this Constitution and the laws of the General Assembly.

JNO. S. HOUGH,

Chairman of the Committee of the Whole.

On motion of Mr. Clark, the report was received, and leave granted to sit again.

Mr. Clark moved that the Convention concur in the recommendation of the Committee of the Whole to recommit section 1 of the report, together with the substitute therefor, offered by Mr. Felton, to the Committee on Irrigation, Agriculture and Manufactures, which was agreed to.

There being no objection, Mr. Boyles, Chairman of the Committee on Counties, presented a report of that committee as follows:

Denver, Colorado, February 19, 1876.

To the Honorable President and Gentlemen of the Constitutional Convention:

Gentlemen—Your Committee on Counties, to whom was recommitted a portion of the report of said committee, have had the same under consideration, and beg leave to submit the following report.

GEORGE BOYLES,

Chairman.

Sec. 4. 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; nor unless a majority of all the qualified voters of said county voting on the question shall vote therefor.

COUNTY OFFICERS.

In each county there shall be elected for the term of three years three officers who shall be styled The Board of 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, 1876, 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.

Sec. 9. The compensation of the members of the Board of Commissioners shall be as provided by law.

Sec. 10. There shall be elected in each county on the first Tuesday in October, A. D. one thousand eight hundred and seventy-six and every alternate year forever thereafter at the general election for members of the General Assembly 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 collect all county taxes; one County Superintendent of Common Schools; one County Surveyor and one County Assessor; each of whom shall enter upon the duties of his office, and the term thereof shall commence upon the expiration of the term of the present county officers, and they shall hold their respective offices for the term of two years or until their successors are elected and qualified.

Sec. 11. In case of a vacancy occurring in the office of County Commissioner, it shall be filled by appointment of the Governor, and in case of a vacancy in any of the county or precinct officers, it shall be filled by appointment of the Board of County Commissioners, and the person appointed shall hold office until the next general election, or until his successor shall be duly elected and qualified.

Sec. 12. No person shall be eligible to any county office unless he shall be at least twenty-one years of age and a citizen of the United States; nor unless he shall have resided in the county one year preceding his election.

Sec. 13. There shall, at the first election at which county officers are chosen, be elected in each precinct two Justices of the Peace and two Constables, who shall each hold their offices for the period of two years and until their successors are elected and qualified, and they shall enter upon the duties of their offices and the term thereof shall commence upon the expiration of the term of the present county officers.

Sec. 14. Previous to entering on the duties of their respective offices, the county and precinct officers shall take the oath of office and give bond with security, in the manner and in such amount as shall be prescribed by law; Provided, That the officers elected at the first election under this Constitution shall give bond with security to the State of Colorado, in the amount and in such manner as is now prescribed by law for their respective offices in the Territory of Colorado.

Sec. 15. The General Assembly shall by law uniform in its operation provide for and regulate the fees of all county and precinct officers, and also the duties of such officers as are not herein provided for.

Sec. 16. The county officers in all counties shall be paid a salary to be fixed by the Board of County Commissioners, but the same shall be paid out of the fees collected by the officer, and shall in no case exceed the amount of money so collected, and when such officer shall have collected sufficient money in fees to pay his salary he shall pay the remainder to the County

Treasurer; and for collecting fees over and above the amount of his salary, each officer shall be allowed a certain percentage, to be fixed by the Board of County Commissioners.

Sec. 17. All officers who receive [Every officer who receives] a salary shall, at the expiration of each ninety days, make a report to the County Treasurer under oath of all his fees and emoluments, and pay to such Treasurer all funds in his hands over and above the amount due him on his salary.

Sec. 18. Except as otherwise directed by this Constitution, the General Assembly shall provide for the election or appointment of such other county, township and municipal officers as public convenience may require; and their terms of office and duties shall be so prescribed by law, but no term of office shall exceed two years.

Sec. 19. 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 power 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 restriction.

Sec. 20. The General Assembly shall also make provisions by general law, whereby any city, town or village existing by virtue of any special or local law may elect to become subject to and be governed by the general law relating to such corporations.

On motion of Mr. Widderfield, the report was received, ordered printed and laid upon the table for future consideration.

Mr. Crosby moved that the Convention now adjourn until 2 o'clock p. m. to-morrow.

Mr. Boyles, as an amendment, moved that the Convention adjourn until 10 o'clock a. m. to-morrow, and the question being on the motion of Mr. Boyles to adjourn until 10 a. m. to-morrow, it was agreed to.

So the Convention adjourned until 10 o'clock a. m. to-morrow.

SATURDAY, FEBRUARY 19, 1876, 10 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Keller.

Roll called.

Absent—Messrs. Barela, Boyles, Garcia, James, Marsh, Pease, Rockwell and White.

The Journal of preceding day having been partially read, Mr. Plumb moved that the reading of so much of the Journal as embraced the report of the Committee on Counties be dispensed with, which was agreed to.

The remainder of the Journal was then read and the same approved.

Mr. Yount presented a petition from fifty-eight citizens of Fort Collins, Larimer county, asking that a provision be inserted in the Constitution forever forbidding any division of the school fund; which on his own motion was laid upon the table for consideration when the article on Education and Educational Institutions is before the Convention.

Mr. Beck, Chairman of the Committee on Congressional and Legislative Apportionment, presented the report of that committee, as follows:

To the Honorable President and Members of the Constitutional Convention:

Gentlemen—Your Committee on Congressional and Legislative Apportionment, to whom was referred the subject matter relating to those branches of the Constitution, beg leave to state that they have had the same under consideration and present the following as their report.

All of which is respectfully submitted,

WM. R. KENNEDY,	ROBT. A. QUILLIAN,
GEO. E. PEASE,	WM. E. BECK,
WM. H. MEYER,	HENRY C. THATCHER,
G. G. WHITE.	WILLIAM M. CLARK.

APPORTIONMENT.

Section 1. One Representative to the House of Representatives of the United States shall be elected from the State at large at the first election under this Constitution, and thereafter at such times, places and manner as may be prescribed by law. When a new apportionment shall be made by the Congress of the United States, the General Assembly shall divide the State into as many Congressional Districts as it may be allowed Representatives in Congress.

Sec. 2. 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 said enumeration according to ratios to be fixed by law.

Sec. 3. The Senate shall consist of twenty-six and the House of Representatives of forty-one 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 members of each house; Provided, That the aggregate number of Senators and Representatives shall never exceed one hundred.

Sec. 4. 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.

Sec. 5. 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, and shall be entitled to the number of Senators affixed to the districts respectively.

Districts.	Counties	No. of Senators.
1	Weld	1
2	Larimer	1
3	Boulder	2
4	Gilpin	1
5	Gilpin, Summit and Grand	1
6	Clear Creek	2
7	Jefferson	1
8	Arapahoe	4
9	Elbert and Bent	1
10	El Paso	1
11	Douglas	1
12	Park	1
13	Lake and Saguache	1
14	Fremont	1
15	Pueblo	1
16	Las Animas	2
17	Huerfano	1
18	Costilla	1
19	Conejos	1
20	Rio Grande, Hinsdale, La Plata and San Juan	1

Sec. 6. Until an apportionment of Representatives can 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.

On motion of Mr. Wilcox, the report was received, ordered printed and laid upon the table for future consideration.

Mr. Crosby, Chairman of the Committee on Impeachment and Removal from Office, presented the report of that Committee, as follows:

Denver, Colorado, February 19, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Impeachment and Removal from Office, to whom was referred the subject matter pertaining to that branch of the Constitution, have had the same under consideration, and respectfully present the following article as their report.

HENRY R. CROSBY,
Chairman of Committee.

IMPEACHMENT AND REMOVAL FROM OFFICE.

Section 1. The House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all the members elected 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 of the State is on trial the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators elected.

Sec. 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; the judgment in such cases shall not extend any further than 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 and judgments and punishment according to law.

Sec. 3. Provision shall be made by law for the removal from office of any civil officer other than those in this article previously specified for misconduct or malfeasance in office.

On motion of Mr. Kennedy, the report was received, ordered printed and laid upon the table for future consideration.

Mr. Quillian, Chairman of the Committee on Schedule, presented the report of that committee, as follows:

Denver, Colorado, February 19, 1876.

To the President and Members of the Constitutional Convention:

Your Committee on Schedule, to whom was referred the subject matter pertaining to that portion of the Constitution, beg leave to state that they have had the same under consideration, and submit the following report:

R. A. QUILLIAN,
Chairman of Committee.

That no inconvenience may arise by reason of the change from a Territorial form of Government to that of a permanent State Government, it is hereby ordained and declared.

Section 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force 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.

Sec. 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 subdivision thereof, in any municipality therein, and all fines, taxes, penalties and forfeitures due or owing to the Territory of Colorado or any such subdivisions or municipality, 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 this Constitution.

Sec. 3. That all property, real and personal, and mines, 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.

On motion of Mr. Kennedy, the report was received, ordered printed and laid upon the table for future consideration.

Mr. Hurd, Chairman of the Committee on Education and Educational Institutions, submitted the following report, which on his own motion was laid upon the table for consideration

when the article on Education and Educational Institutions is before the Convention.

Denver, Colorado, February 19, 1876.

To the Honorable President and Members of the Constitutional Convention:

Gentlemen—Your Committee on Education and Educational Institutions, to whom was referred several petitions upon the subject of the division of the public school fund, respectfully beg leave to report the same back to the Convention without recommendation.

All of which is respectfully submitted.

(Signed) D. HURD,
Chairman.

Mr. Hough, Chairman of the Committee on Printing, reported back to the Convention the reports of the Committee on "Bill of Rights," "State, County and Municipal Indebtedness," "Counties, Public and Private Corporations," as correctly printed.

There being no objection, the reports were received and filed by the Secretary.

Mr. Hurd, Chairman of the Committee on Miscellaneous Subjects, asked that further time be granted that committee to prepare their report, which, on motion of Mr. Widderfield, was granted.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, presented a report of that committee, as follows, which on his own motion was received, ordered printed and laid upon the table for future consideration:

To the Honorable J. C. Wilson, President, etc.:

The Committee upon Revisions and Adjustments, to whom was referred the articles relating to the militia and to future amendments of the Constitution, having had the same under consideration, beg leave to return them with sundry emendations and corrections, in which the concurrence of the Convention is respectfully requested.

Approved February 19, 1876.

E. T. WELLS,
Chairman.

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.

Sec. 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.

Sec. 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.

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

Sec. 5. No person having conscientious scruples against bearing arms shall be compelled to do military duty in time of peace, provided such person shall pay an equivalent for such exemption.

FUTURE AMENDMENTS.

Section 1. The General Assembly may at any time, by a two-thirds vote 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 placee 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 or amendment shall take effect.

Sec. 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 voted upon by the qualified electors of the State, 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.

Messrs. Boyles, Marsh and White appeared and took their seats.

On motion of Mr. Plumb, the consideration of the report of the Committee on Irrigation, Agriculture and Manufactures was made the special order for next Wednesday, after regular order of business.

On motion of Mr. Clark, the report of the Committee of the Whole on the article on Education and Educational Institutions was taken from the table.

On motion of Mr. Kennedy, the Convention concurred in the amendments to the report of the Committee on Education and Educational Institutions as reported by the Committee of the Whole, viz.:

Section 1. To insert the word "general" before the word "suppression," in the first line; also, in same line, strike out the words "instruction in," and to add to the section the words: "They shall have no power to prescribe text books for the common schools for the State of Colorado."

Sec. 2. To strike out the words, "including elementary, intermediate and university departments," in the third and fourth lines; also, in fourth line to strike out the word "five" and insert in lieu the word "six."

Sec. 3. To strike out all of the section after the word "fund" in the sixth line, section 5, to strike out all of the section after the word "State" in the third line and insert in lieu the words "also all other grants, gifts or devices that may be made to this State for educational purposes."

Sec. 7. To insert after the word "fund" in the third line, the words "or moneys." Section 8. To add to the section the words, "nor shall any distinction or classification of pupils be made on account of race or color."

Section 12. To strike out the whole of the section.

Section 15. To strike out all of the section after the word "University," in the second line, and add to the article the following additional section:

Section 16. 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 people of the district. Said directors shall have control of instruction in the public schools of their respective districts.

Mr. Kennedy moved that the article on Education and Educational Institutions be considered by sections, which was agreed to.

On motion of Mr. Douglas, the Convention adopted section 1 as reported by the Committee of the Whole.

On motion of Mr. Kennedy, the Convention adopted section 2 as reported by the Committee of the Whole.

Mr. Hurd moved to amend section 3 by adding to the section the words: "He shall invest the same in bonds of the State or bonds of the United States, as may be provided by law."

Mr. Crosby moved that the consideration of the article on Education and Educational Institutions be postponed until Monday next, at 2:00 o'clock.

And the question being upon the motion of Mr. Crosby to postpone and being put and a division called, it was decided in the negative. Ayes, 2; noes, 11.

So the Convention refused to concur in the motion of Mr. Crosby to postpone.

Mr. Stone moved to amend the amendment offered by Mr. Hurd, by adding to the section the words "and the same shall be invested in some safe and profitable manner, as the General Assembly shall from time to time direct."

And the question being on the motion of Mr. Stone to amend and being put, it was decided in the affirmative. Ayes, 21; noes, 9.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Beck, Carr, Clark, Cooper, Crosby, Douglas, Felton, Hough, Lee, Marsh, Meyer, Plumb, Quillian, Stone, Stover, Thatcher, Vigil, White, Wheeler, Widderfield and Mr. President.

Those voting in the negative are:

Messrs. Boyles, Bromwell, Ebert, Elder, Head, Hurd, Webster, Wells, Yount.

So the Convention concurred in the amendment offered by Mr. Stone.

Mr. White, as an amendment to section 3, moved to add to the section the following words: "And the State shall supply all losses thereof that may in any manner occur," which was agreed to.

So the Convention concurred in the amendment offered by Mr. White.

Mr. Carr moved to amend section 3 by adding thereto the words, "and no investment shall be made which shall pay a less amount than five per centum on the amount invested."

Mr. Hurd moved to amend the amendment offered by Mr. Carr, by striking out the word "five" and inserting in lieu the word "eight."

And the question being on the motion of Mr. Hurd to amend the amendment offered by Mr. Carr and being put, it was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Hurd.

The question then recurring on the motion of Mr. Carr to amend section 3 and being put, it was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Carr.

On motion of Mr. Beck, the Convention adopted section 3 as reported by the Committee of the Whole as amended.

On motion of Mr. Widderfield, the Convention adopted section 4 as reported by the Committee of the Whole.

On motion of Mr. Clark, the Convention adopted section 5 as reported by the Committee of the Whole.

Mr. Stone moved to amend section 6 by inserting the word "school" before the word "lands," in third line, and also, before the word "land" in the fourth line, which was not agreed to.

So the Convention refused to concur in the amendment to section 6, offered by Mr. Stone.

Mr. Marsh moved to amend section 6 by adding thereto the words, "Provided, the said ex-officio Land Commissioner shall not have the power to sell or dispose of the public school lands," which was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Marsh.

On motion of Mr. Carr, the Convention adopted section 6 as reported by the Committee of the Whole.

Mr. Carr moved that the Convention now proceed to the consideration of section 12 as reported by the Committee of the Whole, which was agreed to.

Mr. Beck moved to amend section 12 by striking out of the first and second lines the words, "in each Judicial District in this State, at the time of the election of judges thereof," and inserting in lieu the words, "by the State at large at the first general election, six;" also, in second line, strike out the word "regent" and insert the word "regents" in lieu; also, strike out the words, "Shall be the same as that of said Judges," and insert in lieu the words "Except at the first election shall be six years;" also, to insert after the word "Judges" in third line the words, "The Regents of said University shall immediately after the

first election be classed by lot, so that two shall hold their offices for the term of two years, two for four years and two for six years."

Pending debate, the Convention, on motion of Mr. Wilcox, adjourned until 2:00 o'clock p. m.

2:00 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Barela, Boyles, Bromwell, Beck, Cushman, Garcia, Hurd, James, Pease, Rockwell, Stone, Stover, Webster and White.

The President having, in accordance with the resolution adopted by the Convention on the 14th inst., called for the reports of Standing Committees,

Mr. Yount asked that further time be granted to the Committee on Revenue and Finance to prepare their report, which, on motion of Mr. Wilcox, was granted.

On motion of Mr. Carr, further time was granted to the Committee on Mines and Mining to prepare their report on the section recommitted to that committee.

Mr. Thatcher, Chairman of the Committee on Legislature and Legislation, submitted a report of that committee, as follows:

Denver, Colorado, February 19, 1876.

To the President of the Constitutional Convention:

Your Committee on Legislature and Legislation, to whom was recommitted section (6) of their original report, respectfully report the same back in an amended form and recommend the same for adoption, as follows:

HENRY C. THATCHER,
Chairman.
C. P. ELDER,
WM. H. MEYER,
WM. M. CLARK,
P. P. WILCOX,
W. C. STOVER,
GEORGE BOYLES.

Sec. 6. As a compensation for their services, the members of the First General Assembly, for the first forty days' attendance, shall receive a per diem of four dollars, and three dollars per day for each day's attendance thereafter, and fifteen cents for each mile necessarily traveled in going to and returning from the seat of Goverment, and they shall receive no other compensation, perquisite or allowance whatsoever. No session of the General Assembly shall exceed fifty days. After the

first session the compensation of the members of the General Assembly shall be as provided by law.

On motion of Mr. Quillian, the report was received and laid upon the table for future consideration.

On motion of Mr. Wells, the Committee on Judiciary were granted leave to defer their report until Wednesday morning next.

Mr. Hough, Chairman of the Committee on Printing, asked that further time be granted that committee to prepare their report on the cost of publishing the Constitution and address to the people, in English, Spanish and German, which, on motion of Mr. Quillian, was granted.

Messrs. Bromwell, Hurd, Stone and Stover appeared and took their seats.

The Convention resumed consideration of the report of the Committee of the Whole on the article on Education and Educational Institutinos.

Mr. Carr moved to amend section 12 by striking out all of the section from the beginning down to and including the word "Judges," in the third line, and inserting in lieu the words, "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 classified by lot, (so) 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."

On motion of Mr. Marsh, section 12, with the amendments thereto offered by Mr. Clark and Mr. Carr, were [was] laid upon the table, to be considered when that section is reached.

Mr. Clark moved the adoption of section 7.

Mr. Hough moved that section 7 be stricken out.

And the question being on the motion of Mr. Hough to strike out section 7, and being put, it was decided in the negative. Ayes, 3; noes, 24.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Crosby, Hough and Hurd.

Those voting in the negative are:

Messrs. Bromwell, Carr, Clark, Cooper, Douglas, Ellsworth, Elder, Ebert, Felton, Hurd, Lee, Marsh, Meyer, Plumb, Quillian, Stone, Stover, Thatcher, Vijil, Wells, Wheeler, Widderfield, Yount and Mr. President.

So the Convention refused to concur in the motion of Mr. Hough to strike out.

The question then recurring on the motion of Mr. Clark to adopt section 7, as reported by the Committee of the Whole

and being put, it was decided in the affirmative. Ayes, 25; noes, 3.

The ayes and noes being called for those voting in the affirmative are:

Messrs. Bromwell, Carr, Clark, Cooper, Douglas, Ellsworth, Elder, Ebert, Felton, Hurd, Kennedy, Lee, Marsh, Meyer, Plumb, Quillian, Stone, Stover, Thatcher, Vijil, Wells, Wheeler, Widderfield and Mr. President.

Those voting in the negative are:

Messrs. Crosby, Head and Hough.

So the Convention adopted section 7 as reported by the Committee of the Whole.

Mr. Marsh moved to amend section 9 by inserting the word "Governor" after the word "the" in the first line, which was agreed to.

So the Convention concurred in the amendment to section 9, offered by Mr. Marsh.

On motion of Mr. Carr, the Convention adopted section 9 as reported by the Committee of the Whole as amended.

Mr. Webster appeared and took his seat.

On motion of Mr. Clark, the Convention adopted section 10 as reported by the Committee of the Whole.

On motion of Mr. Clark, the Convention adopted section 11 as reported by the Committee of the Whole.

On motion of Mr. Carr, section 12, with the amendments thereto offered by Mr. Beck and Mr. Carr, were [was] taken from the table.

And the question being on the motion of Mr. Carr to amend section 12 by striking out all after section, down to and including the word "Judges," in the third line, and inserting in lieu the substitute offered by Mr. Carr, and being put, it was agreed to.

So the Convention concurred in the amendment to section 12, offered by Mr. Carr.

On motion of Mr. Quillian, the Convention adopted section 12, as reported by the Committee of the Whole as amended.

Mr. Carr moved to amend section 13 by inserting after the word "voting," in the third line, the words "except in the cases [case] of a tie," which was agreed to.

So the Convention concurred in the amendments to section 13, offered by Mr. Carr.

On motion of Mr. Douglas, the Convention adopted section 13 as reported by the Committee of the Whole, as amended.

On motion of Mr. Yount, the Convention adopted section 14 as reported by the Committee of the Whole.

Mr. Wheeler introduced an additional section to the article on Education and Educational Institutions, to be numbered

section 15: "The General Assembly shall, as soon as practicable, provide for the support and maintenance of the Institution for the Education of Deaf Mutes, University of Colorado, the Agricultural College and School of Mines."

Mr. Clark moved the adoption of the section introduced by Mr. Wheeler.

And the question being upon the motion of Mr. Clark to adopt the additional section, and being put, it was decided in the affirmative. Ayes, 15; noes, 8.

Those voting in the affirmative are:

Messrs. Bromwell, Carr, Clark, Douglas, Elder, Ebert, Hough, Kennedy, Lee, Stover, Vijil, Wheeler, White, Yount and Mr. President.

Those voting in the negative are:

Messrs. Cooper, Ellsworth, Head, Hurd, Quillian, Stone, Widderfield, Wilcox.

So the Convention adopted the additional section introduced by Mr. Wheeler.

Mr. Boyles appeared and took his seat.

Mr. White moved to amend section 15 as reported by the Committee of the Whole, by striking out all after the word "district," in the third line, which was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. White.

On motion of Mr. Carr, the Convention adopted section 15 as reported by the Committee of the Whole.

Mr. Hurd introduced the following as an additional section and moved its adoption:

Section 17. The General Assembly shall have no power to encourage a monopoly in the sale of text books to be used in the public schools of this State by prescribing a uniform system thereof.

Mr. Bromwell offered the following as a substitute for the section introduced by Mr. Hurd:

Section 17. The General Assembly shall have no power to prescribe text books to be used in the public schools in any case whatever.

Which substitute was accepted by Mr. Hurd.

Mr. Cooper moved to amend the substitute section offered by Mr. Bromwell and accepted by Mr. Hurd by striking out the words "any case whatever," and inserting in lieu the words "this State," which amendment was also accepted by Mr. Hurd.

Mr. Boyles moved to lay the section upon the table, which was not agreed to.

Mr. Wells, as an amendment, moved to strike out the words "in this State."

And, the question being on the motion of Mr. Wells to strike out, and being put, and a division being called, it was decided in the affirmative—ayes, 12; noes, 7.

So the Convention concurred in the motion of Mr. Wells to strike out.

The question then recurring on the motion of Mr. Hurd to adopt the additional section as amended, and being put, it was agreed to.

So the Convention adopted the additional section as amended.

Mr. White introduced the following as an additional section and moved its adoption: Section 18. The Bible shall not be introduced in any public school in this State for the purpose of religious instruction.

Mr. Carr moved to amend the section offered by Mr. White by inserting after the word "Bible," the words the Koran, the works of Andrew Jackson Davis, Swedenborg, Mr. Thomas Paine.

And, the question being upon the motion of Mr. Carr to amend the section offered by Mr. White, and being put, it was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Carr.

The question then recurring on the motion of Mr. White to adopt the additional section, and being put, it was not agreed to.

So the Convention refused to adopt the additional section introduced by Mr. White.

So the Convention adopted the article on Education and Educational Institutions in the words following:

ARTICLE ——.

EDUCATION AND EDUCATIONAL INSTITUTIONS.

Section 1. The general supervision of the public schools of this State shall be vested in a board of education, whose powers and duties shall be prescribed by law; the State Superintendent of Public Instruction shall be President of the Board. The Secretary of State and Attorney General shall be ex-officio members, and, with the Superintendent of Public Instruction, compose the "State Board of Education." They shall have no power to prescribe text books for the common schools for the State of Colorado.

Sec. 2. The General Assembly shall, as soon as practicable after the adoption of this Constitution, provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the State where 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.

Sec. 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 invested in some safe and profitable manner, as the General Assembly shall from time to time direct, and the State shall supply all losses thereof that may in any manner occur.

Sec. 4. All school funds belonging to the counties or school districts of this State shall be collected by the county treasurers, and held by them until disbursed to the proper districts by warrants drawn on the county treasurers by county superintendents or by the proper district authorities, as may be provided by law.

Sec. 5. The public school fund of the State shall consist of the proceeds of such lands as have heretofore 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 purposes.

Sec. 6. There shall be a County Superintendent of Schools in each county in this State, whose term of office shall be two years, and whose duties, qualifications and compensation shall be prescribed by law. The County Superintendent of Schools shall be ex-officio commissioner of lands within his county, and shall discharge the duties of said office under the direction of the State Board of Land Commissioners as directed by law.

Sec. 7. 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 demonination whatever, nor shall any grant or donation of land, money or other personal property ever be made by the State or any such public corporation to any church or for any sectarian purpose.

Sec. 8. No religious test or qualification shall ever be required of any person as a condition of admission into any public educational institution of this 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, nor shall any distinction or classification of pupils be made on account of race or color.

Sec. 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.

Sec. 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 subject to the survey thereof by the general government by which the amount to be derived by the State, or other disposition of such lands, shall be diminished directly or indirectly.

Sec. 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 of age for a time equivalent to three years, unless educated by other means.

Sec. 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 style of the "Regents of the University of Colorado."

Sec. 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 for cause. He shall be ex-officio member of the board, with the privilege of speaking, but not voting, except in cases of a tie. He shall preside at the meetings of the board, and be the principal executive officer of the University, and a member of the faculty thereof.

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

Sec. 15. The General Assembly shall as soon as practicable provide for the support and maintenance of the institution for the education of deaf mutes, University of Colorado, the Agricultural College and the School of Mines.

Sec. 16. 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 people of the district. Said directors shall have control of instruction in the public schools of their respective districts.

Sec. 17. The General Assembly shall have no power to prescribe text books to be used in the public schools.

On motion of Mr. Clark, the article on Education and Educational Institutions, as adopted by the Convention, was ordered engrossed and referred to the Committee on Revisions and Adjustments.

On motion of Mr. Thatcher, section 6 of the article on Legislature and Legislation, as reported by the Committee on Legislature and Legislation, was taken from the table.

The section having been read by the Secretary, Mr. Kennedy moved its adoption.

Mr. Yount moved to amend the section by striking out the word "first" before the word "general."

And, the question being upon the motion of Mr. Yount to strike out, and being put, and a division called, it was decided in the negative—ayes, 5; noes, 14.

So the Convention refused to concur in the motion of Mr. Yount to strike out.

Mr. Hough moved to amend the section by striking out the word "four" where it occurs and inserting in lieu the word "six;" also by striking out the word "three" where it occurs and inserting in lieu the word "four."

And the question being upon the motion of Mr. Hough to amend the section, and being put, and a division called, it was decided in the negative—ayes 8, noes 16.

So the Convention refused to concur in the amendment offered by Mr. Hough.

Mr. Felton moved to amend the section by striking out the word "four" and inserting in lieu the word "five."

Mr. Crosby moved to amend the amendment offered by Mr. Felton by striking out the word "four" and inserting in lieu the word "two."

And the question being upon the amendment offered by Mr. Crosby to strike out the word "four" and insert in lieu the word "two," and being put, it was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Crosby.

The question then recurring on the amendment offered by Mr. Felton, and being put, it was decided in the negative—ayes 11, noes 19.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Crosby, Ellsworth, Elder, Ebert, Felton, Hurd, Hough, Lee, White, Wells, Wilcox.

Those voting in the negative are:

Messrs. Boyles, Bromwell, Carr, Clark, Cooper, Douglas, Head, Kennedy, Meyer, Plumb, Quillian, Stone, Thatcher, Vigil, Webster, Wheeler, Widderfield, Yount, Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Felton.

Mr. Quillian moved to amend by striking out the word "fifty" and inserting in lieu the word "forty," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Quillian.

Mr. Bromwell moved to amend the section by adding thereto the word "provided, that the General Assembly shall fix its own compensation," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Bromwell.

Mr. Wells moved to amend section by adding thereto the words "no bill, except the general appropriation bill for the expenses of the Government only, shall be introduced in either house of the General Assembly after the first twenty days of the session."

Mr. Crosby moved to amend the amendment offered by Mr. Wells by striking out the word "twenty" and inserting in lieu the word "thirty."

And the question being upon the amendment offered by Mr. Crosby, and being put, and a division called, it was decided in the negative—ayes 10, noes 14.

So the Convention refused to concur in the amendment offered by Mr. Crosby.

Mr. Wilcox moved to amend the amendment offered by Mr. Wells, by adding thereto the words "except by consent of three-fourths of the members of both houses of the General Assembly," which was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Wilcox to the amendment offered by Mr. Wells.

Mr. Yount moved to amend the amendment offered by Mr. Wells, by adding thereto the words "and no appropriation bill shall be passed without two-thirds of the members of the General Assembly voting therefor."

And the question being upon the motion of Mr. Yount to amend the amendment offered by Mr. Wells, and being put, and a division called, it was decided in the negative—ayes 8, noes 13.

Mr. Clark moved to amend the amendment offered by Mr. Wells by striking out the word "twenty" and inserting in lieu the word "twenty-five."

And the question being on the amendment offered by Mr. Clark to the amendment offered by Mr. Wells, and being put, it was decided in the affirmative—ayes 23, noes 5.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Boyles, Bromwell, Carr, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Hurd, Hough, Head, Meyer, Plumb, Quillian, Stover, Vigil, Webster, Wheeler, Yount, Mr. President.

Those voting in the negative are:

Messrs. Stone, Thatcher, White, Wells, Wilcox.

So the Convention concurred in the amendment offered by Mr. Clark to the amendment offered by Mr. Wells.

The question then recurring on the amendment offered by Mr. Wells, and being put, it was agreed to.

So the Convention concurred in the amendment offered by Mr. Wells.

Mr. Thatcher moved to amend the section by striking out the words "the first forty" and inserting in lieu the word "each;" also by striking out the words "and three dollars per day for each day's attendance thereafter."

Mr. Ellsworth moved to adjourn until 9 o'clock a. m. on Monday, which was not agreed to.

So the Convention refused to concur in the motion of Mr. Ellsworth to adjourn.

Mr. Carr moved to recommit the section with its various amendments to the Committee on Legislature and Legislation, which was not agreed to.

So the Convention refused to concur in the motion of Mr. Carr to recommit.

The question then being on the motion of Mr. Thatcher to amend the section, it was agreed to.

So the Convention concurred in the amendment to the section offered by Mr. Thatcher.

Mr. Thatcher moved to amend the section by inserting between the words "General Assembly" and "shall" the words "after the first," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Thatcher.

Mr. Felton moved to amend by striking out the words "a per diem of," which was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Felton.

On motion of Mr. Yount, the Convention adopted section 6 as reported by the Committee on Legislature and Legislation as amended.

Mr. Yount introduced the following resolution, and on his own motion it was referred to the Committee on Legislature and Legislation.

Resolved, That no appropriation ought to be made, except for the payment of the public debt or the interest thereon and

for the support of the Executive, Legislative and Judicial departments, for the purpose of suppressing insurrection or repelling invasion, without the concurrence of two-thirds of all the members elected to each house of the General Assembly.

So the Convention adopted the article on Legislature and Legislation, as follows:

LEGISLATURE AND LEGISLATION.

THE LEGISLATURE.

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.

Sec. 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 as may be provided by law in each county, at such places therein as are now 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 same manner as is prescribed by the laws of Colorado Territory regulating elections therein for members of the General Assembly of said Territory. When vacancies occur in either house, the Governor or person exercising the powers of Governor shall issue writs of election to fill such vacancies.

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

Sec. 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 have resided within the limits of the county or district in which he shall be chosen twelve months next preceding his election, if such county or district shall have been so long established, but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been created, unless he shall have been absent on the public business of the United States or of this State; Provided, That at the first election under this Constitution any person who was a qualified elector under the Territorial laws shall be eligible to the General Assembly.

Sec. 5. The Senators at their first session herein provided for shall be decided by lot from their respective counties or districts as near as can be into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year and those of the second class at the expiration of the fourth year, so that one-half thereof, as near as possible, may be biennially chosen forever thereafter.

Sec. 6. As a compensation for their services the members of the first General Assembly for each day's attendance shall receive a per diem of four dollars, and fifteen cents for each mile

necessarily traveled in going to and returning from the seat of government, and they 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. No bill except the general appropriation bill, for the expenses of the government only, shall be introduced in either House of the General Assembly after the first twenty-five days of the session.

Sec. 7. The General Assembly shall meet at 12 o'clock noon on the fourth Wednesday in November A. D. 1876, and at 12 o'clock noon on the first Wednesday in January of each alternate year thereafter, and at other times when convened by the Governor. The term of service of the members thereof shall begin on the fourth Wednesday of November next after their election until otherwise provided by law.

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

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

Sec. 10. 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, who shall perform the duties of Lieutenant Governor in any case of absence or disability of that officer and whenever the said office of Lieutenant Governor shall be vacant.

The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers and shall judge of the election and qualification of its members.

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

Sec. 12. 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, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Sec. 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 of the members on any question shall at the desire of any two of them be entered on the Journal.

Sec. 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.

Sec. 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.

Sec. 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.

LEGISLATION.

Section. 1. 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.

Sec. 2. The style of the laws of this State shall be: "Be it enacted by the General Assembly of the State of Colorado."

Sec. 3. 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.

Sec. 4. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members.

Sec. 5. 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.

Sec. 6. Every bill shall be read at length on three different days in each House. All 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 unless on its final passage the vote shall be taken by ayes and noes, the names of the persons voting for or against the same be entered upon the Journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

Sec. 7. No amendments to bills by one House shall be concurred in by the other, except by the vote of a majority of the members elected thereto taken by ayes and noes, and the

names of those voting for or against recorded upon the Journal thereof, and the reports of Committees of Conference shall be adopted in either House only 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 Journals.

Sec. 8. No law shall be revived or amended or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be re-enacted and published at length.

Sec. 9. 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, and such contracts shall be absolutely null and void.

Sec. 10. 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 and 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 named person of age; for limitation of civil actions or giving effect to informal or invalid deeds; summoning and impaneling grand or petit jurors; providing for the management of common schools; regulating the rate of interest on money; the opening and 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, percentage or allowances of public officers during the term for which said officers are elected or appointed; 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.

Sec. 11. The General Assembly shall have no power to release or extinguish in whole or in part the indebtedness, liability or obligation of any corporation or individual to this State or to any municipal corporation therein.

Sec. 12. 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.

Sec. 13. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the State Treasury or be in any way authorized to any person except to an acting officer or employe elected or appointed in pursuance of law.

Sec. 14. 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 against the State without previous authority of law.

Sec. 15. All stationery, printing, paper and fuel used in the Legislature 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 such contracts and all such contracts shall be subject to the approval of the Governor and State Treasurer.

Sec. 16. No laws shall extend the term of any public officer or increase or diminish his salary or emoluments after his election or appointment.

Sec. 17. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

Sec. 18. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the 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 embracing but one subject.

Sec. 19. No money shall be paid out of the treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

Sec. 20. No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the State, nor to any denominational or sectarian institution or association.

Sec. 21. The General Assembly shall not delegate to any special commission, private corporation, or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or

otherwise, or to levy taxes, or perform any municipal function whatever.

Sec. 22. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians or others trustees in the bonds or stock of any private corporation.

Sec. 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

Sec. 24. No obligation or liability of any person, association or railroad or other corporation held or owned by the State shall ever be exchanged, transferred, remitted or postponed, or in any way diminished by the General Assembly, nor shall such liability or obligation be released except by payment thereof into the State treasury.

Sec. 25. When the General Assembly shall be convened in special session there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Sec. 26. 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.

Sec. 27. A 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 or official influence, or for withholding the same, or with an understanding, express or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing, aforesaid, for another as the consideration of his vote or official influence or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery 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 provided by law.

Sec. 28. Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonal, privilege or personal advantage to any Executive or Judicial officer of member of the General Assembly to influence him in the performance of any of his public or official duties, shall be guilty

of bribery and be punished in such manner as shall be provided by law.

Sec. 29. The offense of corrupt solicitation of members of the General Assembly or of public officers of the State, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, (and) shall be punished by fine and imprisonment.

Sec. 30. 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.

On motion of Mr. Wells, the article on Legislature and Legislation was taken from the table, and, together with the section 6 just adopted, ordered engrossed and referred to the Committee on Revisions and Adjustments.

On motion of Mr. Hurd, the Convention adjourned until 9 o'clock A. M. on Monday.

MONDAY, FEBRUARY 21ST, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment. Prayer was offered by the Rev. Mr. French.

Roll called.

Absent—Messrs. Barela, Boyles, Beck, Garcia, Marsh, Meyer, Pease, Rockwell, Webster and White.

Mr. Head asked for leave of absence for Mr. Meyer until Wednesday, which was granted.

Mr. Carr asked for leave of absence this day for Mr. Beck, which was granted.

The Journal having been partially read, Mr. Kennedy moved that the reading of so much of the Journal as contained the reports of the various committees and the article on Education and Educational Institutions and Legislature and Legislation (be dispensed with), which was agreed to.

The remainder of the Journal was then read and the same approved.

Mr. Cooper, Chairman of the Committee on Engrossing and Enrolling, reported back to the Convention the memorial to Congress as correctly engrossed.

There being no objection, the report was received and filed by the Secretary.

On motion of Mr. Thatcher, the consideration of the report of the Committee on Public and Private Corporations, together with the three additional sections to the article on Judiciary offered by Mr. Bromwell, was made the special order for Thursday next, after regular order of business.

An invitation was received from Colonel Archer, through the President, to visit the gas and water works of the city of Denver to-morrow, the 22d of February.

On motion of Mr. Wells, the invitation was laid upon the table and the thanks of the Convention returned to Colonel Archer.

On motion of Mr. Felton, the report of the Committee on State, County and Municipal Indebtedness, on section 7 of their original report, was taken from the table.

Messrs. White, Webster and Marsh appeared and took their seats.

On motion of Mr. Carr, the Convention resolved itself into Committee of the Whole to consider section 7 of the report of the Committee on State, County and Municipal Indebtedness, Mr. Thatcher in the Chair.

And after some time spent therein, the President resumed the chair and Mr. Thatcher submitted the following report:

Denver, Colorado, February 21st, 1876.

To the Hon. President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention to whom was referred section 7 of the report of the Committee on State, County and Municipal Indebtedness, having, according to order, had under consideration said section 7, have directed me to report the same back, with sundry amendments thereto, and ask the concurrence of the Convention therein, in the words, following:

H. C. THATCHER,
Chairman.

Sec. 7. No county shall contract any debt by loan in any form (except) for the purpose of erecting necessary public buildings, making or repairing of public roads and bridges, and for supplying such county with water for public use, 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 in case of such county, unless when, in manner provided by law, the question of incurring such debt shall be submitted to the vote of the qualified electors of such county, who, 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 such debt, but the bonds, if any be issued for payment thereof, shall not run less than ten years, and the aggregate amount of such debt so contracted shall not at any time exceed twice the rate upon said valuation last herein provided for.

On motion of Mr. Clark, the report was received.

On motion of Mr. Clark, the sections of the report of the Committee on State, County and Municipal Indebtedness previously reported by the Committee of the Whole were taken from the table, and, together with section 7 just reported, ordered printed.

On motion of Mr. Widderfield, section 19 of the report of the Committee on Bill of Rights was taken from the table.

Mr. Carr moved to amend section 19 by striking out the word "or," in third line, and inserting in same line the word "supreme," which was agreed to.

So the Convention concurred in the motion of Mr. Carr to amend.

Mr. Stone moved to amend section 19, by striking out of the ninth line the words "or substance," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Stone.

Mr. Marsh moved to amend section 19 by striking out the word "in" in the sixth line and inserting in lieu the word "on," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Marsh.

On motion of Mr. Felton, the Convention adopted section 19 as reported by the Committee on Bill of Rights as amended.

So the Convention adopted the article on Bill of Rights as follows:

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.

Sec. 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.

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

Sec. 4. 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 and safety of the State; nor shall any person be required to attend or support any ministry or place of worship, religious sect or denomination against his consent; nor shall any preference be given by law to any religious denomination or mode of worship.

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

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

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

Sec. 8. 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 land or naval forces or in the militia when in actual service in time of war or public danger; in all other cases offenses shall be prosecuted criminally by indictment or information as concurrent remedies.

Sec. 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.

Sec. 10. That no law shall be passed impairing the freedom of speech; that every person shall be free to say, 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 court shall determine the law and the fact.

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

Sec. 12. 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 are strong presumptions of fraud.

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

Sec. 14. That no private property can be taken for private use unless by consent of the owner, except for private ways of necessity and except for reservoirs, dams, flumes and ditches on or across the lands of others for agricultural, mining, milling, domestic and sanitary purposes, upon just compensation and in such manner as may be prescribed by law; and that 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 as such judicially determined, without regard to any legislative assertion that the use is public.

Sec. 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.

Sec. 16. 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, except as provided in section 19 of this article; to have process to compel the attendance of witnesses in his behalf and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Sec. 17. 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 District, Supreme or County Court at the earliest moment he can attend at some convenient place by him appointed for that purpose, in the presence of the attorney prosecuting for the people, the accused and his counsel (if he has no counsel the judge shall assign him one in that behalf only), whereupon the witnesses [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 can be procured by the prosecution or is procured by the accused. No exceptions shall be had to said deposition as to its form.

Sec. 18. That no person shall be compelled to testify against himself in a criminal case; nor shall any person after being once acquitted by a jury be again for the same offense put in jeopardy of his life or liberty; but if the jury to which the question of his guilt or innocence is submitted fail to render a verdict, the court before which the trial is had may in its discretion discharge the jury and commit or bail the prisoner for trial at the next term of court, or, if the State business will

permit, at the same term; and if the judgment be arrested after a verdict of guilty on a defective indictment, or if judgment on a verdict of guilty be reversed for error in law, nothing herein contained shall prevent a new trial of the prisoner on a proper indictment or according to correct principles of law.

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

Sec. 20. That excessive bail shall not be required, nor excessive fines be imposed, nor cruel and unusual punishment [punishments] be inflicted.

Sec. 21. The privilege of the writ of habeas corpus shall never be suspended unless when in cases of rebellion or invasion the public safety may require it.

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

Sec. 23. The right of trial by jury shall remain inviolate in criminal cases, but a jury for the trial of civil cases in all courts, or 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 or a true bill; Provided, the General Assembly may change or abolish the grand jury system or otherwise regulate the same.

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

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

Sec. 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.

Sec. 27. Foreigners who are, or hereafter become, *bona fide* residents of this State, shall enjoy the same right in respect to the possession, disposition and inheritance of property as native born citizens.

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

On motion of Mr. Carr, that portion of the article on Bill of Rights previously adopted by the Convention was taken from the table, and, together with section 19, just adopted, ordered engrossed and referred to the Committee on Revisions and Adjustments.

On motion of Mr. Felton, the consideration of the report of the Committee on Counties was made the special order for two o'clock this afternoon.

On motion of Mr. Hurd, the Convention adjourned until 2:00 p. m.

2:00 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Barela, Crosby, Garcia, Meyer, Pease and Rockwell.

On motion of Mr. Felton, the Convention resolved itself into Committee of the Whole to consider sections 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of the original report of the Committee on Counties, as reported back to the Convention by that committee, Mr. Plumb in the chair, and after some time spent therein, the President resumed the chair and Mr. Plumb submitted the following report:

Denver, February 21, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Committee on Counties on sections 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of the original report of that Committee, having, according to order, had under consideration said report, have directed me to report the same back with sundry amendments thereto, in the words following, viz.:

S. J. PLUMB,
Chairman of the Committee of the Whole.

Sec. 4. No part of the territory of any county shall be stricken off and added to an adjoining county without first submitting the question to the qualified voters of the county from which the territory is proposed to be stricken off, nor unless a majority of all the qualified voters of said county, voting on the question, shall vote therefor.

Sec. 8. In each county there shall be elected for the term of three years, three officers, who shall be styled "The Board of 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, 1876, 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.

Sec. 9. The compensation of all county and precinct officers shall be as provided by law.

Sec. 10. There shall be elected in each county on the first Tuesday in October, A. D. One Thousand Eight 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.

Sec. 11. In case of a vacancy occurring in the office of County Commissioner, it shall be filled by appointment of the Governor; and in case of a vacancy in any of the county or precinct offices, it shall be filled by the appointment of the Board of County Commissioners, and the person appointed shall hold office until the next general election or until his successor shall be duly elected and qualified.

Sec. 12. No person shall be eligible to any county office unless he shall be at least twenty-one years of age and a qualified elector, nor unless he shall have resided in the county one year preceding his election.

Sec. 13. 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 their offices for the period 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.

Sec. 18. Except as otherwise directed by this Constitution, the General Assembly shall provide for the election or appointment of such other county, township and municipal officers as public convenience may require, and their terms of office and duties shall be as prescribed by law; but no term of office shall exceed two years.

Sec. 19. 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 power of each class shall be defined by general laws, so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions.

Sec. 20. The General Assembly shall also make provisions by general law, whereby any city, town or village, existing by virtue of any special or local law, may elect to become subject to and be governed by the general law relating to such corporations.

On motion of Mr. Clark, the portion of the article on Counties previously reported to the Convention by the Com-

mittee of the Whole was taken from the table, and, together with the sections just reported, referred to the Committee on Printing.

On motion of Mr. Beck, the Convention adjourned until 9:00 o'clock a. m. to-morrow.

TUESDAY, FEBRUARY 22, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. French.

Roll called.

Absent—Messrs. Barela, Boyles, Clark, Ebert, Garcia, Marsh, Meyer, Pease, Webster and White.

The Journal of preceding day was read and approved.

Mr. Crosby moved that the Convention adjourn until 9:00 o'clock to-morrow, which was not agreed to.

So the Convention refused to concur in the motion of Mr. Crosby to adjourn.

Messrs. White and Webster appeared and took their seats.

Mr. Cooper, Chairman of the Committee on Engrossing and Enrolling, reported back to the Convention the article on Education and Educational Institutions as correctly engrossed.

There being no objection, the report was received and filed by the Secretary.

Mr. Hough, Chairman of the Committee on Printing, reported back to the Convention the reports of the Committees on Congressional and Legislative Apportionments, Impeachment and Removal from Office, Schedule, and Revisions and Adjustments, as correctly printed.

There being no objection, the reports were received and filed by the Secretary.

Mr. Felton moved that the report of the Committee on Mines and Mining be taken from the table.

And the question being upon the motion of Mr. Felton to take from the table, and being put and a division called, it was decided in the affirmative. Ayes, 8; noes, 7.

So the Convention took from the table the report of the Committee of the Whole on Mines and Mining.

On motion of Mr. Crosby, the consideration of the article on Mines and Mining was postponed until such time as the Chairman of the Committee on Mines and Mining shall be present.

On motion of Mr. Kennedy, the report of the Committee on Impeachment and Removal from Office, was taken from the table.

On motion of Mr. Kennedy, the Convention resolved itself into Committee of the Whole to consider the report of the Committee on Impeachment and Removal from Office, Mr. Clark in the chair, and after some time spent therein, the President resumed the chair and Mr. Clark submitted the following report:

Denver, February 22, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Committee on Impeachment and Removal from Office, having, according to order, had under consideration said report, have directed me to report the same back without amendment and ask the concurrence of the Convention therein, in the words following.

WM. M. CLARK,
Chairman of Committee of the Whole.

IMPEACHMENT AND REMOVAL FROM OFFICE.

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 of the State is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators elected.

Sec. 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 not extend any further than removal from office and disqualification to hold any office of honor, trust or profit in this State. The party, whether convicted or acquitted, shall nevertheless be liable to prosecution, trial, judgment and punishment according to law.

Sec. 3. Provision shall be made by law for the removal from office of any civil officer other than those in this article previously specified, for misconduct or malfeasance in office.

On motion of Mr. Kennedy, the report was received.

On motion of Mr. Kennedy, the article on Impeachment and Removal from Office was adopted.

On motion of Mr. Clark, the article on Impeachment and Removal from Office was referred to the Committee on Revisions and Adjustments.

There being no objection, Mr. Stone, Chairman of the Committee on Judiciary, presented a report of that committee, as follows:

Denver, February 22, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Standing Committee on Judiciary, to whom was [were] referred recommitted sections seventeen, nine

and nineteen of the article on Judiciary, report that they have, after due consideration, agreed to recommend the following substitute for section seventeen, to wit:

The General Assembly may provide that after the year 1878 the election of the Judges of the Supreme, District and County Courts, and 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 at such judicial election no person shall be voted for, except candidates for the offices aforesaid; until otherwise provided by law, such officers shall be elected at the time of holding the general election; Provided, that for the purpose of filling a vacancy occurring more than one year prior to the expiration of the term of office made vacant, such vacancy shall be filled at the General election next ensuing, and until such vacancy is filled at such election, the same shall be filled by appointment by the Governor.

Your committee further report that, having considered the question arising upon the language of the Enabling Act, touching the matter of election and appointment of Clerk of the Supreme and District Courts, they have arrived at the conclusion that there is no legal obstacle to the sections providing for the appointment of such clerks by the Judges of said courts, respectively, and therefore, report back said sections nine and nineteen as amended in Committee of the Whole as follows, to wit:

Sec. 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.

Sec. 19. There shall be a Clerk of each District Court for each county in which such court is held, who shall be appointed by the Judges of the District Courts respectively, who shall hold his office during the pleasure of the Judge, and whose duties and compensation shall be as provided by law and regulated by the rules of the court;

And recommend the adoption of the same.

Respectfully submitted,

WILBUR F. STONE,

Chairman.

On motion of Mr. Felton, the report was received, and, together with the portion of the article on Judiciary reported to the Convention by the Committee of the Whole, ordered printed and laid upon the table for future consideration.

On motion of Mr. Wells, the Secretary was instructed to supply the Committee on Revisions and Adjustments with five copies of all articles referred to that committee.

On motion of Mr. Felton, the Convention proceeded to consider the article on Mines and Mining.

Mr. Felton moved that the article on Mines and Mining be considered by sections, which was agreed to.

On motion of Mr. Kennedy, the Convention concurred in the amendments to the report of the Committee on Mines and Mining as reported by the Committee of the Whole, viz.:

Section 1, to strike out the words "State Geologist, who shall be ex-officio;" section 2, to strike out the word "State" in first line, also to strike out the words "State Geologist" in the second line and insert in lieu the words "Commissioner of Mines;" section 3, to strike out the words "the duties of the State Geologist provide for" in the first and second lines, and also to insert in the first line, after the word "salary," the words "of the Commissioner of Mines;" section 5, to strike out the words "being worked," in the second line; to strike out the words "is prohibited" in the third line, and also to insert in the second line, after the word "operatives" the words "and prohibit."

Mr. White moved to amend section 1 by inserting after the word "be" in the first line the words "in the discretion of the General Assembly."

And the question being upon the motion of Mr. White to amend section 1, and being put, and a division called, it was decided in the affirmative—ayes, 15; noes, 5.

So the Convention concurred in the amendment offered by Mr. White.

On motion of Mr. Kennedy, the Convention adopted section 1 as reported by the Committee of the Whole, as amended.

Mr. White moved to amend section 2 by inserting after the word "Mines" in second line, the words "whenever such officer shall be created."

And, the question being upon the motion of Mr. White to amend section 2, and being put, it was decided in the affirmative—ayes, 30; noes, 1.

And the ayes and noes being called for, those voting in the affirmative are:

Messrs. Bromwell, Beck, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Felton, Hurd, Hough, Jones, Kennedy, Lee, Marsh, Plumb, Quillian, Stone, Stover, Thatcher, Vijil, Webster, White, Wells, Wheeler, Widderfield, Yount, Mr. President.

Mr. Head voted in the negative.

So the Convention concurred in the amendment offered by Mr. White.

Mr. Kennedy moved to adopt section 2 as reported by the Committee of the Whole, as amended.

And the question being on the motion of Mr. Kennedy to adopt as amended, and being put, it was decided in the affirmative—ayes, 30; noes,1.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Bromwell, Beck, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Felton, Hurd, Hough, James, Kennedy, Lee, Marsh, Plumb, Quillian, Stone, Stover, Thatcher, Vijil, Webster, White, Wells, Wheeler, Widderfield, Yount, Mr. President.

Mr. Head voted in the negative.

So the Convention adopted section 2 as reported by the Committee of the Whole as amended.

Mr. Kennedy moved the adoption of section 3 as reported by the Committee of the Whole.

And the question being upon the motion of Mr. Kennedy to adopt section 3, and being put, it was decided in the affirmative—ayes, 30; noes, 0.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Bromwell, Beck, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Felton, Hurd, Hough, Head, James, Kennedy, Lee, Marsh, Plumb, Quillian, Stone, Stover, Thatcher, Vijil, Webster, Wells, Wheeler, Widderfield, Yount, Mr. President.

So the Convention adopted section 3 as reported by the Committee of the Whole.

Mr. Beck moved the adoption of section 4 as reported by the Committee of the Whole.

And the question being upon the motion of Mr. Beck to adopt section 4, and being put, it was decided in the affirmative—ayes, 28; noes, 0.

And the ayes and noes being called for, those voting in the affirmative are:

Messrs. Beck, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Felton, Hurd, Hough, Head, James, Kennedy, Lee, Marsh, Plumb, Quillian, Stover, Thatcher, Vijil, Webster, Wells, Wheeler, Widderfield, Yount, Mr. President.

So the Convention adopted section 4 as reported by the Committee of the Whole.

Mr. Head moved to amend section 5, by striking out the words "for" and "appliances and," in the second line, which was agreed to.

So the Convention concurred in the amendment offered by Mr. Head to section 5.

Mr. Kennedy moved the adoption of section 5 as reported by the Committee of the Whole, as amended.

And the question being on the motion of Mr. Kennedy to adopt section 5 as amended, and being put, it was decided in the affirmative—ayes, 30; noes, 0.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Bromwell, Beck, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Felton, Hurd, Hough, Head, James, Kennedy, Lee, Marsh, Plumb, Quillian, Stone, Stover, Thatcher, Vijil, Webster, Wells, Wilcox, Widderfield, Yount, Mr. President.

So the Convention adopted section 5 as reported by the Convention of the Whole, as amended.

On motion of Mr. James, the Convention adopted section 6 as reported by the Committee of the Whole.

On motion of Mr. Kennedy, the Convention adopted section 8 as reported by the Committee of the Whole.

Mr. Clark moved a reconsideration of the vote by which the Convention adopted section 1, which was agreed to.

So the Convention concurred in the motion of Mr. Clark to reconsider.

Mr. Kennedy moved the reconsideration of the vote by which the amendment to section 1, offered by Mr. White, was adopted, which was agreed to.

So the Convention concurred in the motion of Mr. Kennedy to reconsider.

The question then being on the motion of Mr. White to amend section 1 by inserting after the words "be," in the first line, the words "in the discretion of the General Assembly," it was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. White to section 1.

Mr. Bromwell moved that section 1 be stricken out; and the question being upon the motion of Mr. Bromwell to strike out section 1, and being put, it was decided in the negative—ayes, 12; noes, 15.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Bromwell, Beck, Cooper, Douglas, Ellsworth, Hurd, Head, Quillian, Stone, Thatcher, Wells, Wilcox.

Those voting in the negative are:

Messrs. Carr, Cushman, Clark, Crosby, Elder, Felton, James, Kennedy, Lee, Plumb, Stover, Vijil, Webster, Yount, Mr. President.

So the Convention refused to concur in the motion of Mr. Bromwell to strike out.

Mr. James moved the adoption of section 1 as reported by the Committee of the Whole.

And the question being upon the motion of Mr. James to adopt section 1 as reported by the Committee of the Whole, and being put, it was decided in the affirmative—ayes, 16; noes, 10.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Carr, Cushman, Clark, Crosby, Elder, Felton, Hurd, James, Kennedy, Lee, Plumb, Stone, Stover, Webster, Yount, Mr. President.

Those voting in the negative are:

Messrs. Beck, Cooper, Douglas, Ellsworth, Head, Quillian, Thatcher, Vijil, Wells, Wilcox.

So the Convention adopted section 1 as reported by the Committee of the Whole.

On motion of Mr. Kennedy, the portions of the article on Mines and Mining adopted by the Convention were laid upon the table for future consideration.

On motion of Mr. Wells, the number of members of the Committee on Revisions and Adjustments was increased to seven, and the President appointed Messrs. White and Stone as additional members of that committee.

On motion of Mr. Beck, the Convention adjourned until 9 o'clock a. m. to-morrow.

WEDNESDAY, FEBRUARY 23, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. McCulloch.

Roll called.

Absent—Messrs. Barela, Boyles, Clark, Elder, Garcia, Marsh, Pease, Rockwell, Stone, Thatcher and White.

The Journal of preceding day was read and approved.

Mr. Meyer gave notice that when the hour arrived tomorrow for the special order for the consideration of the report of the Committee on Public and Private Corporations, he should move the discharge of said order and take up instead the report of the Committee on Congressional and Legislative Apportionment.

Messrs. Elder, White and Stone appeared and took their seats.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, presented a report of that committee, as follows, and on his own motion (it) was ordered printed and laid upon the table for future consideration:

Denver, February 23, 1876.

To the Honorable President and Constitutional Convention:

The Committee upon Revisions and Adjustments, having had under consideration the article entitled Officers and Oaths of Office, as agreed to in the Convention, respectfully report the same back, with a substitute recommended to be adopted in lieu of section one thereof; and with sundry recommendations in the remaining sections thereof.

All of which is respectfully submitted,

E. T. WELLS,
Chairman.

OFFICERS AND OATHS OF OFFICE.

Substitute Recommended.

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 the General Assembly may by law provide for suspending any officer in his functions, pending impeachment or prosecution for misconduct in office. This section 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.

Section 1. Every person holding office under this State or any municipality therein, either by election or appointment,

shall exercise the duties of his office until his successor is duly qualified according to law.

Sec. 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.

Sec. 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 the State under the laws thereof or of any municipality therein, until he shall have accounted for and paid over all public money for which he may be accountable.

Sec. 4. 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.

Sec. 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 other reputable persons, not exceeding five, to investigate the official accounts and affairs of the Treasurer of such county, and report to the court the condition thereof. The Judge of the District Court may appoint a like committee in vacation at any time, but not oftener than once in every three months.

The District Court of the county wherein the seat of government may be, shall have the like power to appoint committees to investigate the official accounts and affairs of the State Treasurer and the Auditor of State.

Sec. 6. Any civil officer who shall solicit, demand or receive or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote, official influence or action, or for withholding the same, or with an understanding that his official influence or action shall be in any way influenced thereby, or who shall solicit or demand any such money or advantage, matter or thing aforesaid for another as the consideration of his vote, official influence or action, or for withholding the same, or shall give or withhold his vote, official influence or action in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery or solicitation of bribery, as the case may be, within the meaning of this Constitution, and shall incur the disabilities provided thereby for such offense and such additional punishment as is or shall be prescribed by law.

Sec. 7. 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 to 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 declared 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.

Sec. 8. Members of the General Assembly before they enter upon their official duties shall take the following oath or affirmation:

You do solemnly swear (or affirm) that you will support the Constitution of the United States, and the Constitution of the State of Colorado, and that you will faithfully perform the duties of your office according to the best of your ability.

This oath or affirmation shall be administered in the hall of the house to which the member is elected.

Sec. 9. All civil officers, except members of the General Assembly and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe to the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Colorado, and that I will faithfully discharge the duties of the office of..... whereon I am about to enter, according to the best of my ability.

Sec. 10. 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, wherever he shall have been elected.

Mr. Plumb, Chairman of the Committee on Irrigation, Agriculture and Manufactures, reported back to the Convention a substitute for Section 1 of their original report, as follows, which, on his own motion, was laid upon the table, to be considered when the report of the Committee on Irrigation, Agriculture and Manufactures is before the Convention:

Denver, Colorado, Feb. 22, 1876.

To the Honorable President and Constitutional Convention of Colorado.

Gentlemen—Your Committee to whom was referred section 1 of the article on Irrigation, Agriculture and Manufacture, with sundry amendments, beg leave to state that they have had the same under consideration and present the following, as a substitute section, as their report, all of which is respectfully submitted.

S. J. PLUMB,
Chairman.

Section 1. 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 their use as herein provided by this Constitution.

Mr. Hough, chairman of the Committee on Printing, reported back to the Convention the reports of the Committee of the Whole on State, County and Municipal Indebtedness, as correctly printed.

There being no objection, the report was received and filed by the Secretary.

Mr. Thatcher appeared and took his seat.

On motion of Mr. Widderfield, the Convention resolved itself into Committee of the Whole to further consider the report of the Committee on Irrigation, Agriculture and Manufactures, Mr. Stone in the Chair; and after some time spent therein, the President resumed the Chair and Mr. Stone reported that the Committee of the Whole Convention, to whom was referred the report of the Committee on Irrigation, Agriculture and Manufactures, having, according to order, had under consideration said report, had made further progress therein, and asked leave to sit again at 2 o'clock.

On motion of Mr. Quillian, the report was received and leave granted to sit again at 2 o'clock.

On motion of Mr. Webster, the Convention adjourned until 2 o'clock.

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2 O'CLOCK.

Convention met pursuant to adjournment.

Roll call.

Absent—Messrs. Barela, Elder, Garcia, Pease and Wells.

There being no objection, Mr. Hough, Chairman of Committee on Printing, reported back the reports of the Committee of the Whole on Counties and Judiciary, as correctly printed.

And there being no objection, the report was received and filed by the Secretary.

On motion of Mr. Beck, the Convention resolved itself into Committee of the Whole to further consider the report of the Committee on Irrigation, Agriculture and Manufactures. Mr. Stone in the chair, and, after some time spent therein, the President resumed the chair and Mr. Stone submitted the following report:

Denver, Colorado, February 23, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Committee on Irrigation, Agriculture and Manufactures, having according to order, had under consideration said report, have directed me to report the same back with sundry amendments thereto, and ask the concurrence of the Convention therein, in the words following, viz.:

(Signed) W. F. STONE,

Chairman of the Committee of the Whole.

The Committee of the Whole have further directed me to report back to the Convention, a substitute for section 5 of the report offered by Mr. White, with recommendation that it be referred to the Committee on Irrigation, Agriculture and Manufactures, viz.:

Sec. 5. "The inherent power to prescribe the rates to be charged for water for irrigation and mining purposes is inalienably in the State, and the General Assembly shall never directly or indirectly transfer such power to any private corporation, company or person."

The Committee of the Whole have further directed me to report back section 6, with the recommendation that it be laid upon the table and considered when the report of the Committee on Revenue and Finance is before the Convention.

Sec. 6. All ditches, canals and flumes, constructed by individuals or corporations for the exclusive purpose of irrigating lands owned by said individuals or corporations, shall not be separately taxed.

W. F. STONE,

Chairman.

IRRIGATION, AGRICULTURE AND MANUFACTURES.

Section 1. The water of every natural stream, not heretofore appropriated within the State of Colorado, is hereby declared to be the property of the public and the same is dedicated

to the use of the people of the State, subject to appropriation as hereinafter provided.

Sec. 2. Except for domestic purposes, priority of appropriation shall give priority right, except from the last day of May until the first day of September, in each and every year, when lands used for agricultural and horticultural purposes shall have the preference over manufacturing establishments.

Sec. 3. 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 and for the irrigation of agricultural lands and for mining and manufacturing purposes and for drainage, upon payment of just compensation.

On motion of Mr. Kennedy, the report was received.

Mr. Webster moved that sections 1, 2 and 3 of the report of the Committee on Irrigation, Agriculture and Manufactures, as reported by the Committee of the Whole, be ordered printed and laid upon the table for future consideration.

Mr. Carr, as an amendment, moved that sections 1, 2 and 3, reported by the Committee of the Whole, be ordered engrossed and laid upon the table for future consideration, which amendment was accepted by Mr. Webster and agreed to.

So the Convention concurred in the motion of Mr. Webster, as amended by Mr. Carr, that sections 1, 2 and 3 of the report of the Committee of the Whole be ordered engrossed and laid upon the table for future consideration.

On motion of Mr. Felton, the substitute for section 5, offered by Mr. White, as reported by the Committee of the Whole, was referred to the Committee on Irrigation, Agriculture and Manufactures.

On motion of Mr. Webster, section 6 of the report of the Committee on Irrigation, Agriculture and Manufactures, was laid upon the table, to be considered when the report of the Committee on Revenue and Finance is before the Convention.

On motion of Mr. Wells, the report of the Committee of the Whole on the Judiciary article, together with the report of the Committee on Judiciary of the 22d inst., were taken from the table.

Mr. Rockwell asked to be excused from further service on the Committee on Revisions and Adjustments, and there being no objection, he was excused.

Mr. Wells moved that the Convention proceed to consider the article on Judiciary by sections, which was agreed to.

On motion of Mr. Kennedy, the Convention concurred in the amendments to section 1, as reported by the Committee of the Whole, viz.: To strike out the word "probate" in the second line and insert in lieu the word "county."

On motion of Mr. Felton, the Convention adopted section 1, as reported by the Committee of the Whole.

On motion of Mr. Beck, the Convention adopted section 2, as reported by the Committee of the Whole.

Mr. Rockwell moved that the Convention concur in the substitute of section 3, as reported by the Committee of the Whole.

And the question being, "Will the Convention concur in the report of the Committee of the Whole, to strike out section 3 of the report of the Committee on Judiciary, and insert in lieu the following substitute?"

Sec. 3. "It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunctions and other remedial writs with authority to hear and determine the same," and being put, it was decided in the affirmative. Ayes, 25; noes, 4.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Bromwell, Beck, Carr, Cushman, Clark, Cooper. Crosby, Douglas, Ellsworth, Ebert,. Felton, Hurd, Hough, Head, Marsh, Meyer, Quillian, Rockwell, Stone, Stover, Vigil, Webster, Wheeler, Yount and Mr. President.

Those voting in the negative are Messrs. Kennedy, Wells, Wilcox and Widderfield.

So the Convention concurred in the report of the Committee of the Whole, to strike out section 3, and insert in lieu the substitute as above.

On motion of Mr. Carr, the Convention adopted section 3, as reported by the Committee of the Whole.

On motion of Mr. Kennedy, the Convention adopted section 4, as reported by the Committee of the Whole.

On motion of Mr. Stone, section 6 was amended by striking out the words "at the judicial election," in the second line, and inserting in lieu the word "as."

On motion of Mr. Stone, the Convention adopted section 6, as reported by the Committee of the Whole, as amended.

On motion of Mr. Widderfield, the Convention adopted section 7, as reported by the Committee of the Whole.

On motion of Mr. Clark, the Convention adopted section 8, as reported by the Committee of the Whole.

On motion of Mr. Kennedy, the Convention adopted section 9, as reported by the Committee on Judiciary.

On motion of Mr. Kennedy, the Convention concurred in the amendment to section 10, as reported by the Committee of the Whole, viz.:

To insert in the second line, before the word "be," the words "be learned in the law;" also, to strike out the word

"three" in the third line and insert in lieu the word "two," and also strike out all of the section after the word "election" in the third line.

On motion of Mr. Beck, the Convention adopted section 10, as reported by the Committee of the Whole.

On motion of Mr. Stone, the Convention concurred in the amendment to section 11, as reported by the Committee of the Whole, viz.:

To strike out the word "common" in the first line.

On motion of Mr. Stone, the Convention adopted section 11, as reported by the Committee of the Whole.

On motion of Mr. Kennedy, the Convention adopted section 12, as reported by the Committee of the Whole.

On motion of Mr. Kennedy, the Convention concurred in the amendments to section 13, as reported by the Committee of the Whole, viz.:

To insert in the first line after the words "he shall," the words "be learned in the law;" also, to strike out in the third line, the words "at least three years and in the judicial district for which he is elected," and, also, to strike out all of the section after the word "election," and insert in lieu the words, "nor unless he shall at the time of his election be an elector within the judicial district for which he is elected."

Mr. White moved to amend section 13 by adding thereto the words, "the qualification as to the time of residence in this section mentioned shall not apply to the first election held under this Constitution."

And the question being upon the motion of Mr. White to amend, and being put, and a division called, it resulted in a tie vote. Ayes 13; noes, 13.

So, according to the rules, the Convention refused to concur in the amendment offered by Mr. White.

Mr. Webster moved to amend section 13, by striking out the word "thirty" in the second line, and inserting in lieu the words "twenty-five."

And, the question being upon the motion of Mr. Webster to amend, and being put, it was decided in the negative. Ayes, 13; noes, 20.

The ayes and noes being called, those voting in the affirmative are:

Messrs. Beck, Carr, Cushman, Crosby, Ellsworth, Felton, Head, Kennedy, Quillian, Webster, White, Wheeler and Yount.

Those voting in the negative are:

Messrs. Bromwell, Clark, Cooper, Douglas, Ebert, Hurd, Hough, James, Lee, Marsh, Meyer, Plumb, Rockwell, Stone, Stover, Vijil, Wells, Wilcox, Widderfield and Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Webster.

Mr. Kennedy moved to amend section 13, by striking out the word "thirty" in second line and inserting in lieu the words "twenty-six."

And the question being upon the motion of Mr. Kennedy to amend, and being put, it was decided in the affirmative. Ayes, 24; noes, 9.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Bromwell, Beck, Carr, Cushman, Clark, Crosby, Ellsworth, Felton, Hurd, Hough, Head, James, Kennedy, Lee, Marsh, Meyer, Quillian, Rockwell, Vijil, Webster, White, Wheeler, Yount and Mr. President.

Those voting in the negative are:

Messrs. Cooper, Douglas, Ebert, Plumb, Stone, Stover, Wells, Wilcox and Widderfield.

So the Convention concurred in the amendments offered by Mr. Kennedy.

Mr. Wells moved to amend section 13 by striking out the word "six" in second line, and inserting in lieu the word "five."

And the question being upon the motion of Mr. Wells to amend, and being put, it was decided in the affirmative. Ayes, 19; noes, 13.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Bromwell, Beck, Clark, Crosby, Ellsworth, Felton, Hough, Kennedy, Marsh, Meyer, Quillian, Rockwell, Stone, Webster, White, Wells, Wheeler, Yount and Mr. President.

Those voting in the negative are:

Messrs. Carr, Cooper, Douglas, Ebert, Hurd, Head, James, Lee, Plumb, Stover, Vijil, Wilcox, Widderfield.

So the Convention concurred in the amendment offered by Mr. Wells.

Mr. Kennedy moved to amend section 13 by striking out the word "two," in third line, and inserting in lieu the word "one."

And the question being upon the motion of Mr. Kennedy to amend, and being put, it was decided in the negative—ayes, 5; noes, 27.

The ayes and noes being called for:

Those voting in the affirmative are—Messrs. Hurd, Head, Kennedy, Meyer and Vigil.

Those voting in the negative are—Messrs. Bromwell, Beck, Carr, Clark, Cooper, Crosby, Douglas, Ellsworth, Ebert, Felton, Hough, James, Lee, Marsh, Plumb, Quillian, Rockwell, Stone, Stover, Webster, White, Wells, Wilcox, Wheeler, Widderfield, Yount, Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Kennedy.

Mr. Bromwell moved to reconsider the vote by which the Convention refused to concur in the amendment to section 13 offered by Mr. White.

And the question being upon the motion of Mr. Bromwell to reconsider, and being put, and a division called, it was decided in the negative—ayes, 12; noes, 15.

So the Convention refused to reconsider.

On motion of Mr. Felton, the Convention adopted section 13 as reported by the Committee of the Whole, as amended.

Mr. Kennedy moved to adjourn until 9 o'clock a. m. tomorrow.

And the question being on the motion of Mr. Kennedy to adjourn, and being put, and a division called, it was decided in the affirmative—ayes, 17; noes, 14.

THURSDAY, FEBRUARY 24TH, 1876, 9 O'CLOCK A.M.

Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Sturtevant.

Roll called.

Absent—Messrs. Barela, Boyles, Crosby, Elder, Garcia, Hurd, Pease, Stone, Thatcher and Webster.

The Journal having been partially read, Mr. Widderfield moved that the reading of so much of the Journal as embraced the reports of the Committee on Revisions and Adjustments be dispensed with, which was agreed to.

The remainder of the Journal was then read and the same approved.

Messrs. Crosby, Elder, Hurd, Stone and Thatcher appeared and took their seats.

Mr. Stone offered the following resolution, which, on his own motion, was adopted by the Convention:

Whereas, The time has now expired for which the Legislature made appropriation for the expenses of the Constitutional Convention; therefore,

Resolved, That the Committee on Accounts and Expenditures of the Convention be instructed to have certificates properly made out for the per diem and mileage of members of the Convention and employes thereof.

The Convention then proceeded with the unfinished business of yesterday, viz.: The consideration of the report of the Committee of the Whole on the article of judiciary.

Mr. Hough moved the adoption of section 14 of the article on judiciary.

Mr. White moved to amend section 14 by striking out the word "Grand" in the second line and inserting in lieu the word "Douglas."

Mr. Wilcox moved to amend the amendment offered by Mr. White, by striking out the word "Douglas" and inserting in lieu the word "Gilpin."

Mr. Bromwell moved that the article on judiciary be recommitted to the Judiciary Committee, with instructions to inquire into the expediency of making three districts, with power in the Supreme Judges to take part in the work of the circuit, also of creating six circuits to be held by the Supreme Judges, also five circuits to be held by the Supreme Judges, also, if practicable, not to exceed four districts, and that they report such amendments as they shall find to be proper; and the question being upon the motion of Mr. Bromwell, it was agreed to.

So the article on judiciary was referred to the Committee on Judiciary, with instructions as above.

Mr. Carr gave notice that at some proper future time he should move to reconsider the votes by which sections 1 to 3 of the article on judiciary were adopted.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, presented the following report:

To the Honorable the President and Convention:

The Committee of the Honorable Convention upon Revisions and Adjustments, having had under consideration the article upon the Executive Department, respectfully return the same with sundry recommendations and corrections, as follows:

E. T. WELLS,

February 24th, 1876. Chairman.

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 the 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 govenrment, where they shall keep the public records, books and papers. They shall perform such duties as are prescribed by the Constitution or by law.

Sec. 2. The Supreme Executive power of the State shall be vested in the Governor, who shall take care that the laws be faithfully executed.

Sec. 3. The officers named in section 1 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, as originally agreed upon, is recommended to be stricken out, as the same provisions are contained in the report of the Committee on Impeachment, etc.

Sec. 5. No person shall be eligible to the office of Governor, Lieutenant Governor or Superintendent of Public Instruction, except a citizen of the United States and of the State, who shall have attained the age of thirty years and shall have been a resident of the State for two years next preceding his election. Provided, that at the first election held under this Constitution, any person who was a qualified elector under the laws of Colorado, at the adoption of this Constitution, shall be eligible to either of said offices. No one shall be eligible to the office of Secretary of State, Auditor of State, State Treasurer or Attorney General, unless he shall be of the age of twenty-five years and have all the other qualifications for Governor; nor shall any one be eligible to the office of Attorney General unless he be a regular licensed attorney and counselor at law of the Supreme Court of the Territory or State of Colorado, in good standing.

SUBSTITUTE RECOMMENDED.

Sec. 5. No person shall be eligible to the office of Governor, Lieutenant Governor or Superintendent of Public Instruction, unless he be of the age of thirty years, nor to the office of Auditor of State, Secretary of State or State Treasurer, unless he be of the age of twenty-five years, nor to the office of Attorney General unless he be of the age of twenty-five years and a licensed attorney of the Supreme Court, 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 limit [limits] of the State two years next preceding his election.

Sec. 6. The Governor shall be commander-in-chief of the military forces of the State, except when called into actual service of the United States. He shall have power to call out the militia to execute the laws, suppress insurrection or repel invasion.

Sec. 7. The Governor shall nominate, and by and with the consent of the Senate appoint all officers whose offices are established by the 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 with ayes and noes, which shall be entered upon the Journal.

Sec. 8. The Governor shall have power to grant reprieves, commutations and pardons after conviction, for all offenses, except treason and except in cases of impeachment, subject to such regulations as may be prescribed by law, relative to the manner of applying for pardons, but he shall, in every case where he may exercise this power, send to the General Assembly at its first session thereafter a transcript of the petition, all proceedings and the reasons for his action.

Sec. 9. 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.

Sec. 10. The Governor may, on extraordinary occasions, convene the General Assembly by proclamation, stating therein the purpose for which it has been convened; but at such special sessions no business shall be transacted other than that specially named in the proclamation. He may by proclamation convene the Senate in extraordinary session, for the transaction of executive business.

Sec. 11. 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 naming adjournment, adjourn the General Assembly to a day not later than the first day of the next regular session.

Sec. 12. Every bill passed by the General Assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon its Journal and proceed to reconsider the bill. If, then, two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered. and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the Governor. In all such cases, the vote of each house shall be determined by ayes and noes, to be entered upon the Journal. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return, in which case it shall be filed, with his objections, in the office of the Secretary of State, within thirty days after such adjournment, or else become a law.

Sec. 13. 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 of appropriations disapproved shall be void unless enacted in manner following: If the General Assembly be in session, he shall transmit to the house in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered and each item shall then take the same course as is prescribed for the passage of bills over the Executive veto.

LIEUTENANT GOVERNOR.

Sec. 14. 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 disabilities shall be removed, shall devolve upon the Lieutenant Governor.

Sec. 15. The Lieutenant Governor shall be President of the Senate, and shall vote only when the Senate is equally divided. In case of the absence, impeachment or disqualification from any cause of the Lieutenant Governor, or when he shall hold the office of Governor, then the President pro tempore of the Senate shall perform the duties of the Lieutenant Governor until the vacancy is filled or the disability removed.

Sec. 16. 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 upon 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.

Sec. 17. An account shall be kept by the officers of the Executive Department, and of all public institutions of the State, of all moneys received by them severally, from all sources, and for every service performed and of all moneys disbursed by them severally, and a semi-annual report thereof shall be made to the Governor under oath.

Sec. 18. 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 a full and complete report of their actions to the Governor, who shall transmit the same to the General Assembly.

Sec. 19. There shall be a seal of the State, which shall be kept by the Secretary of State, and shall be called "the Great Seal of the State of Colorado." The seal of the Territory of Colorado, as now used, shall be the seal of the State until otherwise provided by law.

Sec. 20. The officers named in this article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official terms. It shall be the duty of all such officers to collect in advance all fees prescribed by law for services rendered by them severally and pay the same into the State Treasury.

Sec. 21. The Superintendent of Public Instruction shall be ex-officio State Librarian.

Sec. 22. Neither the State Treasurer nor State Auditor shall be eligible for re-election as his own immediate successor.

Mr. Wells moved that the report be laid upon the table and the proviso to section 1, the substitute for section 5 and sections 3 and 7, ordered printed, which was agreed to.

So the Convention concurred in the motion of Mr. Wells.

Mr. Cooper, Chairman of the Committee on Engrossing and Enrolling, reported back to the Convention the article on Legislature and Legislation and the report of the Committee of the Whole on Rights of Suffrage and Elections, as correctly engrossed.

There being no objection, the report was received and filed by the Secretary.

Mr. Hough, Chairman of the Committee on Printing, reported back to the Convention the report of the Committee on Revisions and Adjustments on the article on Officers and Oath of Office, as correctly printed.

There being no objection, the report was received and filed by the Secretary.

Mr. Webster appeared and took his seat.

On motion of Mr. Meyer, the special order of the hour, viz.: the consideration of the report of the Committee on Public and Private Corporations, was discharged, and the report of the Committee on Congressional and Legislative Apportionments was taken from the table in lieu.

On motion of Mr. White, the Convention resolved itself into Committee of the Whole, to consider the report of the Committee on Congressional Apportionment, Mr. Widderfield in the chair, and, after some time spent therein, the President resumed the chair, and Mr. Widderfield reported that the Committee of the Whole Convention, to whom was referred the report of the Committee on Congressional and Legislative Apportionment, having, according to order, had under consideration said report, had made some progress therein, and asked leave to sit again at 2 o'clock.

On motion of Mr. Hurd, the report was received and leave granted to sit again at 2 o'clock.

Mr. Beck moved that a Select Committee of three members be appointed by the President to ascertain approximately the relative cost and expenditure of a Legislature consisting of thirty-nine, one of seventy-five and one of sixty-two members, which was agreed to.

So the Convention concurred in the motion of Mr. Beck.

Mr. Carr moved that the Committee on Congressional and Legislative Apportionment be instructed to inquire into the expediency of reducing the number of members of the Senate at least one-half, and report to the Convention as early as possible, which was not agreed to.

So the Convention refused to concur in the motion of Mr. Carr.

The President appointed Messrs. Clark, Felton and Wheeler as a Special Committee to ascertain the relative cost of a General Assembly consisting of thirty-nine, seventy-five or sixty-two members, in accordance with the motion of Mr. Beck, adopted by the Convention.

On motion of Mr. Kennedy, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Barela, Boyles, Elder, Garcia, Hurd, Pease, Stone, Stover, Webster and White.

The President asked leave of absence for this afternoon for Mr. Stover, which was granted.

Mr. Clark, Chairman of the Special Committee appointed this morning, presented the following report:

Denver, February 24th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Special Committee, appointed specially to make inquiry into the relative cost and expenses of a Legislature consisting of thirty-nine members and one consisting of seventy-five members, would respectfully state that they have made such inquiry into the subject as the limited time would permit, and submit the following as their report:

The per diem and mileage of thirty-nine members and officers of the body, as now paid, amounts to	$ 14,340.95
The per diem and mileage of seventy-five members and officers of the body, as proposed to be paid, amounts to	16,790.00
Difference in cost	$ 2,449.05
Making an annual difference of	$ 1,224.53

The cost of halls, light, fuel, printing and other expenses will not be materially changed on account of the number of members composing the body. With the restrictions placed upon the Legislature, we think that the cost of printing in the same will not be as large in the first Legislature under the State as it was in the last Legislature under the Territory.

Respectfully submitted,

WM. M. CLARK,
JOHN S. WHEELER,
W. B. FELTON.

On motion of Mr. Kennedy, the report was received and the committee discharged.

Messrs. Boyles, Elder, Stone, White and Webster appeared and took their seats.

Mr. Cooper, Chairman of the Committtee on Engrossing and Enrolling, reported back to the Convention sections 1, 2 and 3 of the article on Irrigation, Agriculture and Manufactures, reported by the Committee of the Whole, as correctly engrossed.

There being no objection, the report was received and filed by the Secretary.

On motion of Mr. Kennedy, the Convention resolved itself into Committee of the Whole, to further consider the report of the Committee on Congressional and Legislative Apportionment, Mr. Widderfield in the chair, and, after some time spent therein,

the President resumed the chair, and Mr. Widderfield submitted the following report:

Denver, February 24th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Committee on Congressional and Legislative Apportionment, having, according to order, had under consideration said report, have directed me to report the same back without amendment, and ask the concurrence of the Convention therein, in the words following.

J. W. WIDDERFIELD,
Chairman.

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT.

Section 1. One Representative to the House of Representatives of the United States shall be elected from the State at large at the first election under this Constitution and thereafter at such times, places and manner as may be prescribed by law. When a new apportionment shall be made by the Congress of the United States the General Assembly shall divide the State into as many Congressional districts as may be allowed Representatives in Congress.

Sec. 2. The General Assembly shall provide by law for the 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 authority of the United States, shall revise and adjust the apportionment for Senators and Representatives on the basis of such enumeration, according to the ratio to be fixed by law.

Sec. 3. The Senate shall consist of twenty-six and the House of Representatives of forty-nine members, which numbers 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 numbers of each house. Provided, That the aggregate number of Senators and Representatives shall never exceed one hundred.

Sec. 4. 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.

Sec. 5. Until the State shall be divided into Senatorial districts in accordance with the provisions of this article, said dis-

tricts shall be constituted and numbered as follows, and shall be entitled to the number of Senators affixed to the districts respectively:

Districts.	No. of Senators.
1 Weld	1
2 Larimer	1
3 Boulder	2
4 Gilpin	1
5 Gilpin, Summit and Grand	1
6 Clear Creek	2
7 Jefferson	1
8 Arapahoe	4
9 Elbert and Bent	1
10 El Paso	1
11 Douglas	1
12 Park	1
13 Lake and Saguache	1
14 Fremont	1
15 Pueblo	1
16 Las Animas	2
17 Huerfano	1
18 Costilla	1
19 Conejos	1
20 Rio Grande, Hinsdale, La Plata and San Juan	1

Sec. 6. Until an apportionment of Representatives can 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.

On motion of Mr. Kennedy, the report was received.

Mr. Kennedy moved that the Convention concur in the recommendation of the Committee of the Whole.

And the question being upon the motion of Mr. Kennedy to concur in the recommendation of the Committee of the Whole, and being put, it was decided in the affirmative—ayes, 25; noes, 8.

The ayes and noes being called for:

Those voting in the affirmative are—Messrs. Boyles, Bromwell, Beck, Carr, Cushman, Clark, Crosby, Ellsworth, Elder, Felton, Hough, Head, James, Kennedy, Lee, Meyer, Quillian, Stone, Thatcher, Vigil, White, Wells, Wheeler, Widderfield, Mr. President.

Those voting in the negative are—Messrs. Cooper, Douglas, Ebert, Marsh, Plumb, Rockwell, Webster, Wilcox.

So the Convention concurred in the recommendations of the Committee of the Whole.

Mr. Felton moved that the article on Congressional and Legislative Apportionment, as reported by the Committee of the Whole, be adopted by the Convention.

Mr. Wells moved that the report of the Committee of the Whole be laid upon the table for further consideration.

And the question being upon the motion of Mr. Wells to lay upon the table, and being put, and a division called for, it was decided in the negative—ayes, 14; noes, 16.

So the Convention refused to concur in the motion of Mr. Wells to lay upon the table.

Mr. Clark moved that the report of the Committee of the Whole be considered by sections.

And the question being upon the motion of Mr. Clark to consider the report by sections, and being put, and a division called for, it was decided in the affirmative—ayes, 18; noes, 4.

So the Convention concurred in the motion of Mr. Clark to consider the report by sections:

Mr. Kennedy moved the adoption of section 1 as reported by the Committee of the Whole.

And the question being upon the motion of Mr. Kennedy to adopt section 1, and being put, it was decided in the affirmative—ayes, 33; noes, 0.

The ayes and noes being called for:

Those voting in the affirmative are—Messrs. Boyles, Bromwell, Beck, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Hough, Head, James, Kennedy, Lee, Marsh, Meyer, Plumb, Quillian, Rockwell, Stone, Thatcher, Vigil, Webster, White, Wells, Wilcox, Wheeler, Widderfield, Mr. President.

So the Convention adopted section 1 as reported by the Committee of the Whole.

On motion of Mr. Meyer, the Convention adopted section 2 as reported by the Committee of the Whole.

Mr. Marsh moved to amend section 3 by striking out the words "twenty-six," in the first line, and inserting in lieu the word "twenty."

On motion of Mr. Wilcox, a call of the Convention was ordered.

The roll being called, the following named members failed to answer to their names, and were absent without leave of the Convention, viz.:

Messrs. Hurd and Pease.

Mr. Kennedy asked for leave of absence for Mr. Pease on account of sickness, which was granted.

On motion of Mr. Cooper, further proceedings under the call of the Convention were dispensed with.

The question being upon the motion of Mr. Marsh to amend section 3, and being put, it was decided in the negative—ayes, 10; noes, 24.

The ayes and noes being called:

Those voting in the affirmative are—Messrs. Carr, Cooper, Douglas, Ebert, James, Marsh, Plumb, Rockwell, Wells, Wilcox.

Those voting in the negative are—Messrs. Boyles, Bromwell, Beck, Cushman, Clark, Crosby, Ellsworth, Elder, Felton, Hough, Head, Kennedy, Lee, Meyer, Quillian, Stone, Thatcher, Vigil, Webster, White, Wheeler, Widderfield, Yount, Mr. President.

So the Convention refused to concur in the amendment to section 3 offered by Mr. Marsh.

Mr. Marsh moved a further amendment to section 3: By striking out the words "forty-nine," in the first line, and inserting in lieu the words "thirty-five."

And the question being upon the motion of Mr. Marsh to amend section 3 by striking out the words "forty-nine" and inserting in lieu the words "thirty-five," and being put, it was decided in the negative—ayes, 4; noes, 28.

The ayes and noes being called for:

Those voting in the affirmative are—Messrs. Ebert, Marsh, Rockwell and Wells.

Those voting in the negative are—Messrs. Boyles, Bromwell, Beck, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Felton, Hough, Head, James, Kennedy, Lee, Meyer, Plumb, Quillian, Stone, Thatcher, Vigil, Webster, White, Wheeler, Widderfield, Mr. President.

So the Convention refused to concur in the amendment to section 3 offered by Mr. Marsh.

On motion of Mr. Bromwell, a call of the Convention was ordered.

The Secretary proceeded to call the roll of members.

Pending which Mr. Stone moved that further proceedings under the call be dispensed with, which was agreed to.

Mr. Cooper moved the adoption of section 3 as reported by the Committee of the Whole.

And the question being upon the motion of Mr. Cooper to adopt section 3 as reported by the Committee of the Whole, and being put, it was decided in the affirmative—ayes 25, noes, 8.

The ayes and noes being called for:

Those voting in the affirmative are—Messrs. Boyles, Bromwell, Beck, Cushman, Clark, Cooper, Crosby, Ellsworth, Elder, Felton, Hough, Head, James, Kennedy, Lee, Meyer, Plumb, Quillian, Thatcher, Vigil, Webster, Wheeler, Widderfield, Mr. President.

Those voting in the negative are—Messrs. Carr, Douglas, Ebert, Marsh, Rockwell, White, Wells, Wilcox.

So the Convention adopted section 3 as reported by the Committee of the Whole.

On motion of Mr. Kennedy, leave of absence for this afternoon was granted to Mr. Yount.

On motion of Mr. Douglas, the Convention adopted section 4 as reported by the Committee of the Whole.

Mr. Kennedy moved the adoption of section 5 as reported by the Committee of the Whole.

And the question being upon the motion of Mr. Kennedy to adopt section 5, and being put, it was decided in the affirmative—ayes, 25; noes, 7.

The ayes and noes being called for:

Those voting in the affirmative are—Messrs. Boyles, Bromwell, Beck, Clark, Cooper, Crosby, Ellsworth, Elder, Felton, Hurd, Hough, Head, James, Kennedy, Lee, Meyer, Quillian, Stone, Thatcher, Vigil, Webster, White, Wheeler, Widderfield, Mr. President.

Those voting in the negative are—Messrs. Carr, Douglas, Ebert, Plumb, Rockwell, Wells, Wilcox.

So the Convention adopted section 5 as reported by the Committee of the Whole.

Mr. Meyer moved the adoption of section 6 as reported by the Committee of the Whole.

And the question being upon the motion of Mr. Meyer to adopt section 6, and being put, it was decided in the affirmative—ayes, 28; noes, 5.

The ayes and noes being called for:

Those voting in the affirmative are—Messrs. Boyles, Bromwell, Beck, Carr, Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Felton, Hurd, Hough, Head, James, Kennedy, Lee, Meyer, Quillian, Stone, Thatcher, Vigil, Webster, White, Wheeler, Widderfield, Mr. President.

Those voting in the negative are—Messrs. Ebert, Plumb, Rockwell, Wells and Wilcox.

So the Convention adopted section 6 as reported by the Committee of the Whole.

Mr. Meyer moved that the vote by which sections 3, 5 and 6 were adopted be reconsidered, and then moved that the motion to reconsider be laid upon the table, which was agreed to.

So the Convention concurred in the motion of Mr. Meyer to lay the motion to reconsider upon the table.

So the Convention adopted the article on Congressional and Legislative Apportionment, as follows:

ARTICLE (—).

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT.

Section 1. One Representative to the House of Representatives of the United States shall be elected from the State at large at the first election under this Constitution, and, thereafter, at such times, places and manner as may be prescribed by law. When a new apportionment shall be made by the Congress of the United States the General Assembly shall divide the State into as many Congressional districts as it may be allowed Representatives in Congress.

Sec. 2. The General Assembly shall provide by law for an enumeration of the inhabitants of the State in the year of our Lord one thousand eight hundred and eighty-five and every tenth year thereafter, and at the session next following such enumeration and, also, at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for Senators and Representatives on the basis of such enumeration according to ratios to be fixed by law.

Sec. 3. 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 numbers of each house; Provided, That the aggregate number of Senators and Representatives shall never exceed one hundred.

Sec. 4. 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.

Sec. 5. 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, and shall be entitled to the number of Senators affixed to the districts respectively:

Districts.	Counties.	No. of Senators.
1st	Weld	1
2d	Larimer	1
3d	Boulder	2
4th	Gilpin	1
5th	Gilpin, Summit and Grand	1
6th	Clear Creek	2
7th	Jefferson	1
8th	Arapahoe	4
9th	Elbert and Bent	1

Districts.	Counties.	No. of Senators.
10th	El Paso	1
11th	Douglas	1
12th	Park	1
13th	Lake and Saguache	1
14th	Fremont	1
15th	Pueblo	1
16th	Las Animas	2
17th	Huerfano	1
18th	Costilla	1
19th	Conejos	1
20th	Rio Grande, Hinsdale, La Plata and San Juan	1

Sec. 6. Until an apportionment of Representatives can be made in accordance with the provisions of this article, they shall be divided among the several counties of the State in the follow- 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.

On motion of Mr. Kennedy, the article on Congressional and Legislative Apportionment was referred to the Committee on Revisions and Adjustments.

On motion of Mr. Thatcher, the Convention resolved itself into Committee of the Whole to consider the report of the Committee on Public and Private Corporations, and the three additional sections to the article on Judiciary offered by Mr. Bromwell, Mr. Beck in the chair; and after some time spent therein the President resumed the chair and Mr. Beck reported that the Committee of the Whole Convention, to whom was referred the report of the Committee on Public and Private Corporations, and the additional sections to the article on Judiciary offered by Mr. Bromwell, having, according to order, had under consideration said report, had made some progress therein, and asked leave to sit again after regular order of business to-morrow.

On motion of Mr. Crosby, the report was received and leave granted to sit again.

There being no objection, Mr. Cushman, chairman of the Committee on Revenue and Finance, presented the report of that committee, as follows:

Denver, Colorado, 24th February, 1876.

To the Honorable Joseph C. Wilson, President Constitutional Convention.

Your Standing Committee, to whom was referred so much of the subject-matter of the Constitution as relates to Revenue and

Finance, beg leave to report that they have had the same under consideration and submit the following:

Respectfully,

WM. H. CUSHMAN.
A. K. YOUNT,
JNO. S. HOUGH,
S. J. PLUMB,
L. C. ELLSWORTH,

REVENUE AND FINANCE.

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

Sec. 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.

Sec. 3. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal or possessory (except mines and mining claims), the net proceeds of which alone shall be taxable for a period of not exceeding two years from the date of the adoption of this Constitution, and thereafter as may be provided by law.

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

Sec. 5. Lots, with the buildings thereon, if said buildings are used solely and exclusively for religious worship, for schools or for purely charitable purposes, also cemeteries not used or held for private or corporate profit, may be exempt from taxation; Provided, Such exemption shall be only by general law.

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

Sec. 7. The General Assembly shall not impose taxes upon counties, cities, towns or other municipal corporations, or upon the inhabitants thereof, for county, city, towns or other municipal purposes, but may, by general law, vest the corporate authorities thereof with the power to assess and collect taxes for such purposes.

Sec. 8. No county, city, town or other municipal corporations, the inhabitants thereof, or the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for State purposes.

Sec. 9. The power to tax corporations and corporate property, real and personal, shall never be relinquished or suspended by any contract or grant to which the State shall be a party.

Sec. 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.

Sec. 11. The State tax on property shall never exceed six mills on each dollar of valuation, and whenever the taxable property of 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 of the State shall amount to three hundred million dollars the rate shall never thereafter exceed two mills on each dollar [of] valuation, unless the proposition to increase such tax shall be submitted to a vote of the people and a majority of those who, in the year next preceding such election, shall have paid a property tax assessed to them, shall vote in favor thereof, in such manner as provided by law.

Sec. 12. All moneys belonging to the State shall, immediately on the receipt thereof by the State Treasurer, be deposited to the credit of the State in such bank or banks as he may select with the approval of the Governor and Attorney General, such bank or banks giving security satisfactory to the Governor and Attorney General for the safe keeping and payment of such deposit whenever demanded by the State Treasurer on his check; such bank to pay a bonus for the use of such deposit; such bonus to be not less than paid by other banks for similar deposits; and the same, together with all (such) interest and profit as may accrue thereon, shall be disbursed by said Treasurer for the purposes of the State upon warrants drawn by the State Auditor according to law, and not otherwise.

Sec. 13. The Treasurer shall keep a separate account of the funds and the number and amount of warrants received and from whom, and shall publish, in such manner as the Governor may designate, a quarterly statement showing the amount of State moneys, and where the same are kept or deposited.

Sec. 14. The making of profit out of the State, county, city, town or school district money or using the same for any purpose not authorized by law by any public officer shall be deemed a felony, and shall be punished as provided by law.

Sec. 15. Private property shall not be taken or sold for the payment of the corporate debt of municipal corporations.

Sec. 16. Every law enacted by the General Assembly creating a debt or authorizing a loan shall provide for a sinking fund for the payment of such debt or loan within a period not exceeding twenty and not less than fifteen years. After the payment of the debt for which such sinking fund has been provided, the balance, if any, to the credit of the fund, shall immediately be placed to the credit of the general fund of the State.

Sec. 17. 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 value 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 perform such other duties as may be prescribed by law.

On motion of Mr. Stone, the report was received, ordered printed and laid upon the table for further consideration.

On motion of Mr. Douglas, the Convention adjourned until 9 o'clock a. m. to-morrow.

FRIDAY, FEBRUARY 25TH, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Barela, Boyles, Carr, Garcia, Hurd, Pease, Rockwell, Stone, Stover, Thatcher, Webster and White.

The Journal having been partially read, Mr. Widderfield moved that the reading of so much of the Journal as embraced the reports of the Standing Committees be dispensed with, which was agreed to.

The remainder of the Journal was then read and the same approved.

Messrs. Webster, Rockwell and Hurd appeared and took their seats.

Mr. Wells gave notice that he would on the first proximo, or at some subsequent day, move to reconsider the vote by which section 15 of the article upon Education and Educational Institutions was adopted.

Mr. Hough, chairman of the Committee on Printing, reported back to the Convention the report of the Committee on Revenue and Finance as correctly printed.

There being no objection, the report was received and filed by the Secretary.

Mr. Wells, chairman of the Committee on Revisions and Adjustments, presented a report of that committee as follows, which on his own motion was laid upon the table for future consideration:

To the Honorable President and Members of the Constitutional Convention.

The Committee upon Revision and Adjustments, having had under consideration the article on State Institutions and Buildings, respectfully report the same back, and recommend sundry emendations as follows, all of which is respectfully submitted:

E. T. WELLS,
Chairman.

February 25, A. D. 1876.

STATE INSTITUTIONS AND BUILDINGS.

Section 1: Strike out, in lines 1 and 2, the words "and such as are educational, reformatory and penal;" insert before the word "institutions," in the first line, the words "educational, reformatory and penal;" after the word "institutions," in the same line, the words "and those;" also, insert in the same line, between the words "deaf" and "mute," the word "and."

Section 2: Stricken out because provided for in section 7, article on Executive Department.

Section 3: To be consolidated with section 10, article on Education and Educational Institutions.

Section 4: Insert in the fourth line, after the word "votes," the words "upon said question;" in the sixth line strike out the word "is" after the word "there" and insert the words "shall be;" also, in the same line, strike out the words "the two places having the," and insert after the word "election" the words "the question of choice between the two places for which the;" also, in the sixth and seventh lines the words "cast at said election for location of the seat of government" to be stricken out, and the words "shall have been cast" inserted; also, in the eighth, insert after the words "State at the" the word "next;" and strike out after the words "general election" the words "then next ensuing."

Section 5: Strike out in the second line the word "legal" and insert the word "qualified;" strike out in the third line the word "some," insert the word "a."

Section 6: Approved.

Section 7: Strike out in the eighth line, after the word "until," the words "such time as;" strike out the word "such," in the same line, and insert the word "proper;" strike out in the same line and ninth line the words "as may be necessary;" strike out in the ninth line, after the words "together with the," the word "management" and insert the word "control."

Messrs. Carr, Yount, Stover, Thatcher, Boyles, White and Stone appeared and took their seats.

On motion of Mr. Webster, the Convention resolved itself into Committee of the Whole to further consider the report of the Committee on Public and Private Corporations and the three additional sections to the article on Judiciary offered by Mr. Bromwell, Mr. Beck in the chair; and after some time spent therein the President resumed the chair and Mr. Beck reported that the Committee of the Whole Convention, to whom was referred the report of the Committee on Public and Private Corporations and the three additional sections to the article on Judiciary, having, according to order, had under consideration said report and sections, had made further progress therein and asked leave to sit again at 2 o'clock.

On motion of Mr. Webster the report was received and leave granted to sit again at 2 o'clock.

On motion of Mr. Clark, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Barela, Boyles, Garcia, Hurd, Head, Pease and Stover.

There being no objection, Mr. Yount, chairman of the Committee on Accounts and Expenditures of the Convention, presented the following report:

Denver, February 24, 1876.

To the Hon. President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Accounts and Expenditures of the Convention beg leave to make the following report in the statement of the accounts as presented herewith.

A. K. YOUNT,
F. J. EBERT,
Committee.

Casimiro Barela—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
George Boyles—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
H. P. H. Bromwell—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
W. E. Beck—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
Byron L. Carr—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
William M. Clark—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
W. H. Cushman—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00

A. D. Cooper—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
Henry R. Crosby—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
Robert Douglas—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
L. C. Ellsworth—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
C. P. Elder—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
F. J. Ebert—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
W. B. Felton—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
J. M. Garcia—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
Daniel Hurd—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
John S. Hough—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00

Lafayette Head—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
Wm. H. James—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
Wm. R. Kennedy—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
Wm. Lee—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
Alvin Marsh—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
Wm. H. Meyer—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
S. J. Plumb—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
George Pease—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
Robert A. Quillian—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
L. C. Rockwell—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00

Wilbur F. Stone—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
W. C. Stover—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
Henry C. Thatcher—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
Agapito Vigil—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
W. W. Webster—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
G. G. White—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
E. T. Wells—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
P. P. Wilcox—		
By 65 days, @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
John S. Wheeler—		
By 65 days @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
J. W. Widderfield—		
By 65 days @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00

A. K. Yount—		
By 65 days @ $6 per day	$390.00	
To cash certificate	75.00	
		$315.00
J. C. Wilson, President—		
By 65 days @ $10 per day	$650.00	
To cash certificate	75.00	
		$575.00
W. W. Coulson, Clerk—		
By 65 days @ $8 per day	$520.00	
To cash certificate	75.00	
		$445.00
Herbert Stanley, Clerk 1st Assistant—		
By 65 days @ $5 per day	$325.00	
To cash certificate	75.00	
		$250.00
H. A. Terpening, Clerk 2d Assistant—		
By 65 days @ $5 per day	$325.00	
To cash certificate	75.00	
		$250.00
R. A Kirker, Convention Clerk and P. M.—		
By 65 days @ $5 per day	$325.00	
To cash certificate	75.00	
		$250.00
F. J. Stanton, Engrossing and Enrolling Clerk—		
By 65 days @ $5 per day	$325.00	
To cash certificate	75.00	
		$250.00
A. H. Barker, Sergeant-at-Arms—		
By 65 days @ $5 per day	$325.00	
To cash certificate	75.00	
		$250.00
Andrew Schmidt, Doorkeeper—		
By 65 days @ $5 per day	$325.00	
To cash certificate	75.00	
		$250.00
Clay Forbes, Janitor—		
By 65 days @ $5 per day	$325.00	
To cash certificate	45.00	
		$280.00

Garmio Pando, Fireman—		
By 65 days @ $5 per day	$325.00	
To cash certificate	30.00	
		$295.00
Willie McCord, Page—		
By 51 days @ $5 per day	$255.00	
To cash certificate	30.00	
		$225.00
Robert Frreatz, Page—		
By 65 days @ $5 per day	$325.00	
To cash certificate	30.00	
		295.00
D. F. Wilkins, Interpreter—		
By 51½ days @ $7 per day	$360.50	
To cash certificate (paid February 14, 1876)	75.00	
		285.00
C. Dominguez, Interpreter—		
By 9½ days @ $7 per day		66.50
Monty Kock—		
By 3 days @ $5 per day		15.00

On motion of Mr. Clark, the report was received.

Mr. Hough moved that the report be recommitted to the Committee on Accounts and Expenditures of Convention, with instructions to inquire into and report to the Convention the amount owing by the Convention for printing, stationery, and other expenses.

Mr. Crosby moved to amend the motion of Mr. Hough by further instructing the committee to inquire into and report the amount due to each member for mileage.

And, the question being upon the motion of Mr. Crosby to amend the motion of Mr. Hough, and, being put, it was agreed to.

So the Convention recommitted the report to the Committee on Accounts and Expenditures of Convention, with instructions to inquire and report as above.

Mr. Clark offered the following resolution, and moved its adoption:

Resolved, That the Committee on Accounts and Expenditures of Convention be instructed to inquire and report to this Convention the number of days each member has been in attendance at this session, with a view of apportioning the funds appropriated in that ratio.

Mr. Wells moved to amend the resolution by striking out the words "with the view of," and inserting in lieu the word "and."

Which amendment was accepted by Mr. Clark.

And, the question being on the motion of Mr. Clark to adopt the resolution, and, being put, it was not agreed to.

So the Convention refused to adopt the resolution offered by Mr. Clark.

On motion of Mr. Thatcher, the Convention resolved itself into Committee of the Whole to further consider the report of the Committee on Public and Private Corporations and the three additional sections to the article on Judiciary offered by Mr. Bromwell, Mr. Beck in the chair; and, after some time spent therein, the President resumed the chair, and Mr. Beck submitted the following report:

Denver, February 25, 1876.

To the Honorable President and Constitutional Convention of Colorado.

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Committee on Public and Private Corporations, and the three additional sections to the article on Judiciary introduced by Mr. Bromwell, having, according to order, had under consideration said report and sections, have directed me to report back the article on Public and Private Corporations, with sundry amendments thereto, and ask the concurrence of the Convention therein, in the words following:

PUBLIC AND PRIVATE CORPORATIONS.

Section 1. All existing charters or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith at the time of the adoption of this Constitution, shall thereafter have no validity.

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

Sec. 3. The General Assembly shall have 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 this State, in such manner, however, that no injustice shall be done to the corporation.

Sec. 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 com-

pany shall have the right with its road to intersect, connect with or cross any other railroad.

Sec. 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.

Sec. 6. All individuals, associations and corporations shall have equal rights to have persons and property transported over railroads 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, or any lessee or employe thereof, shall give any preference to individuals, associations or corporations in furnishing cars or motive power.

Sec. 7. No railroad or other transportation company in existence at the time of the adoption of this article shall have the benefit of any future legislation without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution in binding form.

Sec. 8. The exercise of the right of eminent domain shall never be abridged or 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 exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well being of the State.

Sec. 9. No corporation shall issue stock 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 to be held after at least thirty days' notice given in pursuance of law.

Sec. 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.

Sec. 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.

Sec. 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 sub-

division of the State a new liability in respect to transactions or considerations already past.

Sec. 13. All railroad companies organized under the provisions of this article shall have the power and authority to borrow money for the purpose of aiding in the construction, operation and maintenance of their road, at such rates of interest as shall be agreed upon by the trustees or directors of said company, not exceeding ten per centum per annum, and to execute trust deeds or mortgages in their discretion upon the road of said company, its depots, depot grounds, rolling stock (which shall be considered realty for the purpose of such trust deeds or mortgages), and such other property or lands as it shall be lawfully possessed of, with power of sale to secure the payment of such loan or loans.

Sec. 14. Dues from corporations shall be secured by such (method) as may be prescribed by law, but in no case shall any stockholder be individually liable in any amount over or above the amount of unpaid stock owned by him or her.

Sec. 15. 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 the State and to connect the same with other lines, and the General Assembly shall, by general laws of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph company owning or having the control of a competing line or acquire by purchase or otherwise any other competing line of telegraph.

Sec. 16. 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 law 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 this State in all matters which may arise, as if said consolidation had not taken place.

The Committee of the Whole Convention have further directed me to report that the three additional sections to the article on Judiciary have been stricken out, and a substitute for section 4 inserted in lieu, as follows, in which they ask the concurrence of the Convention:

Sec. 4. The District Courts shall have original jurisdiction to determine all controversies upon relation of any person on behalf of the people of the State concerning the rights, duties and liabilities of railroads, telegraph or toll road companies or corporations.

Also, that an additional section was offered by Mr. Bromwell in Committee of the Whole, as follows, but was rejected by the committee:

Sec. —. Every toll road, telegraph and railroad corporation shall be held liable to do and perform all acts and render all services contemplated by its charter to be done, performed or rendered at just and reasonable rates of charges in all cases; and the General Assembly shall by law provide against extortion, unwarrantable charges and unjust discrimination in charges by any railroad corporation for transporting passengers or freight, or by any telegraph company for transmitting messages, or by any toll road corporation for the use of its road by individuals.

WM. E. BECK,
Chairman.

On motion of Mr. Rockwell, the report was received and laid upon the table for future consideration.

On motion of Mr. Yount, the consideration of the report of the Committee on Revenue and Finance was made the special order for Monday next after regular order of business.

On motion of Mr. Plumb, the consideration of the report of the Committee on Schedule was made the special order for to-morrow after regular order of business.

Mr. Wilcox asked for leave of absence until Tuesday next, which, on motion of Mr. Hough, was granted.

On motion of Mr. Webster, the Convention adjourned until 9 o'clock a. m. to-morrow.

SATURDAY, FEBRUARY 26, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Frost.

Roll called.

Absent—Messrs. Barela, Boyles, Felton, Garcia, Hurd, Hough, Pease, Rockwell, White, Wilcox and Widderfield.

The Journal having been partially read, Mr. Meyer moved that the reading of so much of the Journal as embraced the report of the Committee on Accounts and Expenditures be dispensed with, which was agreed to.

The remainder of the Journal was then read, and the same approved.

Mr. Wells asked for leave of absence during the forenoon, which was granted.

Mr. Thatcher asked for leave of absence during the forenoon, which was granted.

On motion of Mr. Wells, the special order for this hour, viz., the consideration of the report of the Committee on Schedule, was discharged.

Messrs. White, Stone and Hurd appeared and took their seats.

On motion of Mr. Wells, the consideration of the articles on "Militia," "Future Amendments," "Executive and Officers," and "Oath of Office," as reported to the Convention by the Committee on Revisions and Adjustments, was made the special order for this afternoon, at 2 o'clock.

Mr. White asked for leave of absence after 10 o'clock this forenoon, which was granted.

On motion of Mr. Webster, the report of the Committee of the Whole on the article on Rights of Suffrage and Elections was taken from the table.

Mr. Webster moved that the report be considered by sections, which was agreed to.

On motion of Mr. Clark, the Convention concurred in the amendments to section 1 as reported by the Committee of the Whole, viz.: To strike out the word "six," in the fourth line, and insert in lieu the word "four;" also, to add to the section the words "Every such qualified elector shall be eligible to hold any office within such district."

On motion of Mr. Plumb, the Convention adopted section 1 as reported by the Committee of the Whole.

On motion of Mr. Plumb, the Convention concurred in the amendments to section 2 as reported by the Committee of the Whole, viz.: To insert in the first line, after the word "Assem-

bly," the words "shall, at its first session after the adoption of this Constitution, and;" also, to insert the word "thereafter;" after the word "time" in the same line.

On motion of Mr. Yount, the Convention adopted section 2 as reported by the Committee of the Whole.

Mr. Elder moved that section 3 be amended by striking out the figures and words "ninety" (1890) wherever they occur, and inserting in lieu the words and figures "eighty-five" (1885).

And, the question being upon the motion of Mr. Elder to amend section 3, and, being put, it was decided in the negative. Ayes, 11; noes, 16.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Carr, Cushman, Clark, Ellsworth, Elder, James, Marsh, Plumb, Webster, Yount, Mr. President.

Those voting in the negative are: Messrs. Bromwell, Beck, Cooper, Douglas, Hurd, Head, Kennedy, Lee, Meyer, Quillian, Stone, Stover, Thatcher, Vigil, White, Wheeler.

So the Convention refused to concur in the amendment to section 3 offered by Mr. Elder.

On motion of Mr. Beck, the Convention adopted section 3 as reported by the Committee of the Whole.

Mr. Bromwell moved to amend section 4 by inserting in first line, after the word "voting," the words "and eligibility to office," which was agreed to.

So the Convention concurred in the motion of Mr. Bromwell to amend section 4.

On motion of Mr. Clark, the Convention adopted section 4 as reported by the Committee of the Whole as amended.

On motion of Mr. James, the Convention adopted section 5 as reported by the Committee of the Whole.

On motion of Mr. Cooper, the Convention concurred in the amendments to section 6 reported by the Committee of the Whole, viz.: To strike out all of the section after the word "who," in the first line, and insert in lieu the words "does not possess all the qualifications of an elector as prescribed in section 1 of this article."

On motion of Mr. Douglas, the Convention adopted section 6 as reported by the Committee of the Whole.

Mr. Webster moved to amend section 7 by striking out the words and figures "one thousand eight hundred and seventy-eight (1878)," in the third line, which was agreed to.

So the Convention concurred in the amendment offered by Mr. Webster.

Mr. Bromwell moved to amend section 7 by striking out the words "of all officers except as herein otherwise provided," in the first line, which was agreed to.

So the Convention concurred in the amendment offered by Mr. Bromwell.

Mr. Plumb moved to amend section 7 by striking out the word "and," in third line, and inserting in lieu the words "one thousand eight hundred and seventy-seven (1877), and one thousand eight hundred and seventy-eight (1878), and annually," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Plumb.

On motion of Mr. Stone, the Convention adopted section 7 as reported by the Committee of the Whole as amended.

Mr. Beck moved to amend section 8 by striking out the word "voter," in the fourth line, and inserting in lieu the word "elector," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Beck.

Mr. Stone moved the adoption of section 8 as reported by the Committee of the Whole as amended.

And, the question being upon the motion of Mr. Stone to adopt section 8, and, being put, it was decided in the affirmative. Ayes, 15; noes, 8.

The ayes and noes being called for, those voting in the affirmative are: Messrs Beck, Bromwell, Carr, Cushman, Clark, Cooper, Douglas, Ebert, Hurd, Head, Marsh, Stone, Vigil, Webster, Wheeler.

Those voting in the negative are: Messrs. Ellsworth, Elder, James, Lee, Plumb, Quillian, Stover, Mr. President.

So the Convention adopted section 8 as reported by the Committee of the Whole as amended.

On motion of Mr. Beck, the Convention adopted section 9 as reported by the Committee of the Whole.

On motion of Mr. James, the Convention concurred in the amendment to section 10 as reported by the Committee of the Whole, viz.: To add to the section the words "except as otherwise provided in this Constitution."

Mr. Cooper moved to amend section 10 by striking out the words, in third and fourth lines, "or by virtue of having served out his full term of imprisonment."

And, the question being upon the motion of Mr. Cooper to strike out, and, being put, it was decided in the negative. Ayes, 4; noes, 19.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Cooper, Plumb, Stover, Wheeler.

Those voting in the negative are: Messrs. Bromwell, Beck, Carr, Cushman, Clark, Douglas, Ellsworth, Elder, Ebert, Hurd, Head, James, Lee, Marsh, Quillian, Stone, Vigil, Webster, Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Cooper.

On motion of Mr. Douglas, the Convention adopted section 10 as reported by the Committee of the Whole.

Mr. Stone moved to amend section 11 by striking out the word "preserve," in the first line, and inserting in lieu the word "secure," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Stone.

On motion of Mr. Cooper, the Convention adopted section 11 as reported by the Committee of the Whole.

On motion of Mr. Douglas, the Convention adopted section 12 as reported by the Committee of the Whole.

So the Convention adopted the article on Rights of Suffrage and Elections in the words following:

ARTICLE.

RIGHTS OF 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 to become such citizen, according to law, 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, however, That, in all elections for district school officers, and in voting upon all questions relating to public schools within such district, there shall be no distinction on account of sex. Every such qualified elector shall be eligible to hold any office within such district.

Sec. 2. The General Assembly shall, at its first session after the adoption of this Constitution, and may at any time thereafter, extend by law the right of suffrage to persons not herein enumerated; but no such law shall take effect or be in force until the same shall have been submitted to a vote of the people at a general election and approved by a majority of all the votes cast for and against such law.

Sec. 3. The General Assembly may prescribe by law an educational qualification for electors, but no such law shall take effect or be in force prior to the year of our Lord one thousand eight hundred and ninety (1890); and no person who shall be a qualified elector prior to the year one thousand eight hundred and ninety (1890) shall be disqualified by virtue of such law.

Sec. 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 employed in the service, either civil or military, of this State or of the United States, nor while a student of any institution of learning, nor while kept in any poor house or other asylum at public expense, nor while confined in public prison.

Sec. 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.

Sec. 6. No person shall be elected or appointed to any civil or military office in this State who does not possess all the qualifications of any [an] elector, as prescribed in section 1 of this article.

Sec. 7. The general election shall be held on the first Tuesday of October, in the year of our Lord one thousand eight hundred and seventy-six (1876), one thousand eight hundred and seventy-seven (1877), and one thousand eight hundred and seventy-eight (1878), and annually thereafter, as may be provided by law.

Sec. 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 disclose how any elector shall have voted, unless required to do so as witnesses in a judicial proceeding; Provided, That, 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.

Sec. 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 afterward be used against him in any judicial proceeding, except for perjury in giving such testimony.

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

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

Sec. 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 matter incident thereto; but no such law assigning jurisdiction or regulating its exercise shall apply to any contest arising out of an election held before its passage.

Messrs. Rockwell and Hough appeared, and took their seats.

On motion of Mr. Beck, the article on Rights of Suffrage and Elections as adopted by the Convention was ordered engrossed and referred to the Committee on Revisions and Adjustments.

On motion of Mr. Quillian, the report of the Committee of the Whole on the article on State, County and Municipal Indebtedness was taken from the table.

Mr. Hough moved that the article be considered by sections, which was agreed to.

On motion of Mr. Douglas, the Convention adopted section 1 as reported by the Committee of the Whole.

On motion of Mr. Kennedy, the Convention concurred in the amendments to section 2 as reported by the Committee of the Whole, viz.: To insert after the word "shall," in the first line, the words "make any donation or grant to or in aid of or," and to insert after the word "franchises," in the fifth line, the word "or."

On motion of Mr. Kennedy, the Convention concurred in the amendments to section 3 as reported by the Committee of the Whole, viz.: To strike out, in the first line, the words "bond or other evidence of indebtedness," and to insert in lieu the words "loan in any form;" also, to strike out the words "solely repel invasion," in the second line; also, to strike out the word "or," in second line, and insert in lieu the words "and in time of war;" also, to strike out the words "in time of war or provide for the defense of the State when threatened by hostilities," in the third line; also, to strike out the word "annual," in the tenth line.

Mr. Head moved to amend section 3 by striking out the words "erect public buildings for use of the State," in the second line.

And, the question being upon the motion of Mr. Head to amend section 3, and, being put, it was decided in the negative. Ayes, 8; noes, 18.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Carr, Clark, Head, Kennedy, Meyer, Plumb, Quillian, Vigil.

Those voting in the negative are: Messrs. Bromwell, Beck, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Hurd, Hough,

Lee, Marsh, Stone, Stover, Webster, Wheeler, Yount, Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Head.

On motion of Mr. Beck, the Convention adopted section 3 as reported by the Committee of the Whole.

On motion of Mr. Douglas, the Convention concurred in the amendments to section 4 reported by the Committee of the Whole, viz.: To insert the words "which shall be" after the word "law," in the first line; also, to insert the words "such law shall" after the word "discharged," in the second line; also, to strike out the word "specifying," in same line, and insert in lieu the word "specify;" also, in same line, strike out the words "to be raised thereby," and insert in lieu the words "so raised;" also, in third line, strike out the word "providing," and insert in lieu the word "provide;" strike out the word "such," and insert in lieu the word "a;" strike out the words "as will," and insert in lieu the words "sufficient to;" also, in fourth line, to strike out the word "which," and insert in lieu the words "such time, however;" also, in fifth line, strike out the word "years," and insert after the word "ten," in same line, the word "years;" also, in same line, insert, between the words "shall" and "be," the word "not," and strike out, in same line, the word "the," and insert in lieu the words "any other;" also, in sixth line, insert the words "that that" after the word "purpose;" also, strike out, in same line, the words "to no other purpose until," and insert in lieu the word "when;" also, strike out the words "and thereupon," in the sixth line.

Mr. Beck moved to amend section 4 by striking out the words "and supplying deficiencies of revenue," in the fifth and sixth lines.

And, the question being upon the motion of Mr. Beck to amend section 4, and, being put and a division called, it was decided in the negative. Ayes, 8; noes, 10.

So the Convention refused to concur in the amendment offered by Mr. Beck.

On motion of Mr. Clark, the Convention adopted section 4 as reported by the Committee of the Whole.

On motion of Mr. Hough, the Convention concurred in the report of the Committee of the Whole to strike out section 5 as reported by the Committee on State, County and Municipal Indebtedness, and insert in lieu the following substitute:

Sec. 5. A debt for the purpose of erecting public buildings may be created by law, as provided for in section 4 of this article, not exceeding in the aggregate a sum equal to three mills on each dollar of valuation, as above herein described; Provided, That, before going into effect, such law shall be ratified by the vote of a majority of the qualified electors of the State

voting thereon at a general election under such provisions as the General Assembly may prescribe.

On motion of Mr. Wheeler, the Convention adopted the substitute for section 5 reported by the Committee of the Whole.

On motion of Mr. Kennedy, the Convention concurred in the amendments to section 6 reported by the Committee of the Whole, viz.: To insert after the word "county," in the ninth line, the words "for all purposes;" also, to insert after the word "shall," in the eleventh line, the words "at a general election;" also, to strike out the words "at a general election," in the twelfth line, and insert in lieu the words "who, in the year last preceding such election, shall have paid a tax upon property assessed to them in such county;" also, to strike out of thirteenth and fourteenth lines the words "more than fifteen," and to add to the section the words "and the aggregate amount of such debt so contracted shall not at any time exceed twice the rate upon said valuation last herein provided for."

Mr. Beck moved to amend section 6 by striking out the words "and for supplying such county with water for public use," which was agreed to.

So the Convention concurred in the motion of Mr. Beck to strike out.

Mr. Webster moved to amend section 6 by inserting the word "such" before the word "indebtedness," in the ninth line.

By leave of the Convention, Mr. Yount, chairman of the Committee on Accounts and Expenditures of Convention, presented a supplementary report of that committee, as follows:

MILEAGE OF MEMBERS OF THE CONSTITUTIONAL CONVENTION.

Casimiro Barela—	
By 420 miles @ 15 cents	$63.00
George Boyles—	
By 440 miles @ 15 cents	66.00
H. P. H. Bromwell—	
By — miles @a — cents	....
W. E. Beck—	
By 90 miles @ 15 cents	13.50
Byron L. Carr—	
By 120 miles @ 15 cents	18.00
W. H. Cushman—	
By 100 miles @ 15 cents	15.00
W. M. Clark—	
By 100 miles @ 15 cents	15.00
A. D. Cooper—	
By 340 miles @ 15 cents	51.20

Robert Douglas—	
By 150 miles @ 15 cents	22.50
H. R. Crosby—	
By 1,032 miles @ 15 cents	154.80
L. C. Ellsworth—	
By .. miles @ 15 cents	....
C. P. Elder—	
By .. miles @ 15 cents	....
F. J. Ebert—	
By .. miles @ 15 cents	....
W. B. Felton—	
By 550 miles @ 15 cents	82.50
J. M. Garcia—	
By 450 miles @ 15 cents	67.50
Daniel Hurd—	
By .. miles @ 15 cents	....
J. S. Hough—	
By 416 miles @ 15 cents	62.40
Lafayette Head—	
By 540 miles @ 15 cents	81.00
Wm. H. James—	
By 330 miles @ 15 cents	49.50
Wm. R. Kennedy—	
By 800 miles @ 15 cents	120.00
Wm. Lee—	
By 20 miles @ 15 cents	4.50
Alvin Marsh—	
By 80 miles @ 15 cents	12.00
Wm. H. Meyer—	
By 460 miles @ 15 cents	69.00
S. J. Plumb—	
By 70 miles @ 15 cents	10.50
George E. Pease—	
By 180 miles @ 15 cents	27.00
Robert A. Quillian—	
By 80 miles @ 15 cents	52.50
L. C. Rockwell—	
By 80 miles @ 15 cents	12.00
Wilbur F. Stone—	
By 240 miles @ 15 cents	36.00
W. C. Stover—	
By 150 miles @ 15 cents	22.50
H. C. Thatcher—	
By 240 miles @ 15 cents	36.00
Agipeto Vigil—	
By 420 miles @ 15 cents	63.00

W. W. Webster—
By 240 miles @ 15 cents..... 36.00
G. G. White—
By 30 miles @ 15 cents..... 4.50
E. T. Wells—
By .. miles @ 15 cents..... .....
P. P. Wilcox—
By 78 miles @ 15 cents..... 11.70
J. S. Wheeler—
By 50 miles @ 15 cents..... 7.50
J. W. Widderfield—
By 416 miles @ 15 cents..... 62.40
A. K. Yount—
By 150 miles @ 15 cents..... 22.50
J. C. Wilson, President—
By 150 miles @ 15 cents..... 22.50

On motion of Mr. Meyer, the report was received.

On motion of Mr. Rockwell, the report was adopted.

On motion of Mr. Meyer, the President and Secretary were instructed to issue certificates to the members and officers of the Convention for the amounts due them as shown by the report of the Committee on Accounts and Expenditures of Convention.

On motion of Mr. Meyer, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll call.

Absent—Messrs. Barela, Boyles, Cushman, Felton, Garcia, Hurd, Head, Marsh, Meyer, Pease, Thatcher, White and Wilcox.

The Convention resumed the consideration of the report of the Committee of the Whole on the article on State, County and Municipal Indebtedness.

And the question being upon the motion of Mr. Webster to amend section 6 by inserting the word "such" before the word "indebtedness," in the ninth line, and being put, it was agreed to.

So the Convention concurred in the amendment offered by Mr. Webster.

On motion of Mr. Quillian, the Convention adopted section 6 as reported by the Committee of the Whole as amended.

On motion of Mr. Widderfield, the Convention adopted section 7 as reported by the Committee of the Whole.

On motion of Mr. Kennedy, the Convention concurred in the amendments to section 8 reported by the Committee of the Whole, viz.: To insert after the word "town," in the eleventh line, the

words "who shall in the year next preceding have paid a property tax therein;" also strike out the words "two-thirds," in the twelfth line, and insert in lieu the words "a majority," and also to insert after the word "created," in the fourteenth line, the words "together with the debt existing against such city or town at the time of such election."

Mr. Bromwell moved to amend section 8 by striking out the word "each," in the eighth line, and inserting in lieu the word "such," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Bromwell.

On motion of Mr. Kennedy, the Convention adopted seccion 8 as reported by the Committee of the Whole as amended.

Mr. Beck moved to amend section 9 by striking out the word "impair," in the first line, and inserting in lieu the words "be so construed as to either impair or add to," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Beck to section 9.

On motion of Mr. Kennedy, the Convention adopted section 9 as reported by the Committee of the Whole as amended.

Messrs. Boyles and Hurd appeared and took their seats.

Mr. Bromwell moved that the vote by which section 6 was adopted be reconsidered, which was agreed to.

Mr. Bromwell moved to reconsider the vote by which the amendment offered by Mr. Webster to insert the word "such" was inserted before the word "indebtedness," in the ninth line, was concurred in by the Convention, which was also agreed to.

Mr. Webster then moved to amend section 6 by adding thereto the words "provided, that this section shall not apply to counties having a valuation of less than one million dollars," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Webster to section 6.

On motion of Mr. James, the Convention adopted section 6 as reported by the Committee of the Whole as amended.

So the Convention adopted the article on State, County and Municipal Indebtedness, in the words following:

ARTICLE (—.)

STATE, COUNTY AND MUNICIPAL 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, absolutely, conditionally or contingently, in any manner to or in aid of any person, association of persons, company or corporation, public or private, for any amount or for any purpose whatever, or assume, undertake, guar-

antee or become responsible or liable for any debt, undertaking, obligation, contract or liability of any person, association, company or corporation, public or private, in or out of this State.

Sec. 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 stockholder or shareholder in any corporation, joint stock company or association, or a part owner with any person, association or corporation, or of any municipality whatever in or out of this State, except as to such ownership as may accrue to the State by escheat or by forfeiture of franchise or property 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 or either of them or with any person or persons, association or corporation, by forfeiture of real estate for non-payment of taxes or by donation or devise for public use or by purchase by or on behalf of the State or any county, city, town, township or school district, or any or either of them, jointly with any or either of them, under execution in cases of fines, penalties or forfeiture of bail, recognizance, official bond or bonds, to secure public moneys or the performance of contracts in which they or any of them may be jointly or severally interested.

Sec. 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 an amount equal to one-fourth of one 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 an amount equal to three-fourths of one mill on each dollar of said valuation until the amount of such valuation shall equal one hundred millions of dollars, and thereafter such debt shall not exceed one hundred thousand dollars, except in all cases as provided in section five hereof, and the debt incurred in any one year for erection of public building [buildings] shall not exceed an amount equal to 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 fifteen thousand dollars (except as provided in section five hereof), and in all cases the valuation herein mentioned shall be that of the assessment last preceding the creation of said debt.

Sec. 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 and discharged. Such law shall specify the purposes to which the funds so raised shall be applied and provide for the levying 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. Such time, however, in the case of debts

contracted for the erection of public buildings and supplying deficiencies of revenue shall not exceed fifteen nor less than ten years, and the funds arising from the collection of any such tax shall (not) be applied to any other purposes than that provided in the law levying the same, and when the debt thereby created shall be discharged such tax shall cease.

Sec. 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 a sum equal to three mills on each dollar of valuation, as above herein described. Provided, That before going into effect such law shall be ratified by the vote of a majority of the qualified electors of the State, voting thereon at a general election under such provisions as the General Assembly may prescribe.

Sec. 6. No county shall contract any debt by loan in any form except for the purpose of erecting necessary public buildings, making or repairing of 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 in case of such county, unless in manner provided by law. The question of incurring such debt shall at a general election be submitted to the vote of the qualified electors of such county who 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 such debt, but the bonds, if any be issued for payment thereof, shall not run less than ten years, and the aggregate amount of such debt as contracted shall not at any time exceed twice the rate upon such valuation last herein provided for; provided, that this section shall not apply to counties having a valuation of less than one million dollars.

Sec. 7. No debt by loan in any form shall be contracted by any school district for the purpose of erecting and furnishing school buildings for such district or purchasing grounds therefor unless the proposition to create such debt shall first be submitted to the qualified electors of such district who 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 in manner provided by law.

Sec. 8. No city or town shall contract any debt by loan in any form except by means of an ordinance first legally adopted

and which shall be irrepealable until the indebtedness therein provided for shall have been fully paid and discharged, specifying the purposes to which the funds to be raised thereby shall be applied and providing for the levying of such tax not exceeding twelve (12) mills on each dollar of valuation of property subject to taxation by such city or town, as will be 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 the funds arising from the collection of such tax shall be applied to the purposes in such ordinance specified and to no other, until the indebtedness in such ordinance provided for shall be paid and discharged. But no such debt shall be created unless the question of incurring the same shall be submitted to the vote of the qualified electors of such city or town, who shall in the year next preceding have paid a property tax therein at a regular election for the election of councilman, alderman or officers thereof and a majority of said electors voting at said election, by ballot deposited in separate ballot box, in manner to be provided by law, shall vote in favor of creating such debt, but the aggregate amount of such debt so created, together with the debt existing against such city at the time of such election, shall not at any time exceed a sum equal to three per cent. of the valuation last aforesaid. Debts contracted for the purpose of procuring supplies of water for such city or town are excepted from the operation of this section.

The valuation in this section mentioned shall be in all cases that of the assessment next preceding the last assessment before the adoption of such ordinance.

Sec. 9. 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 the vote of the qualified electors in any county, city, town or school district before the day of this Constitution going into effect.

On motion of Mr. Quillian, the article on State, County and Municipal Indebtedness, as adopted by the Convention, was ordered engrossed and referred to the Committee on Revisions and Adjustments.

Mr. Thatcher appeared and took his seat.

Mr. Clark moved that the vote by which the report of the Committee on Accounts and Expenditures of Convention was adopted be reconsidered, which was agreed to.

Mr. Clark then moved that so much of the report as referred to the per diem of the first and assistant secretaries be laid upon the table for future consideration, which was not agreed to.

So the Convention refused to concur in the motion of Mr. Clark to lay upon the table.

The question then being upon the motion of Mr. Rockwell to adopt the report of the Committee on Accounts and Expenditures of Convention, it was agreed to.

So the Convention adopted the report of the Committee on Accounts and Expenditures of the Convention.

Mr. Wells moved that the report of the Committee on Revisions and Adjustments on the articles entitled "Militia" and "Future Amendments" be taken from the table, which was agreed to.

Mr. Carr moved that the article on Militia be considered by sections, which was agreed to.

On motion of Mr. Carr, the Convention approved section 1, as reported by the Committee on Revisions and Adjustments.

On motion of Mr. Beck, section 2, as reported by the Committee on Revisions and Adjustments, was approved by the Convention.

On motion of Mr. Webster, section 3, as reported by the Committee on Revisions and Adjustments, was approved by the Convention.

On motion of Mr. Kennedy, section 4, as reported by the Committee on Revisions and Adjustments, was approved by the Convention.

On motion of Mr. Douglas, section 5, as reported by the Committee on Revisions and Adjustments, was approved.

On motion of Mr. Carr, the article on Militia, as follows, was referred back to the Committee on Revisions and Adjustments to be properly numbered in the Constitution:

ARTICLE (—.)

MILITIA.

Section 1. The militia of the State shall consist of all able-bodied men 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.

Sec. 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.

Sec. 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.

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

Sec. 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.

Mr. Beck moved that the article on Future Amendments, as reported by the Committee on Revisions and Adjustments, be considered by sections, which was agreed to.

On motion of Mr. Beck, section 2 was recommitted to the Committee on Revisions and Adjustments.

Mr. Rockwell offered the following resolution and moved its adoption:

Resolved, That the several reports, when made by the Committee on Revisions and Adjustments, lie on the table to await the adoption by the Convention of all the articles in the Constitution, at which time said reports be acted upon.

And the question being upon the motion of Mr. Rockwell to adopt the above resolution, and being put, it was decided in the negative—ayes, 5; noes, 18.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Cooper, Rockwell, Stover, Vigil, Wheeler.

Those voting in the negative are—Messrs. Bromwell, Beck, Cushman, Douglas, Ellsworth, Elder, Ebert, Hough, James, Kennedy, Plumb, Quillian, Stone, Webster, Wells, Widderfield, Yount, Mr. President.

So the Convention refused to adopt the resolution offered by Mr. Rockwell.

Mr. Wells, chairman of the Committee on Revisions and Adjustments, presented the following report:

To the Honorable the President and Constitutional Convention:

The Committee on Revisions and Adjustments, to whom was recommitted the report of said committee upon section 2 of the article upon Future Amendments, having had the same under consideration, beg leave to report the same back, with the following recommendations: Eighth line of printed copy, as agreed to in Convention, strike out "if they," insert in lieu "such as."

E. T. WELLS,
Chairman.

On motion of Mr. Quillian, the report was received.

On motion of Mr. Beck, section 2 of the article on Future Amendments, as reported by the Committee on Revisions and Adjustments, was approved by the Convention.

On motion of Mr. Wells, the article on Future Amendments, approved by the Convention as follows, was ordered engrossed and referred to the Committee on Revisions and Adjustments, to be numbered and adjusted in the Constitution.

FUTURE 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 such election, no such revisions, alterations or amendments shall take effect.

Sec. 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 of the General Assembly; and at said election the said amendment or amendments shall be submitted to the qualified electors of the State for their adoption or rejection, and such as are approved by a majority of those voting thereon 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.

By leave of the Convention, Mr. Stone, chairman of the Committee on Judiciary, presented a report of that committee, as follows:

To the Honorable President and Members of the Constitutional Convention:

Your Standing Committee on Judiciary, to which there was recommitted the article on Judiciary, with instructions to consider whether the number of Judicial districts might not be decreased from five to four, and also to consider the expediency of so arranging the Judiciary department as to allow the duties of the Supreme and District Courts to be performed by one set of judges, beg leave to report that, having considered the same, they do not deem it expedient to have the duties of said several courts performed by the same judges, but favor the establishment of separate Supreme and District Courts, with separate judges for each.

The committee further report that they have considered the practicability and expediency of reducing the number of districts; they find that the number can reasonably be reduced from five to four, considering the present amount of business and that which will probably be imposed on the judges of the District Courts for several years to come, and therefore they report back the whole article and recommend that section 14 thereof be amended to read as follows, to wit:

Sec. 14. Until otherwise provided by law, said districts shall be as follows, to wit:

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, La Plata, Hinsdale, Saguache and Lake.

All of which is respectfully submitted.

WILBUR F. STONE,
Chairman.

On motion of Mr. Widderfield, the report was received, ordered printed, and laid upon the table for future consideration.

Mr. Rockwell moved that the consideration of the article on Judiciary be made the special order for Tuesday next at 2 o'clock p. m.

And the question being upon the motion of Mr. Rockwell that the consideration of the article on Judiciary be made the special order for Tuesday next at 2 o'clock p. m., and being put and a division called, but a quorum not being present, it was not decided.

The President asked for leave of absence for Messrs. Head and Meyer, which was granted.

On motion of Mr. Beck, the Convention adjourned until 9 o'clock a. m. on Monday.

MONDAY, FEBRUARY 28TH, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Eads.

Roll called.

Absent—Messrs. Barela, Boyles, Clark, Garcia, Kennedy, Marsh, Pease, Stone, Webster, White and Wilcox.

The Journal having been partially read, Mr. Felton moved that the reading of so much of the Journal as embraced the article on Rights of Suffrage and Election be dispensed with, which was agreed to.

Mr. Stover moved to dispense with the reading of so much of the Journal as embraced the report of the Committee on Accounts and Expenditures of Convention, which was also agreed to.

Mr. Wheeler moved to dispense with so much of the Journal as embraced the article on State, County and Municipal Indebtedness, which was also agreed to.

The remainder of the Journal was then read and the same approved.

Messrs. Clark, White, Stone and Webster appeared and took their seats.

Mr. Hough, chairman of Committee on Printing, reported back to the Convention the report of the Committee on Revisions and Adjustments on proviso to section 1, substitute for section 5, and sections 3 and 7 of the article on Executive Department as correctly printed.

There being no objection, the report was received and filed by the Secretary.

On motion of Mr. Hough, the reports of the Committee on Revisions and Adjustments on the articles entitled "Officers and Oath of Office," "Executive Department," and "State Institutions and Buildings," were recommitted to that committee.

Mr. Felton offered the following resolution, which, on his own motion, was adopted:

Resolved, That a committee of five be appointed to prepare an ordinance in which shall be set forth the date upon which the Constitution shall be submitted to the people for their ratification, the qualification of voters, the duties of election, the manner of voting, etc., etc.

Mr. Carr asked for leave of absence this day for Mr. Kennedy, which, on motion of Mr. Widderfield, was granted.

On motion of Mr. Hough, the special order for this hour, viz., the consideration of the report of the Committee on Revenue and Finance, was discharged.

On motion of Mr. Quillian, the report of the Committee of the Whole on the article on Public and Private Corporations was taken from the table.

Mr. Wells moved that the article be considered by sections, which was agreed to.

On motion of Mr. Widderfield, the Convention adopted section 1 as reported by the Committee of the Whole.

On motion of Mr. Douglas, the Convention adopted section 2 as reported by the Committee of the Whole.

On motion of Mr. Clark, the Convention adopted section 3 as reported by the Committee of the Whole.

On motion of Mr. Hurd, the Convention adopted section 4 as reported by the Committee of the Whole.

On motion of Mr. Widderfield, the Convention concurred in the amendment to section 5, reported by the Committee of the Whole, viz.: To strike out all of the section after the word "line," in the second line.

On motion of Mr. James, the Convetion adopted section 5 as reported by the Committee of the Whole.

Messrs. Boyles and Marsh appeared and took their seats.

Mr. Carr moved to amend section 6 by inserting in second line, after the word "State," the words "at just and reasonable rates."

And the question being upon the motion of Mr. Carr to amend section 6, and being put, it was decided in the negative—ayes, 11; noes, 22.

And the ayes and noes being called for, those voting in the affirmative are—Messrs. Bromwell, Beck, Carr, Cooper, Hurd, Lee, Plumb, Stover, White, Wells, Yount.

Those voting in the negative are—Messrs. Boyles, Cushman, Clark, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Hough, Head, James, Marsh, Meyer, Quillian, Rockwell, Stone, Thatcher, Vigil, Webster, Widderfield, Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Carr.

Mr. Cooper moved to amend section 6 by inserting after the word "lessee," in the third line, the word "manager," which was agreed to

So the Convention concurred in the amendment offered by Mr. Cooper.

Mr. Felton moved the adoption of section 6 as reported by the Committee of the Whole as amended.

And the question being upon the motion of Mr. Felton to adopt section 6 as amended, and being put, it was decided in the affirmative—ayes, 31; noes, 2.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Boyles, Bromwell, Beck, Carr, Cushman,

Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Hurd, Hough, Head, James, Lee, Marsh, Meyer, Quillian, Rockwell, Stone, Stover, Thatcher, Vigil, Webster, White, Wells, Widderfield, Mr. President.

Those voting in the negative are—Messrs. Plumb and Yount.

So the Convention adopted section 6 as reported by the Committee of the Whole as amended.

On motion of Mr. Widderfield, the Convention concurred in the amendments to section 7, reported by the Committee of the Whole, viz.: To strike out all of the section after the word "Legislation," in the second line, and insert in lieu the words "without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution in binding form."

Mr. Wells moved to amend section 7 by striking out the word "article," in the first line, and inserting in lieu the word "Constitution," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Wells.

On motion of Mr. Quillian, the Convention adopted section 7 as reported by the Committee of the Whole as amended.

On motion of Mr. Cooper, the Convention adopted section 8 as reported by the Committee of the Whole.

On motion of Mr. Clark, the Convention adopted section 9 as reported by the Committee of the Whole.

On motion of Mr. James, the Convention adopted section 10 as reported by the Committee of the Whole.

On motion of Mr. Beck, the Convention concurred in the amendments to section 11, reported by the Committee of the Whole, viz.: To strike out all of the first line after the word "no," to insert after the word "railroad," in the second line, the words "shall be constructed," and to strike out the word "requiring," in the same line.

On motion of Mr. Felton, the Convention adopted section 11 as reported by the Committee of the Whole.

On motion of Mr. Douglas, the Convention adopted section 12 as reported by the Committee of the Whole.

On motion of Mr. Stone, the Convention concurred in the amendments to section 13 reported by the Committee of the Whole, viz.: To insert after the word "realty," in the fifth line, the words "for the purposes of such trust deeds or mortgages."

Mr. Carr moved that section 13 be stricken out, which was agreed to.

So the Convention concurred in the motion of Mr. Carr to strike out.

Mr. Wheeler moved that the Convention concur in the amendments to section 14, reported by the Committee of the Whole, viz.: To insert the word "unpaid," after the word "of," in the second line.

And the question being upon the motion of Mr. Wheeler to concur in amendment to section 14, reported by the Committee of the Whole, and being put, it was decided in the affirmative—ayes, 23; noes, 10.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Boyles, Carr, Cushman, Clark, Ellsworth, Elder, Ebert, Hurd, Hough, Head, Lee, Marsh, Meyer, Quillian, Rockwell, Stone, Thatcher, Webster, White, Wheeler, Widderfield, Yount, Mr. President.

Those voting in the negative are—Messrs. Bromwell, Beck, Cooper, Crosby, Douglas, James, Plumb, Stover, Vigil, Wells.

So the Convention concurred in the amendment to section 14, reported by the Committee of the Whole.

Mr. Clark moved the adoption of section 14, as reported by the Committee of the Whole.

And the question being upon the motion of Mr. Clark to adopt section 14 as reported by the Committee of the Whole, and being put, it was decided in the affirmative—ayes, 25; noes, 8.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Boyles, Carr, Cushman, Clark, Crosby, Douglas, Ellsworth, Elder, Ebert, Hurd, Marsh, Meyer, Quillian, Rockwell, Stone. Hough, Head, Lee, Thatcher, Vigil, Webster, White, Wheeler, Widderfield, Mr. President.

Those voting in the negative are—Messrs. Bromwell, Beck, Cooper, James, Plumb, Stover, Wells, Yount.

So the Convention adopted section 14 as reported by the Committee of the Whole.

On motion of Mr. Rockwell, the Convention adopted section 15 as reported by the Committee of the Whole.

On motion of Mr. Douglas, the Convention adopted section 16 as reported by the Committee of the Whole.

On motion of Mr. Bromwell, the Convention concurred in the recommendation of the Committee of the Whole to strike out section 18.

On motion of Mr. James, the Convention concurred in the recommendation of the Committee of the Whole [as] to section 19.

So the Convention adopted the article on Public and Private Corporations in the words following, viz.:

ARTICLE.

PUBLIC AND PRIVATE CORPORATIONS.

Section 1. All existing charters or grants of special or exclusive privileges, under which a bona fide organization shall

not have taken place and business been commenced in good faith at the time of the adoption of this Constitution, shall thereafter have no validity.

Sec. 2. No corporation shall be created by special laws or its charter extended, changed or amended, except such municipal, charitable, educational, penal or reformatory corporations as are or may be under the patronage or control of the State, but the General Assembly shall provide by general laws for the organization of all corporations hereafter to be created.

Sec. 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 this State, in such manner, however, that no injustice shall be done to the corporators.

Sec. 4. All railroads shall be public highways, and all railroad companies shall be common carriers. Any association or corporation organized for that 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 the other states and territories. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad.

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

Sec. 6. All individuals, associations and corporations shall have equal rights to have persons and property transported over railroads 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 or any lessee, manager or employe thereof shall give any preference to individuals, associations or corporations in furnishing cars or motive power.

Sec. 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.

Sec. 8. The exercise of the right of eminent domain shall never be abridged or 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 exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well being of the State.

Sec. 9. 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 to be held after at least thirty days' notice given in pursuance of law.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 13. Stricken out.

Sec. 14. Dues from corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable in any amount over or above the amount of unpaid stock owned by him or her.

Sec. 15. 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 the State, and to connect the same with other lines, and the General Assembly shall by general law of uniform operation provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph company owning or having the control of a competing line or acquire by purchase or otherwise any other competing line of telegraph.

Sec. 16. 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 the State shall retain jurisdiction over that part of the corporate property within the limits of this State in all matters which may arise, as if said consolidation had not taken place.

On motion of Mr. Quillian, the article on Public and Private Corporations as adopted by the Convention was ordered

engrossed, and referred to the Committee on Revisions and Adjustments.

Mr. White gave notice that he would on Wednesday next move to reconsider the vote by which section 9 of the article on Legislature and Legislation was adopted.

Mr. Cooper, chairman of the Committee on Engrossing and Enrolling, reported back the article on Rights of Suffrage and Elections as correctly engrossed.

There being no objection, the report was received and referred to the Committee on Revisions and Adjustments.

Mr. Hough, chairman of the Committee on Printing, reported back to the Convention the report of the Committee on Judiciary as correctly printed.

On motion of Mr. Felton, the report was received and filed by the Secretary.

On motion of Mr. Hough, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Barela, Garcia, Kennedy, White and Wilcox.

On motion of Mr. Felton, the report of the Committee of the Whole on the article on Counties was taken from the table.

Mr. Wells moved that the article be considered by sections, which was agreed to.

On motion of Mr. Plumb, the Convention adopted section 1 as reported by the Committee of the Whole.

On motion of Mr. Cooper, the Convention adopted section 2 as reported by the Committee of the Whole.

On motion of Mr. Cooper, the Convention adopted section 3 as reported by the Committee of the Whole.

On motion of Mr. Wheeler, the Convention adopted section 4 as reported by the Committee of the Whole.

On motion of Mr. Hough, the Convention adopted section 5 as reported by the Committee of the Whole.

Mr. Elder moved to amend section 6 by adding thereto the words "on and after the year 1880 the county officers in all counties shall be paid a salary, to be fixed by the board of county commissioners, but the same shall be paid out of the fees collected by the officer and shall in no case exceed the amount of money so collected; and when such officer shall have collected sufficient money in fees to pay his salary he shall pay the remainder to the county treasurer; and for collecting fees over and above the amount of his salary each officer shall be

allowed a certain percentage to be fixed by the board of county commissioners."

Mr. Carr moved to amend the amendment offered by Mr. Elder by striking out all of section after the word "commissioners" down to and including the word "treasurer," and inserting in lieu the words "and all fees collected by any such county officers shall be paid into the county treasury," which amendment was accepted by Mr. Elder.

And, the question being upon the motion of Mr. Elder to amend section 6 as amended by Mr. Carr, and, being put, it was decided in the affirmative. Ayes, 16; noes, 15.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Bromwell, Beck, Carr, Cushman, Clark, Cooper, Ellsworth, Elder, Felton, Hurd, James, Lee, Plumb, Stover, Wheeler, Yount.

Those voting in the negative are: Messrs. Boyles, Douglas, Hough, Head, Marsh, Pease, Quillian, Rockwell, Stone, Thatcher, Vigil, Webster, Wells, Widderfield, Mr. President.

So the Convention concurred in the amendment offered by Mr. Elder as amended by Mr. Carr.

Mr. Plumb moved to amend section 6 by striking out the word "compensation," in the first line, and inserting in lieu the word "fees."

And, the question being upon the motion of Mr. Plumb, to amend section 6, and, being put and a division called, it was decided in the affirmative. Ayes, 16; noes, 13.

So the Convention concurred in the amendment offered by Mr. Plumb.

Mr. Wells moved to further amend section 6 by adding thereto the words "the salary of no officer shall be increased or diminished during the term for which he was elected," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Wells.

Mr. Beck moved the adoption of section 6 as reported by the Committee of the Whole as amended.

And, the question being upon the motion of Mr. Beck to adopt section 6 as amended, and, being put, it was decided in the affirmative. Ayes, 15; noes, 18.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Bromwell, Beck, Carr, Cushman, Clark, Cooper, Ellsworth, Elder, Head, James, Lee, Plumb, Stover, Wheeler, Yount.

Those voting in the negative are: Messrs. Boyles, Douglas, Ebert, Felton, Hurd, Hough, Marsh, Meyer, Pease, Quillian, Rockwell, Stone, Thatcher, Vigil, Webster, Wells, Widderfield, Mr. President.

So the Convention refused to adopt section 6 as reported by the Committee of the Whole as amended.

Mr. Stone moved to amend section 6 by striking out all after the word "law," in the first line.

And, the question being upon the motion of Mr. Stone to strike out, and, being put and a division called, it was decided in the affirmative. Ayes, 17; noes, 15.

So the Convention concurred in the motion of Mr. Stone to strike out all after the word "law," in the first line.

Mr. Carr moved to reconsider the vote by which the Convention concurred in the motion of Mr. Plumb to strike out the word "compensation," in the first line, and insert in lieu the word "fees," which was agreed to.

The question then being on the motion of Mr. Plumb to strike out the word "compensation," and insert in lieu the word "fees," it was agreed to. †

So the Convention refused to concur in the amendment offered by Mr. Plumb.

On motion of Mr. Stone, the Convention adopted section 6 as reported by the Committee of the Whole.

On motion of Mr. Boyles, the Convention concurred in the amendments to section 7 reported by the Committee of the Whole, viz.: To strike out the word "six," in the second line, and insert in lieu the word "seven;" also, to strike out the words "at the general election for members of the General Assembly," in the second and third lines; also, strike out the words "collect all county," in the fifth line, and insert in lieu the words "be collected of;" also, strike out the word "common," in the sixth line; also, strike out the remainder of the section after the word "assessor," in the sixth line.

On motion of Mr. Thatcher, the Convention adopted section 7 as reported by the Committee of the Whole.

On motion of Mr. Clark, the Convention adopted section 8 as reported by the Committee of the Whole.

On motion of Mr. Boyles, the Convention concurred in the amendment to section 9 reported by the Committee of the Whole, viz.: To strike out the words "citizen of the United States," in the second line, and insert in lieu the words "qualified elector."

On motion of Mr. Beck, the Convention adopted section 9 as reported by the Committee of the Whole.

On motion of Mr. Hurd, the Convention concurred in the amendments to section 10 reported by the Committee of the Whole, viz.: To insert after the word "chosen," in the first line, the words "and annually thereafter;" to strike out the word "two" wherever it occurs in the second line, and insert in lieu

†So in text

the word "one;" also, in same line, strike out the words "justices" and "constables," and insert in lieu the words "justice" and "constables" [constable]; also, to strike out the remainder of the section after the word "years," in the third line, and insert in lieu the words "Provided, That, in precincts containing five thousand or more inhabitants, the number of justices and constables may be increased as provided by law."

On motion of Mr. Hough, the Convention adopted section 10 as reported by the Committee of the Whole.

On motion of Mr. Stone, the Convention concurred in the recommendation of the Committee of the Whole to strike out section 14 as reported by the Committee on Counties.

Mr. Clark moved that the Convention concur in the recommendation of the Committee of the Whole to strike out section 15 as reported by the Committee on Counties.

And, the question being upon the motion of Mr. Clark to concur in the recommendation of the Committee of the Whole to strike out section 15, and, being put and a division called, it was decided in the affirmative. Ayes, 15; noes, 6.

So the Convention concurred in the motion of Mr. Clark, and section 15 of the report of the Committee on Counties was stricken out.

Mr. Widderfield moved that the Convention concur in the recommendation of the Committee of the Whole to strike out section 16 of the report of the Committee on Counties.

And, the question being upon the motion of Mr. Widderfield to concur in the recommendation of the Committee of the Whole to strike out section 16 of the report of the committee, and, being put, it was decided in the affirmative. Ayes, 16; noes, 12.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Clark, Douglas, Ellsworth, Ebert, Felton, Hough, Marsh, Pease, Quillian, Rockwell, Stone, Vigil, Webster, Wells, Widderfield, Mr. President.

Those voting in the negative are: Messrs. Bromwell, Beck, Carr, Cooper, Elder, Hurd, James, Lee, Plumb, Stover, Wheeler, Yount.

So the Convention concurred, and section 16 of the report of the Committee on Counties was stricken out.

On motion of Mr. Widderfield, the Convention concurred in the recommendation of the Committee of the Whole to strike out section 17 of the report of the Committee on Counties.

On motion of Mr. Wheeler, the Convention concurred in the amendment to section 18 of the report of the Committee on Counties as reported by the Committee of the Whole, viz.: To strike out the word "so," in the third line, and insert in lieu the word "as."

On motion of Mr. Wheeler, section 18 of the report of the Committee on Counties was changed to No. 11, and adopted by the Convention as reported by the Committee of the Whole.

On motion of Mr. Hough, section 19 of the report of the Committee on Counties was changed to No. 12, and adopted by the Convention as reported by the Committee of the Whole.

On motion of Mr. Hurd, section 20 of the report of the Committee of Counties was adopted by the Convention as reported by the Committee of the Whole.

Mr. Wells moved to amend section 2 as reported by the Committee on Counties by striking out the words "two-thirds," and inserting in lieu the words "a majority," which was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Wells.

Mr. Carr moved that the Convention concur in the recommendation of the Committee of the Whole to strike out section 2 as reported by the Committee on Counties.

And, the question being upon the motion of Mr. Carr to concur in the recommendation of the Committee of the Whole to strike out section 2 as reported by the Committee on Counties, and, being put, it was decided in the negative. Ayes, 11; noes, 15.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Beck, Carr, Douglas, Ebert, Hurd, Marsh, Plumb, Rockwell, Webster, Wheeler, Yount.

Those voting in the negative are: Messrs. Bromwell, Clark Cooper, Ellsworth, Elder, Felton, Hough, Pease, Wells, Widderfield, Quillian, Stone, Stover, Vigil, Mr. President.

So the Convention refused to concur in the recommendation of the Committee of the Whole to strike out section 2 of the report of the Committee on Counties.

Mr. Carr moved to amend section 2, of the report of the Committee on Counties by striking out the words "two-thirds of the qualified voters," and inserting in lieu "a majority of the qualified electors."

And, the question being upon the motion of Mr. Carr to amend section 2 of the report of Committee on Counties, and, being put and a division called for, it was decided in the affirmative. Ayes, 14; noes, 8.

So the Convention concurred in the amendment offered by Mr. Carr.

Mr. Plumb moved to amend section 2 of the report of the Committee on Counties by striking out the words "and such proposition shall (not) be submitted oftener than once in four years," in the fourth line, which was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Plumb.

Mr. Clark moved the adoption of section 2 as reported by the Committee on Counties as amended.

And, the question being upon the motion of Mr. Clark to adopt section 2 as reported by the Committee on Counties as amended, and being put, it was decided in the affirmative. Ayes, 14; noes, 11.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Beck, Clark, Cooper, Douglas, Ellsworth, Elder, Ebert, Hurd, Hough, Pease, Stone, Wells, Wheeler, Mr. President.

Those voting in the negative are: Messrs. Bromwell, Carr, Marsh, Plumb, Quillian, Rockwell, Stover, Vigil, Webster, Widderfield, Yount.

So the Convention concurred in the motion of Mr. Clark to adopt section 2 as reported by the Committee on Counties as amended.

On motion of Mr. Beck, the Convention concurred in the recommendation of the Committee of the Whole to strike out section 3 as reported by the Committee on Counties.

On motion of Mr. Plumb, the Convention concurred in the recommendation of the Committee of the Whole to strike out section 7 as reported by the Committee on Counties.

On motion of Mr. Carr, section 2 as amended by the report of the Committee on Counties was inserted as No. 2 in the article on Counties, and the numbers of the remaining sections changed accordingly.

So the Convention adopted the article on Counties, in the words following:

ARTICLE (—.)

COUNTIES.

Section 1. The several counties of the Territory of Colorado as they now exist are hereby recognized as legal subdivisions of the State of Colorado.

Sec. 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 laws, 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 has not been in the county six months and in the election precinct ninety days next preceding such election.

Sec. 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.

Sec. 4. In all cases of the establishment of any new county, the new county shall be held for and obliged to pay its ratable proportion of all the liabilities then existing of the county or counties from which said 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 holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it is taken.

COUNTY OFFICERS.

Sec. 6. In each county there shall be elected for the term of three years three officers, who shall be styled "the board of 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, 1876, 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 two 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.

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

Sec. 8. There shall be elected in each county on the first Tuesday in October, A. D. one thousand eight 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.

Sec. 9. In case of a vacancy occurring in the office of county commissioners, it shall be filed by appointment of the Governor; and in case of a vacancy in any of the county or precinct officers, it shall be filled by the appointment of the board of county commissioners, and the person appointed shall hold office until the next general election, or until his successor shall be duly elected and qualified.

Sec. 10. No person shall be eligible to any county office unless he shall be at least twenty-one years of age and a qualified elector, nor unless he shall have resided in the county one year preceding his election.

Sec. 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 period 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.

Sec. 12. Except as otherwise directed in this Constitution, the General Assembly shall provide for the election or appointment of such other county, township and municipal officers as public convenience may require; and their terms of office and duties shall be as prescribed by law, but no term of office shall exceed two years.

Sec. 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 power of each class shall be defined by general laws, so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions.

Sec. 14. The General Assembly shall also make provisions by general law whereby any city, town or village existing by virtue of any special or local law may elect to become subject to and be governed by the general law relating to such corporations.

On motion of Mr. Wells, the article on Counties as adopted by the Convention was ordered engrossed and referred to the Committee on Revisions and Adjustments.

The President presented the following telegram to the Convention from the Hon. Thomas M. Patterson, Delegate to Congress:

"Washington, D. C., February 28, 1876.

"To J. C. Wilson, President Constitutional Convention.

"Senate has just passed appropriation bill without amendment, thirty-four to twenty.

"T. M. PATTERSON."

Mr. Bromwell offered the following resolutions, which, on motion of Mr. Stone, were adopted:

Resolved, That this Convention appreciates the ability and efficiency with which the interests of Colorado have been represented in the Congress of the United States by the Hon. Thomas M. Patterson, Delegate from Colorado.

Resolved, That the thanks of this Convention are hereby tendered to Mr. Patterson for his exertion in behalf of this Territory, with the assurance that we believe the people of the Territory join with us in the sentiments hereby expressed.

Resolved, That a copy of these resolutions, properly engrossed and certified by the President and attested by the Secretary of the Convention, be forwarded to Mr. Patterson.

On motion of Mr. Wells, the report of the Committee of the Whole on the article on Judiciary and the supplementary report of the Committee on Judiciary were taken from the table.

Mr. Wells moved that the vote by which section 13 was adopted by reconsidered, which was agreed to.

Mr. Wells moved to amend section 13 by adding thereto the words "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."

And, the question being upon the motion of Mr. Wells to amend section 13, and being put, it was decided in the affirmative. Ayes, 15; noes, 11.

The ayes and noes being called for, those voting in the affirmative are. Messrs. Bromwell, Beck, Clark, Cooper, Douglas, Ellsworth, Ebert, Felton, James, Marsh, Rockwell, Vigil, Wells, Yount, Mr. President.

Those voting in the negative are: Messrs. Carr, Hough, Lee, Plumb, Pease, Quillian, Stone, Stover, Webster, Wheeler, Widderfield.

So the Convention concurred in the amendment offered by Mr. Wells.

Mr. Widderfield moved to amend section 13 by striking out the words "twenty-five," in second line, and inserting in lieu the word "thirty," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Widderfield.

Mr. Stone moved to further amend section 13 by adding thereto the words "of the Judicial district within which he is an elector," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Stone.

On motion of Mr. James, the Convention adopted the substitute for section 13 as reported by the Committee of the Whole as amended.

Mr. Quillian moved to reconsider the vote by which section 12 was adopted, which was agreed to.

Mr. Quillian then moved to amend section 12 by striking out the word "five," in first line, and inserting in lieu the word "four."

Mr. Carr moved to amend the amendment offered by Mr. Quillian by inserting the word "three" in lieu of the word "five."

And, the question being upon the motion of Mr. Carr to amend by striking out the word "five," in first line, and inserting in lieu the word "three," and being put, it was decided in the negative. Ayes, 8; noes, 17.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Carr, Ebert, James, Lee, Plumb, Wells, Wheeler, Yount.

Those voting in the negative are—Messrs. Boyles, Brom well, Beck, Clark, Cooper, Douglas, Ellsworth, Felton, Hough, Quillian, Rockwell, Stone, Stover, Vigil, Webster, Widderfield, Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Carr.

The question then being upon the motion of Mr. Quillian to strike out the word "five," in first line, and insert in lieu the word "four," and being put, it was agreed to.

So the Convention concurred in the amendment offered by Mr. Quillian.

On motion of Mr. Felton, the Convention adopted section 13, as reported by tht Committee of the Whole.

On motion of Mr. Felton, the Convention adopted section 14, as reported by the Committee on Judiciary in their supplementary report.

Mr. Wells moved to amend section 15 by adding thereto the following words: "This shall not be construed to prevent the holding of special terms in any county as heretofore practised," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Wells.

On motion, the Convention adopted section 15, as reported by the Committee of the Whole as amended.

On motion of Mr. James, the Convention concurred in the amendment to section 16, reported by the Committee of the Whole, viz.: To strike out the words "in or," in the second line.

On motion of Mr. James, the Convention adopted section 16, as reported by the Committee of the Whole.

On motion of Mr. Rockwell, the Convention adopted the substitute for section 17, as reported by the Committee on Judiciary in their supplementary report.

On motion of Mr. Marsh, the Convention concurred in the amendments to section 18, reported by the Committee of the Whole, viz.: To strike out the letter "a" in first line and insert in lieu the word "such;" also, to strike out the words "of five thousand dollars per annum payable quarterly," in the first and second lines, and insert in lieu the words "as may be provided by law."

On motion of Mr. James, the Convention adopted section 18, as reported by the Committee of the Whole.

Mr. Carr moved to amend the substitute for section 19, reported by the Committee on Judiciary, in their supplementary report, by striking out the words "appointed by the Judges of

the District Courts respectively," in the second line and inserting in lieu the words "elected by the qualified electors of said county."

And the question being upon the motion of Mr. Carr to amend section 19, and being put, it was decided in the negative—ayes, 10; noes, 16.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Bromwell, Carr, Cooper, Ebert, James, Lee, Plumb, Vigil, Wheeler, Yount.

Those voting in the negative are—Messrs. Boyles, Beck, Clark, Crosby, Douglas, Ellsworth, Felton, Hough, Marsh, Pease, Quillian, Rockwell, Stone, Webster, Wells, Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Carr.

Mr. Douglas moved the adoption of section 19, as reported by the Committee on Judiciary.

And the question being upon the motion of Mr. Douglas to adopt the substitute for section 19, reported by the Committee on Judiciary, and being put, it was decided in the affirmative—ayes, 17; noes, 9.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Boyles, Beck, Clark, Crosby, Douglas, Ellsworth, Ebert, Felton, Hough, Marsh, Pease, Quillian, Rockwell, Stone, Webster, Wells, Mr. President.

Those voting in the negative are—Messrs. Bromwell, Carr, Cooper, James, Lee, Plumb, Vigil, Wheeler, Yount.

So the Convention concurred in the motion of Mr. Douglas to adopt section 19, as reported by the Committee of the Whole.

On motion of Mr. Hough, the Convention adopted section 20, as reported by the Committee of the Whole.

Mr. Cooper, chairman of the Committee on Engrossing and Enrolling, reported back to the Convention the resolutions offered by Mr. Bromwell this afternoon and adopted by the Convention as correctly engrossed.

On motion of Mr. Ellsworth, the Convention adjourned until 9 o'clock a. m. to-morrow.

TUESDAY, FEBRUARY 29TH, A. D. 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Bliss.

Roll called.

Absent—Messrs. Barela, Boyles, Garcia, Head, Meyer, Stover and White.

The Journal having been partially read, Mr. Widderfield moved that the reading of the Journal be dispensed with, which was agreed to.

Mr. Wells asked that the Committee on Revisions and Adjustments have leave to sit during the sessions of the Convention, which, on motion of Mr. Widderfield, was granted.

Mr. Yount asked that the Committee on Accounts and Expenditures of the Convention have leave to sit during the sessions of the Convention, which, on motion of Mr. Hough, was granted.

On motion of Mr. Widderfield, a call of the Convention was ordered. The Secretary proceeded to call the roll, when Mr. Widderfield moved that further proceedings under the call be dispensed with, which was agreed to.

So the Convention then resumed the unfinished business of yesterday, viz., the consideration of the report of the Committee of the Whole on the article on Judiciary.

On motion of Mr. James, the Convention adopted section 21, as reported by the Committee of the Whole.

On motion of Mr. Douglas, the Convention concurred in the amendments to section 22, reported by the Committee of the Whole, viz.: To strike out in the first line the word "probate," and insert in lieu the word "county," and in section 22 to strike out the word "four," in second line, and insert in lieu the word "three."

Mr. Beck moved to amend section 22, by inserting after the words "organized county," in the first line, the words "in the year of our Lord One Thousand Eight Hundred and Seventy-Seven, and every three years thereafter," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Beck.

On motion of Mr. Douglas, the Convention adopted section 22 as reported by the Committee of the Whole, as amended.

On motion of Mr. Wheeler, the Convention concurred in the amendment to section 23, reported by the Committee of the Whole, viz.: To strike out the word "probate," in first line, and insert in lieu the word "county;" also, to strike out the word "am," in the sixth line, and insert in lieu the word "two."

Mr. Felton moved to amend section 23, by striking out of the fourth and fifth lines the words "involving the question of title or boundaries of real estate, nor in any case," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Felton.

Mr. Bromwell moved to amend section 23, by striking out of the eighth line the word "all," and inserting in lieu the word "such;" and to insert the word "and" after the word "cases."

Mr. Wells moved as an amendment to the amendment offered by Mr. Bromwell to insert the words "and the Supreme Court," after the word "courts," in the eighth line; also, to strike out the word "all," in same line, and insert the word "such," in lieu; and, also, to insert the word "and" after the word "cases," in the same line; and to add to the section the words "writs of error shall be from the Supreme Court to every final judgment of the County Court. No appeal shall be to the District Court from any judgment given upon appeal from a Justice of the Peace."

Which amendment was accepted by Mr. Bromwell.

Mr. Wells then moved to amend section 23, by striking out all of the section after the word "persons," in the seventh line, and inserting in lieu the following substitute:

"Final judgments of the County Court may be reviewed in the District or Supreme Court in such manner and by such process as shall be prescribed by law. No judgment of the County Court given upon an appeal from the judgment of any Justice of the Peace shall be reviewed in the District Court."

And the question being upon the motion of Mr. Wells to strike out the last clause of section 23 and insert in lieu the substitute offered by him, and being put, it was not agreed to.

So the Convention refused to concur in the motion of Mr. Wells to strike out the last clause of the section and insert the substitute therefor offered by him.

The question then recurring on the amendment to section 23, offered by Mr. Bromwell, as amended by Mr. Wells, and being put, it was agreed to.

So the convention concurred in the amendment of Mr. Bromwell, as amended by Mr. Wells.

On motion of Mr. Bromwell, the Convention adopted section 23 as reported by the Committee of the Whole as amended.

Mr. Stover appeared and took his seat.

Mr. Felton moved that the Convention concur in the recommendation of the Committee of the Whole to strike out section 24 of the report of the Committee on Judiciary, which was agreed to. †

†So in text.

So the Convention refused to concur in the recommendation of the Committee of the Whole to strike out section 24.

Mr. Beck moved to amend section 24 by striking out all of section after the word "law," in the fourth line, which was agreed to.

So the Convention concurred in the amendment offered by Mr. Beck.

Mr. Marsh moved to amend section 24 by striking out the words "below the grade of felony," in the third line.

Mr. Bromwell moved to amend the amendment offered by Mr. Marsh, by inserting in lieu of the words stricken out the words "not capital."

Mr. Carr gave notice that he would, on Tuesday next or at some subsequent time, move that the vote by which the section in Bill of Rights, referring to felony, was adopted, be reconsidered.

The question being on the motion of Mr. Bromwell to strike out the words "below the grade of felony," in the third line, and insert in lieu the words "not capital," and being put, it was agreed to.

So the Convention concurred in the amendment offered by Mr. Bromwell.

Mr. Clark moved to strike out the words "may have concurrent jurisdiction with the District Courts," and insert in lieu the words "shall have exclusive jurisdiction," which was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Clark.

On motion of Mr. Beck, the Convention adopted section 24 as reported by the Committee on Judiciary.

Mr. Stone moved to reconsider the vote by which section 23 was adopted, which was agreed to.

Mr. Stone moved to amend section 23, by inserting after the word "other," in the third line, the words "civil and criminal." which was agreed to.

So the Convention concurred in the amendment offered by Mr. Stone.

On motion of Mr. Stone, the Convention adopted section 23 as reported by the Committee of the Whole as amended.

On motion of Mr. Felton, the Convention concurred in the amendments to section 25, reported by the Committee of the Whole, viz.: To insert after the word "the," in the third line, the words "value of the property or (the amount in controversy) exceeds" the words "the sum of."

On motion of Mr. Beck, the Convention adopted section 25 as reported by the Committee of the Whole.

On motion of Mr. Hurd, the Convention adopted section 26 as reported by the Committee of the Whole.

On motion of Mr. Stone, the Convention concurred in the amendment to section 27 reported by the Committee of the Whole, viz.: To insert in the third line, after the word "their," the words "knowledge and;" also, to strike out the words "forms of," in the sixth line.

On motion of Mr. Stone, the Convention adopted section 27 as reported by the Committee of the Whole.

On motion of Mr. Carr, the Convention adopted section 28 as reported by the Committee of the Whole.

On motion of Mr. Clark, the Convention concurred in the amendment to section 29 reported by the Committee of the Whole, viz.: To strike out the words "shall hold their offices until their successors shall be qualified, and they shall;" also, to insert the word "shall" after the word "court," in the second line.

Mr. Carr moved to amend section 29 by striking out the words "and clerks of said court," in the fifth line, which was agreed to.

So the Convention concurred in the amendment offered by Mr. Carr.

On motion of Mr. Stone, the Convention adopted section 29 as reported by the Committee of the Whole.

On motion of Mr. Hough, the Convention adopted section 30 as reported by the Committee of the Whole.

Mr. Carr moved to amend section 9 by striking out the words "appointed by the judges thereof, and shall hold his office during the pleasure of said judges," and inserting in lieu the words "elected by the qualified electors of the State."

And the question being upon the motion of Mr. Carr to amend section 9, and being put, it was decided in the negative. Ayes, 12; noes, 17.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Bromwell, Carr, Cooper, Ebert, Hurd, Lee, Plumb, Stover, Vigil, Wheeler, Widderfield, Yount.

Those voting in the negative are:

Messrs. Beck, Clark, Crosby, Douglas, Ellsworth, Elder, Felton, Hough, Marsh, Pease, Quillian, Rockwell, Stone, Thatcher, Webster, Wells, Mr. President.

So the Convention refused to concur in the amendments [amendment] offered by Mr. Carr.

Mr. Marsh moved the adoption of section 9, as reported by the Committee of the Whole.

And the question being upon the motion of Mr. Marsh to adopt section 9, and being put, it was decided in the affirmative. Ayes, 18; noes, 11.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Bromwell, Beck, Clark, Crosby, Douglas, Ellsworth, Elder, Felton, Hough, Marsh, Pease, Quillian, Rockwell, Stone, Thatcher, Webster, Wells, Mr. President.

Those voting in the negative are:

Messrs. Carr, Cooper, Ebert, Hurd, Lee, Plumb, Stover, Vijil, Wheeler, Widderfield, Yount.

So the Convention concurred in the motion of Mr. Marsh to adopt section 9, as reported by the Committee on Judiciary.

Mr. Stone moved that the recommendation of the Committee of the Whole to strike out section 4 of the additional section to the article on Judiciary, introduced by Mr. Bromwell, and insert in lieu a substitute therefor, be concurred in by the Convention.

And the question being upon the motion of Mr. Stone to concur in the recommendation of the Committee of the Whole, and being put, it was decided in the affirmative. Ayes, 20; noes, 9.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Beck, Clark, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Hough, Marsh, Pease, Quillian, Rockwell, Stone, Thatcher, Vigil, Webster, Wells, Widderfield, Mr. President.

Those voting in the negative are:

Messrs. Bromwell, Carr, Cooper, Hurd, Lee, Plumb, Stover, Wheeler, Yount.

So the Convention concurred in the recommendation of the Committee of the Whole.

Mr. Ellsworth moved the adoption of the substitute for section 4, as reported by the Committee of the Whole.

And the question being upon the motion of Mr. Ellsworth to adopt the substitute for section 4, as reported by the Committee of the Whole, and being put, it was decided in the affirmative. Ayes, 23; noes, 6.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Bromwell, Beck, Carr, Clark, Cooper, Crosby, Elder, Ebert, Felton, Lee, Marsh, Plumb, Quillian, Rockwell, Stover, Thatcher, Vigil, Webster, Wells, Wheeler, Widderfield, Yount, Mr. President.

Those voting in the negative are:

Messrs. Douglas, Ellsworth, Hurd, Hough, Pease, Stone.

So the Convention adopted the substitute for section 4, as reported by the Committee of the Whole.

Mr. Widderfield moved that the Convention concur in the recommendation of the Committee of the Whole, to strike out

section 5 of the additional sections, introduced by Mr. Bromwell.

And the question being upon the motion of Mr. Widderfield to concur in the recommendation of thhe Committee of the Whole, and being put, it was decided in the affirmative. Ayes, 19; noes, 12.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Boyles, Clark, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Hough, Marsh, Pease, Quillian, Rockwell, Stone, Thatcher, Webster, Wells, Widderfield, Mr. President.

Those voting in the negative are:

Messrs. Bromwell, Beck, Carr, Cooper, Hurd, Lee, Plumb, Stover, Vigil, White, Wheeler, Yount.

So the Convention concurred in the recommendation of the Committee of the Whole, to strike out section 5.

Mr. Douglas moved that the Convention concur in the recommendation of the Committee of the Whole, to strike out section 6 of the additional sections introduced by Mr. Bromwell.

And the question being upon the motion of Mr. Douglas, to concur in the recommendation of the Committee of the Whole, to strike out section 6, and being put, it was decided in the affirmative. Ayes, 19; noes, 12.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Boyles, Clark, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Hough, Pease, Quillian, Rockwell, Stone, Thatcher, Marsh, Webster, Wells, Widderfield, Mr. President.

Those voting in the negative are:

Messrs. Bromwell, Beck, Carr, Cooper, Hurd, Lee, Plumb, Stover, Vigil, White, Wheeler and Yount.

So the Convention concurred in the recommendation of the Committee of the Whole, to strike out section 6 of the additional sections introduced by Mr. Bromwell.

Mr. Carr moved to reconsider the vote by which section 23 was adopted by the Convention, which was agreed to.

Mr. Carr moved to amend section 23, by striking out the word "and" after the word "courts," in the eighth line, and insert in lieu the word "or."

Mr. Boyles moved to amend the amendment offered by Mr. Carr, by striking out the words "and to the Supreme Court."

And the question being upon the motion of Mr. Boyles to strike out the words "and to the Supreme Court," and being put, it was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Boyles.

The question then recurring on the motion to amend offered by Mr. Carr, and being put, it was agreed to.

So the Convention concurred in the amendment offered by Mr. Carr to section 23.

On motion of Mr. Carr, the Convention adopted section 23, as reported by the Committee of the Whole, as amended.

So the Convention adopted the article on Judiciary in the words following:

ARTICLE (—.)

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.

Sec. 2. The Supreme Court, except in cases otherwise directed herein, shall have appellate jurisdiction only, which shall be co-extensive with the State, and shall have a general superintending control over all inferior courts.

Sec. 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.

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

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

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

Sec. 7. The terms of office of the judges of the Supreme Court, except of those chosen at the first election, as hereinafter provided, shall be nine years.

Sec. 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 judge having the shortest time to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and as such 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.

Sec. 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.

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

DISTRICT COURTS.

Sec. 11. The District Courts shall have original jurisdiction of all cases, both at law and in equity, and such appellate jurisdiction as may be provided by law.

Sec. 12. The State shall be divided into four Judicial districts, in each of which there shall be elected by the electors thereof one judge, who shall be the judge of the District Court therein, and 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.

Sec. 13. No person shall be eligible to the office of district judge unless he shall 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 this State or Territory at least two years next preceding his election; nor unless he shall, at the time of his election, be an elector within the judicial district for which he is elected; Provided, That, at the first election, any person of the requisite age and learning, and who is an elector of the Territory of Colorado, under the laws thereof, at the time of the adoption of this Constitution, shall be eligible to the office of judge of the District Court of the judicial district within which he is an elector.

Sec. 14. Unless otherwise provided by law, said districts shall be as follows, viz.: First district, the counties of Boulder, Jefferson, Gilpin, Clear Creek 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.

Sec. 15. 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 in each county in each year, except in such counties as may be attached, for judicial purposes, to some other county wherein such courts are so held. This shall not be construed to prevent the holding of special terms in any county, as heretofore practised.

Sec. 16. The General Assembly, whenever two-thirds of the members of each house shall concur therein, may, after the year 1880, and not oftener than once in every six years, increase

the number of judges of the District Courts and the Judicial districts of the State. 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 vacate the office of any judge.

Sec. 17. The General Assembly may provide that, after the year 1878, 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 at such judicial election no person shall be voted for except candidates for the offices aforesaid, until otherwise provided by law. Such officers shall be elected at the time of holding the general elections; Provided, That, for the purpose of filling a vacancy occurring more than one year prior to the expiration of the term of office made vacant, such vacancy shall be filled at the general election next ensuing, and until such vacancy is filled at such election, the same shall be filled by appointment by the Governor.

Sec. 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 account of his office in any form whatever, nor act as attorney or counselor at law in any manner whatever.

Sec. 19. There shall be a clerk of each District Court for each county in which such court is held, who shall be appointed by the judges of the District Courts respectively, who shall hold his office during the pleasure of the judge, and whose duties and compensation shall be as provided by law, and regulated by the rules of the court.

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

Sec. 21. There shall be elected at each judicial election a district attorney for each Judicial 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 required of judges of the District Courts in this article.

COUNTY COURTS.

Sec. 22. There shall be elected at the general election in each organized county, in the year of our Lord one thousand eight hundred and seventy-seven, and every three years thereafter, 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 such as may be provided by law.

Sec. 23. County Courts shall be courts of record, and shall have original jurisdiction within each county 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, or 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 provided by law.

Writs of error shall be from the Supreme Court to every final judgment of the County Court. No appeal shall be to the District Court from any judgment given upon appeal from a justice of the peace.

Sec. 24. The General Assembly shall have power to create and establish a criminal court in each county having a population exceeding fifteen thousand, which courts 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.

Sec. 25. Justices of the peace shall be elected in and for such precincts or districts, and have such jurisdiction as may be conferred by law; Provided, That no justice of the peace shall have jurisdiction of any civil case wherein the value of property or the amount in controversy exceeds the sum of three hundred dollars, nor where the boundaries or title to real property shall be called in question.

POLICE MAGISTRATES.

Sec. 26. The General Assembly shall have power to provide for creating such police magistrates for cities and towns as may be deemed from time to time necessary or expedient.

MISCELLANEOUS.

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

Sec. 28. 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.

Sec. 29. All officers provided for in this article, except 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 vacancies shall be filled by appointment, as follows: Of judges of the Supreme and District Courts by the Governor; of district attorneys, by the judge or judges of the court to which the office appertains, and of all the (other) judicial officers, by the board of county commissioners of the county where the vacancy occurs.

Sec. 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."

Sec. 31. The District Courts shall have original jurisdiction to determine all controversies upon relation of any person on behalf of the people of the State concerning the rights, duties and liabilities of any railroad, telegraph or toll road companies or corporations.

On motion of Mr. Clark the article on Judiciary, as adopted by the Convention, was ordered engrossed and referred to the Committee on Revisions and Adjustments.

There being no objection, Mr. Wells, chairman of the Committee on Revisions and Adjustments, presented the report of that committee on the article entitled State Institutions and Buildings, as follows, and on his own motion it was ordered printed and laid npou the table for future consideration.

February 29, 1876.

To the President and Members of the Constitutional Convention:

Your Committee upon Revisions and Adjustments, to whom was briefly recommitted their former report on State Institutions and Buildings, beg leave to report the same back, with sundry emendations, as set forth in the accompanying draft of said article as recommended by your committee.

Respectfully submitted.

E. T. WELLS,

Chairman.

STATE INSTITUTIONS AND BUILDINGS.

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.

Sec. 2. Stricken out because provided for in section 7, article on Executive Department.

Sec. 3. To be considered with section 10, of article on Education.

Sec. 4. 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.

Sec. 5. When the seat of government shall have been located, as herein provided, the location thereof shall not thereafter be changed except by a vote of two-thirds of all the qualified electors of the State voting on that question at a general election, at which the question of location of the seat of government shall have been submitted by the General Assembly.

Sec. 6. The General Assembly shall make no appropriation or expenditure for capitol buildings or grounds until the seat of government shall have been permanently located, as herein provided.

Sec. The following Territorial institutions, to wit, the University at Boulder, the Agricultural College at Fort Collins, the School of Mines at Golden, and the Institute for the Education of Mutes at Colorado Springs; shall, upon the adoption of the 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 in-

stitution, the property, real or personal, of which is not vested in the trustees thereof, until such property be transferred by proper conveyance, together with the control thereof, to the officer provided for the management of said institution by the Constitution or by law.

Mr. Wells also presented the report of that committee on the article on Officers and Oath of Office, as follows, which on his own motion was laid upon the table for future consideration.

Denver, Colorado, February 29, 1876.

To the Honorable President and Constitutional Convention:

The Committee on Revisions and Adjustments, having had under consideration the article entitled Officers and Oath of Office, which was recommitted to them by order of the Convention, respectfully report the same back, with a substitute, recommended to be adopted in lieu of section 1 thereof, and with sundry emendations in the remaining sections thereof, all of which is respectfully submitted.

E. T. WELLS,
Chairman.

OFFICERS AND OATH OF OFFICE.

Substitute Recommended.

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 the General Assembly may by law provide for suspending any officer in his functions pending impeachments or prosecution for misconduct in office. This section 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.

For

Section 1. Every person holding office under this State, or any municipality therein, either by election or appointment, shall exercise the duties of his office until his successor is duly qualified according to law.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 6. Any civil officer who shall solicit, demand or receive or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage or promise thereof, for his vote, official influence or action, or for withholding the same, or with an understanding that his official influence or action shall be in any way influenced thereby, or who shall solicit or demand any such money or advantage, matter or thing aforesaid, for another, as the consideration of his vote, official influence or action, or for withholding the same, or shall give or withhold his vote, official influence or action in consideration of the payment or promise of such money, advantage, matter or thing, to another, shall be held guilty of bribery, or solicitation of bribery, as the case may be, within the meaning of this Constitution, and shall incur the disabilities provided thereby for such offense and such additional punishment as is or shall be prescribed by law.

Sec. 7. 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 General Assembly wil give or will promise or assent to give his vote or influence in favor of or against any other measure, 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 meas-

ure 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 thereafter be 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.

Sec. 8. Members of the General Assembly, before they enter upon their official duties, shall take the following oath or affirmation:

You do solemnly swear (or affirm) that you will support the Constitution of the United States and the Constitution of the State of Colorado, and that you will faithfully perform the duties of your office according to the best of your ability.

This oath or affirmation shall be administered in the hall of the house to which the member is elected.

Sec. 9. All civil officers, except members of the General Assembly, and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Colorado, and that I will faithfully discharge he duties of the office of ....., whereon I am about to enter, according to the best of my ability.

Sec. 10. 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 11 struck out and carried on schedule.)

On motion of Mr. Plumb, the consideration of the report of the Committee on Revenue and Finance was made the special order for 2 o'clock this afternoon.

Mr. Cooper, chairman of the Committee on Engrossing and Enrolling, reported back to the Convention the article on Bill of Rights as correctly engrossed.

There being no objection, the report was received and referred to the Committee on Revisions and Adjustments.

The President appointed Messrs. Felton, Ellsworth, Kennedy, Wheeler and Marsh a Special Committee to prepare ordinance in accordance with the resolution adopted yesterday.

On motion of Mr. Webster, the Convention adjourned until 2 o'clock p. m.

2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called. Absent—Messrs. Barela, Boyles, Crosby, Hough, Garcia, Head, James, Kennedy, Lee, Meyer, Quillian, Stone.

The President, for Mr. Wells, chairman of the Committee on Revisions and Adjustments, presented a report of that committee, as follows:

Denver, Colorado, February 29, 1876.

To the President and Members of the Constitutional Convention:

Your Committee on Revisions and Adjustments, having had under consideration the article embracing the Executive Department, beg leave to report the same back to the Convention, with sundry corrections, and recommend that the same be printed and laid on the table for the consideration and approval of the Convention.

Respectfully submitted,

E. T. WELLS,

Chairman.

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.

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

Sec. 3. The officers named in section 1 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 stricken out because provided for in the article on Impeachment.)

Sec. 5. 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 the Constitution any person being a qualified elector at the time of the adoption of the 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 shall have resided within the limits of the State two years next preceding his election.

Sec. 6. The Governor shall be commander-in-chief of the military forces of the State, except when they shall be called into actual service of the United States. He shall have power to call out the militia to execute the laws, suppress insurrection or repel invasion.

Sec. 7. The Governor shall nominate and by and with the consent of the Senate appoint all officers whose offices are established by the 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 a 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, on deliberating upon Executive nominations, may sit with closed doors, but in acting upon nominations, they shall sit with open doors, and the vote shall be taken by ayes and noes, which shall be entered upon the Journal.

Sec. 8. The Governor shall have power to grant reprieves, commutations and pardons after conviction for all offenses ex-

cept treason, and except in case of impeachment, subject to such regulations as may be prescribed by law relative to the manner of applying for pardons, but he shall, in every case where he may exercise this power, send to the General Assembly, at its first session thereafter, a transcript of the petition, all proceedings and the reasons for his action.

Sec. 9. 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.

Sec. 11. 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 12 carried to section 7.)

Sec. 13. Every bill passed by the General Assembly shall, before it becomes a law, be presented to the Governor. If he approve he shall sign it, and thereupon it shall become a law, but if he do not approve, he shall return it with his objections to the house in which it originated, which house shall enter the objections at large upon its Journal, and proceed to reconsider the bill. If then two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the Governor. In all such cases the vote of each house shall be determined by ayes and noes, to be entered upon the Journal. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return, in which case it shall be filed with his objections in the office of the Secretary of State within thirty days after such adjournment, or else become a law.

Sec. 14. 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.

Sec. 15. 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 disabilities be removed, shall devolve upon the Lieutenant Governor.

Sec. 16. 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 Lieutenant Governor until the vacancy is filled or the disability removed.

Sec. 17. 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.

Sec. 18. An account shall be kept by the officers of the Executive department and of all public institutions of the State of all moneys received by them severally from all sources, and for every service performed, and of all moneys disbursed by them severally, and a semi-annual report thereof shall be made to the Governor under oath.

Sec. 19. 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.

Sec. 20. There shall be a seal of the State, which shall be kept by the Secretary of the State, and shall be called the "great seal of the State of Colorado." The seal of the Territory of Col-

orado, as now used, shall be the seal of the State until otherwise provided by law.

Sec. 21. The officers named in section 1 of this article shall receive for their services a salary, to be established by law, which shall not be increased or diminished during their official terms. It shall be the duty of all such officers to collect in advance all fees prescribed by law for services rendered by them severally, and pay the same into the State Treasury.

Sec. 22. The Superintendent of Public Instruction shall be ex officio State Librarian.

Sec. 23. Neither the State Treasurer nor State Auditor shall be eligible for re-election as his own immediate successor.

On motion of Mr. Thatcher, the report was received, ordered printed and laid upon the table for future consideration.

Messrs. Quillian, Stone, James and Hough appeared and took their seats.

On motion of Mr. Felton, the Convention resolved itself into Committee of the Whole, to consider the report of the Committee on Revenue and Finance, Mr. White in the chair.

And after some time spent therein, the President resumed the chair and Mr. White submitted the following report:

Denver, February, 29th, 1876.

To the Hon, President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Committee on Revenue and Finance, having, according to order, had under consideration said report, have directed me to report the same back, with sundry amendments thereto, and ask the concurrence of the Convention therein, in the words following:

G. G. WHITE,
Chairman of the Committee of the Whole.

REVENUE AND FINANCE.

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

Sec. 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.

Sec. 3. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws, which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal; Provided, That 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 be taxed as may be provided by law.

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

Sec. 5. Buildings used exclusively for religious worship, for public schools or for purely charitable purposes, including the ground upon which they stand, not exceeding one hundred and fifty feet square; also, cemeteries not used or held for private or corporate profit, shall be exempt from taxation, unless otherwise provided by law.

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

Sec. 7. The General Assembly shall not impose taxes upon counties, cities, towns or other municipal corporations or upon the inhabitants thereof for any county, city, town or other municipal purposes, but may by general law vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

Sec. 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.

Sec. 9. The power to tax corporations and corporate property, real and personal, shall never be relinquished or suspended by any contract or grant to which the State shall be a party.

Sec. 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.

Sec. 11. The State tax on property shall never exceed six mills on each dollar of valuation, and whenever the taxable property of 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 of the State shall amount to three hundred million dollars the rate shall never thereafter exceed two mills on each dollar valuation, unless the proposition to increase such tax shall be submitted to a vote of the people, and a majority of those who in the year next preceding such election shall have paid a property tax assessed to them shall vote in favor thereof, in such manner as provided by law.

Sec. 12. All moneys belonging to the State shall immediately on the receipt thereof by the State Treasurer be deposited to the credit of the State in such bank or banks as he may select, with the approval of the Governor and the Attorney General; such bank or bank or banks giving security satisfactory to the Governor and Attorney General for the safe keeping and payment of such deposit whenever demanded by the State Treasurer

on his check; such bank to pay a bonus for the use of such deposit, such bonus to be not less than that paid by other banks for similar deposits, and the same, together with all interest and profit as may accrue therein, shall be disbursed by said Treasurer for the purposes of the State upon warrants drawn by the State Auditor according to law, and not otherwise.

Sec. 13. The Treasurer shall keep a separate account of the funds, and the number and amount of warrants received and from whom, and shall publish, in such manner as the Governor may designate, a quarterly statement showing the amount of State moneys and where the same are kept or deposited.

Sec. 14. The making profit out of State, county, city, town or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony and shall be punished as provided by law.

Sec. 15. Private property shall not be taken or sold for the payment of the corporate debt of municipal corporations.

Sec. 16. Every law enacted by the General Assembly creating a debt or authorizing a loan for State purposes shall provide for a sinking fund for the payment of such debt or loan within a period not exceeding fifteen and not less than ten years. After the payment of the debt for which such sinking fund has been provided the balance, if any, to the credit of the fund shall immediately be placed to the credit of the general fund of the State.

Sec. 17. 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 value 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.

On motion of Mr. James, the report was received.

On motion of Mr. Rockwell, sections 9 to 11 of the report of the Committee on Mines and Mining were taken from the table.

On motion of Mr. Clark, the further consideration of sections 9, 10 and 11 of the report of the Committee on Mines and Mining was indefinitely postponed.

On motion of Mr. Beck, the report of the Committee of the Whole on the article on Revenue and Finance was laid upon the table, and its consideration made the special order for to-morrow at 2 o'clock.

Mr. Thatcher, for Mr. Wells, Chairman of the Committee on Revisions and Adjustments, presented a report of that committee, as follows:

Denver, February 29, 1876.

To the President and Members of the Constitutional Convention:

Your Committee on Revisions and Adjustments, having had under consideration the Bill of Rights adopted by the Convention, respectfully report sundry emendations therein, as appears by a copy thereof hereto attached; all of which is respectfully submitted.

E. T. WELLS,
Chairman.

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.

Sec. 2. The people of this State have the sole and exclusive right of governing themselves as a free, sovereign and independent State, and to alter and abolish their Constitution and form of government whenever they may deem it necessary to their safety and happiness; provided, such change be not repugnant to the Constitution of the United States.

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

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

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

Sec. 6. That the courts of justice shall be open to every person and a speedy remedy afforded for every injury to person, property or character, and that right and justice should be administered without sale, denial or delay.

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

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

Sec. 9. 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 case of natural death.

Sec. 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.

Sec. 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.

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

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

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

Sec. 15. 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 property rights of the owner therein divested; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question and determined as such without regard to any legislative assertion that the use is public.

Sec. 16. 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 accusations; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Sec. 17. 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 District, Supreme or County Court at the earliest time he can attend, at some convenient place by him appointed for that purpose, of which time and place the accused and the attorney prosecuting for the people shall have reasonable notice. The accused shall have the right to appear in person and by counsel; if he have no counsel the judge shall assign him one in that behalf only; on the completion of such examination the witness shall be discharged on his own recognizance entered into before said judge; but such deposition shall not be used if in the opinion of the court the personal attendance of the witness might be procured by the prosecution or is procured by the accused. No exception shall be taken to such deposition as to matters of form.

Sec. 18. 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 does (not) agree, or if the judgment be arrested after a verdict, or if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.

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

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

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

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

Sec. 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.

Sec. 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.

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

On motion of Mr. Thatcher, the report was received, ordered printed and laid upon the table for future consideration.

Mr. Cooper, Chairman of the Committee on Engrossing and Enrolling, reported back to the Convention the article on State, County and Municipal Indebtedness as correctly engrossed.

There being no objection, the report was received and referred to the Committee on Revisions and Adjustments.

On motion of Mr. Thatcher, the rules were suspended and the vote by which the report of Committee on Accounts and Expenditures of Convention was adopted was reconsidered.

On motion of Mr. Thatcher, the report was recommitted to that committee.

On motion of Mr. Marsh, the consideration of the article on Irrigation, Agriculture and Manufactures was made the special order for to-morrow after the regular order of business.

On motion of Mr. Beck, the Convention adjourned until 9 o'clock a. m. to-morrow.

WEDNESDAY, MARCH 1, 1876, 9 O'CLOCK.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Keller.

Roll called. Absent—Messrs. Barela, Boyles, Ebert, Garcia, Hurd, Head, Kennedy, Meyer, Stone and White.

The Journal having been partially read, Mr. Widderfield moved that the reading of so much of the Journal as embraced the reports of Standing Committees be dispensed with, which was agreed to.

The remainder of the Journal was then read and the same approved.

Mr. Yount, Chairman of the Committee on Accounts and Expenditures of Convention, reported back their former report in reference to the mileage of members, with certain corrections therein, viz.: Robert A. Quillian, 350 miles' mileage, at 15 cents, $52.50; Willie McCord, 51 days, at $5, $255.00.

On motion of Mr. James, the report was received.

On motion of Mr. James, the report was adopted.

Mr. Cooper, Chairman of the Committee on Engrossing and Enrolling, reported back the article on Public and Private Corporations as correctly engrossed.

There being no objection, the report was received and referred to the Committee on Revisions and Adjustments.

Mr. Cooper also reported back the articles on Militia and Future Amendments as correctly engrossed, and, there being no objection, they were referred to the Committee on Revisions and Adjustments for adjustment in the Constitution.

Mr. Plumb, Chairman of the Committee on Irrigation, Agriculture and Manufactures, presented the following report of that committee, which, on his own motion, was laid upon the table to be taken up when the article on Irrigation, Agriculture and Manufactures is before the Convention:

Denver, March 1, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Irrigation, Agriculture and Manufactures, to whom was referred section four (4) of said article, together with sundry amendments, beg leave to state that they have had the same under consideration and would recommend the following as a substitute section, all of which is respectfully submitted:

S. J. PLUMB,
Chairman.

Section 4. 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 furnished by individuals or corporations.

Mr. Clark gave notice that he would on Friday next or at some subsequent time move to reconsider the vote by which section 1 of the article on Education and Educational Institutions was adopted, in order to strike out so much of the section as relates to text books in common schools.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, presented the report of that committee on the article on Legislature and Legislation, as follows, which, on his own motion, was ordered printed and laid on the table for future consideration:

Denver, March 1, 1876.

To the President and Members of the Constitutional Convention:

Your Committee on Revisions and Adjustments, having had under consideration the article on Legislature and Legislation, the article on Impeachment and the section in regard to adulterated liquors, beg leave to report the same, with sundry emendations, which appear by the several copies of said articles and sections which are hereto attached; all of which is respectfully submitted.

E. T. WELLS,
Chairman.

ARTICLE —.

LEGISLATURE AND LEGISLATION.

THE LEGISLATURE.

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.

Sec. 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.

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

Sec. 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 at the time of the adoption of this Constitution any person who was a qualified elector under the Territorial laws shall be eligible to the General Assembly.

Sec. 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.

Sec. 6. Each member of the first General Assembly as a compensation for his services shall receive four dollars for each day's attendance and fifteen cents for each mile necessarily traveled in going to and returning from the seat of government, and shall receive no other compensation, perquisite or allowance 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.

Sec. 7. The General Assembly shall meet at 12 o'clock noon on the fourth 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 fourth Wednesday of November next after their election until otherwise provided by law.

Sec. 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 attorney at law, notary public, or in the militia) under the United States or this State shall be a member of either house during his continuance in office.

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

Sec. 10. 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 qualifications of its members.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

LEGISLATION.

Section 1. 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.

Sec. 2. The style of the laws of this State shall be: "Be it enacted by the General Assembly of the State of Colorado."

Sec. 3. 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.

Sec. 4. No bill shall be considered or become a law unless referred to a committee returned therefrom and printed for the use of the members.

Sec. 5. 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.

Sec. 6. 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 a vote of a majority of all members elected to each house, nor unless on its final passage, the vote to be taken by ayes and noes, and the names of those voting be entered on the Journal.

Sec. 7. No amendments 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 vote of a majority of the members elected thereto, taken by ayes and noes, and the names of those voting recorded upon the Journal thereof.

Sec. 8. No law shall be revived or amended or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be re-enacted and published at length.

Sec. 9. 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.

Sec. 10. 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, percentage or allowances of public

officers; changing of the law of descent; granting to any corporation, association or individual, the right to lay down railroad tracks; granting to any 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.

Sec. 11. (Consolidated with Section 24.)

Sec. 12. 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.

Sec. 13. The General Assembly shall prescribe by law the number, dates and compensation of the officers and employes of each house; and no payment shall be made from the State Treasury or be in any way authorized to any person except to an acting officer or employe elected or appointed in pursuance of law.

Sec. 14. No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or contractor after services shall have been rendered or contract made; nor providing for the payment of any claim made against the State without previous authority of law.

Sec. 15. All stationery, printing, paper and fuel used in the Legislature 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.

Sec. 16. 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.

Sec. 17. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments as in case of other bills.

Sec. 18. The General Appropriation Bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 19. No money shall be paid out of the Treasury, except upon appropriations made by law and on warrant drawn by the proper officer in pursuance thereof.

Sec. 20. No appropriation shall be made for charitable, industrial, educational or benevolent purposes, to any person, corporation or community not under the absolute control of the State, nor to any denominational or sectarian institution or association.

Sec. 21. The General Assembly shall not delegate to any special commission, private corporation or association any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Sec. 22. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees in the bonds or stocks of any private corporation.

Sec. 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

Sec. 24. No obligation or liability of any person, association or corporation held or owned by the State or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed or in any way diminished by the General Assembly; nor shall such liability or obligation be extinguished, except by payment thereof into the proper treasury.

Sec. 25. (Struck out because provided for in Section 10 of this article.)

Sec. 26. 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.

Sec. 27. A 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 or official influence, or for withholding the same, or with an understanding, express or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid, for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of brib-

ery 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 provided by law.

Sec. 28. Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer or member of the General Assembly to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and be punished in such manner as shall be provided by law.

Sec. 29. The offense of corrupt solicitation of members of the General Assembly or of public officers of the State, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law and shall be punished by fine and imprisonment.

Sec. 30. 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.

IMPEACHMENT AND REMOVAL FROM OFFICE.

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 the concurrence of two-thirds of the Senators elected.

Sec. 2. The Governor and other State and judicial officers, except county judges and justices of the peace, shall be liable to imprisonment 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.

Sec. 3. Provision shall be made by law for the removal from office of all civil officers not liable to impeachment for misconduct or malfeasance in office.

ARTICLE —.

Section 1. 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 manu-

facture within this State, except for chemical or mechanical purposes, of any 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.

Sec. 2. The General Assembly shall provide by law for the condemnation and destruction of all spurious, poisonous or drugged liquors herein prohibited.

Messrs. White, Stone and Kennedy appeared and took their seats.

Mr. White moved that the vote by which section 9 of the article on legislation was adopted be reconsidered.

Mr. Beck moved that the motion of Mr. White to reconsider be laid upon the table.

And the question being upon the motion of Mr. Beck to lay the motion to reconsider upon the table, and being put, it was decided in the negative—ayes, 14; noes, 15.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Bromwell, Beck, Carr, Cooper, Douglas, Felton, Kennedy, Lee, Plumb, Rockwell, Webster, Wheeler, Yount, Mr. President.

Those voting in the negative are—Messrs. Cushman, Crosby, Ellsworth, Elder, Hough, James, Marsh, Pease, Quillian, Stone, Thatcher, Vijil, White, Wells, Widderfield.

So the Convention refused to concur in the motion of Mr. Beck to lay the motion to reconsider upon the table.

The question then being on the motion of Mr. White to reconsider the vote by which section 9 of the article on Legislation was adopted, and being put, it was decided in the affirmative—ayes, 16; noes, 15.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Cushman, Clark, Crosby, Ellsworth, Elder, Hough, James, Marsh, Pease, Quillian, Stone, Thatcher, Vigil, White, Wells, Widderfield.

Those voting in the negative are—Messrs. Bromwell, Beck, Carr, Cooper, Douglas, Felton, Kennedy, Lee, Plumb, Rockwell, Stover, Webster, Wheeler, Yount, Mr. President.

So the Convention concurred in the motion of Mr. White to reconsider.

Mr. White moved that section 9 of the article on legislation be stricken out, and the following substitute be inserted in lieu thereof:

Sec. 9. All unreasonable or unjust contracts, or contracts that may be contrary to public policy, made by all persons, associations or corporations with any person or persons, shall be void.

And the question being upon the motion of Mr. White to strike out section 9 and insert in lieu the substitute offered by him, and being put, it was not agreed to.

So the Convention refused to concur in the motion of Mr. White to strike out section 9 and insert the substitute offered by him.

Messrs. Ebert and Hurd appeared and took their seats.

Mr. Pease moved to amend the section by inserting after the word "corporation," in the fourth line, the words "against the negligence of such person, company or corporation."

Mr. Carr moved to amend the amendment offered by Mr. Pease by adding, after the word "corporation," the words "or the agents, or the employes thereof."

And the question being upon the motion of Mr. Carr to amend the amendment offered by Mr. Pease, and being put, it was agreed to.

Mr. Beck moved to further amend the amendment offered by Mr. Pease by striking out the word "against" and inserting in lieu the words "by reason of."

Which amendment was accepted by Mr. Pease.

The question then being upon the motion of Mr. Pease as amended by Mr. Carr and Mr. Beck, to amend section 9 of the article on legislation, and being put, it was agreed to.

So the Convention concurred in the amendment offered by Mr. Pease, as amended by Mr. Carr and Mr. Beck.

The question then being, "Will the Convention adopt section 9 of the article on legislation as amended?" and being put, it was decided in the affirmative—ayes, 23; noes, 10.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Bromwell, Beck, Carr, Cushman, Clark, Cooper, Douglas, Elder, Felton, Hurd, James, Kennedy, Lee, Marsh, Plumb, Pease, Rockwell, Stover, Vigil, Webster, Wheeler, Yount, Mr. President.

Those voting in the negative are—Messrs. Crosby, Ellsworth, Ebert, Hough, Quillian, Stone, Thatcher, White, Wells, Widderfield.

So the Convention adopted section 9 of the article on legislation, in the words following:

"Sec. 9. 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 agent or the employe thereof, and such contracts shall be absolutely null and void."

Mr. Wells moved to reconsider the vote by which section 15 of the article on education and educational institutions was adopted:

"Sec. 15. The General Assembly shall, as soon as practicable, provide for the institutions [Institution] for the education of deaf mutes, the Agricultural College and the School of Mines."

And the question being on the motion of Mr. Wells to reconsider, and being put, it was agreed to.

The question then being, "Will the Convention adopt section 15 of the article on education and educational institutions?" and being put, it was decided in the negative—ayes, 10; noes, 23.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Bromwell, Beck, Carr, Cushman, Hurd, Lee, Stover, White, Wheeler, Yount.

Those voting in the negative are—Messrs. Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Hough, Kennedy, Marsh, Plumb, Pease, Quillian, Rockwell, Stone, Thatcher, Vijil, Webster, Wells, Widderfield, Mr. President.

So the Convention refused to adopt section 15 of the article on education and educational institutions.

On motion of Mr. Wells, the report of the Committee on Revisions and Adjustments on the article on legislature and legislation was recommitted to that committee.

On motion of Mr. Clark, the article on mines and mining, adopted by the Convention as follows, was ordered engrossed and referred to the Committee on Revisions and Adjustments:

ARTICLE —.

MINES AND MINING.

Section 1. There shall be established and maintained the office of Commissioner of Mines, whose duties shall be prescribed by the General Assembly.

Sec. 2. The Governor shall, with the advice and consent of the Senate, appoint a person who is known to be competent for Commissioner of Mines whenever such office shall be created, who shall hold his office for a term of four years, unless sooner removed by the Governor for cause.

Sec. 3. The General Assembly shall fix the salary of the Commissioner of Mines, and prescribe the time and manner in which he shall make his report, and provide generally for the wants of that office.

Sec. 4. The General Assembly shall pass such laws as may be necessary for the protection of operative miners by providing for proper ventilation of mines whenever the same may be required, as well as for the construction of escapement shafts or other such appliances as may be necessary to secure safety to the workmen in a mine.

Sec. 5. The General Assembly shall provide by law such regulations in mines as may be necessary to protect the health of the operatives, and prohibit the employment of children in the mines under twelve years of age.

Sec. 6. The General Assembly may make such regulations from time to time as may be necessary for the proper and equitable drainage of mines.

Sec. 7. 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.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, presented the report of that committee on legislature and legislation, with amendment to section 9 thereof, which, on his own motion, was ordered printed and laid upon the table for future consideration:

Sec. 9. 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.

On motion of Mr. Rockwell, the report of the Committee of the Whole on the article on Irrigation, Agriculture and Manufactures was taken from the table.

Mr. Douglas moved that the report be considered by sections, which was agreed to.

On motion of Mr. Rockwell, the Convention concurred in the recommendation of the Committee of the Whole to strike out section 1 of the report of the Committee on Irrigation, Agriculture and Manufactures, and insert in lieu a substitute thereof, viz.:

"Section 1. 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."

On motion of Mr. Rockwell, the Convention concurred in the amendments to section 2 reported by the Committee of the Whole, viz.: To insert at the beginning of the section the words "Exempt † for domestic purposes;" to strike out the word "first" and "June" in the first line, and insert in lieu the words "last" and "May;" also, to insert in second line, after the word "agriculture," the words "and horticultural;" also, to add to the section the words "over manufacturing establishments."

†So in text.

Mr. Bromwell moved to amend section 2 by striking out the word "appropriation" in the first line, and inserting in lieu the words "actual use."

Mr. Thatcher moved to amend the amendment offered by Mr. Bromwell by inserting after the word "appropriation," in the first line, the words "by actual use."

Which amendment was accepted by Mr. Bromwell.

And the question being upon the amendment offered by Mr. Bromwell as amended by Mr. Thatcher, and being put, it was decided in the affirmative—ayes, 16; noes, 11.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Bromwell, Beck, Cushman, Douglas, Hurd, Marsh, Plumb, Pease, Rockwell, Stone, Stover, Thatcher, Webster, Widderfield, Yount, Mr. President.

Those voting in the negative are—Messrs. Cooper, Ellsworth, Felton, Hough, James, Lee, Wheeler, Quillian, Vigil, White, Wells.

So the Convention concurred in the amendment offered by Mr. Bromwell.

Mr. Wells moved to amend section 2 by striking out the words "except for domestic purposes," in the first line; also to strike out all of the section after the word "right," in the first line, and insert in lieu the words "between those using water for the same purpose," which was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Wells.

Mr. Wells moved to amend section 2, by striking out the words "except for domestic purposes," in first line; also by striking out all of the section after the word "right," in the same line and inserting in lieu the words "between those using water for the same purpose. Those using water for the irrigation of cultivated lands for the purposes of agriculture shall be preferred to those applying it to manufacturing purposes."

On motion of Mr. Beck, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Barela, Boyles, Clark, Crosby, Garcia, Head, Marsh, Meyer, Quillian, Rockwell and White.

The Convention resumed the consideration of the report of the Committee of the Whole on the article on Irrigation, Agriculture and Manufactures.

Mr. Wells withdrew the amendment offered by him to section 2.

Mr. Elder asked leave for himself and Mr. Beck to sit as the Committee on Miscellaneous Subjects during the afternoon session, which was granted.

Mr. Pease moved that section 2 be stricken out and the following be inserted as a substitute therefor:

Section 2. 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 to use the same, those using the water for agricultural purposes shall have preference over those using the same for the purpose of manufactures.

Messrs. Marsh, Clark, Quillian and Rockwell appeared and took their seats.

Mr. Beck moved to amend the substitute offered by Mr. Pease by inserting the words "domestic or," before the word "agricultural," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Beck.

Mr. Marsh moved to amend the substitute offered by Mr. Pease by inserting the words "mining or," before the word "manufactures."

Mr. Stone moved to amend the substitute offered by Mr. Pease by striking out all after the words "water for," and inserting in lieu the words "domestic purposes, shall have preference over any other purpose. And those using the water for agricultural purposes shall have preference over those using the same for purposes of manufactures," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Stone.

The question then being upon the motion of Mr. Pease to strike out section 2 as reported by the Committee of the Whole, and insert the substitute offered by him as amended, and being put it was agreed to.

So the Convention concurred in the motion of Mr. Pease to strike out the section as reported by the Committee of the Whole and insert the substitute in lieu.

On motion of Mr. James, the Convention concurred in the amendments to section 3 reported by the Committee of the Whole, viz.: To insert in second line after the word "water," the words "for domestic purposes and;" also to add to the section the words "upon payment of just compensation."

Upon motion of Mr. Stone the Convention adopted section 3 as reported by the Committee of the Whole.

On motion of Mr. Widderfield, the Convention concurred in the recommendation of the Committee of the Whole, to strike

out section 4 of the report of the Committee on Irrigation, Agriculture and Manufactures.

On motion of Mr. Pease, the Convention concurred in the recommendation of the Committte of the Whole to recommit section 5 of the original report of the Committee on Irrigation, Agriculture and Manufactures to that committee.

Mr. Carr moved that the substitute for section 5 reported by the Committee on Irrigation, Agriculture and Manufactures be adopted, and the question being upon the motion of Mr. Carr to adopt the substitute for section 5, and being put, it was decided in the affirmative—ayes, 21; noes, 3.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Bromwell, Carr, Cushman, Clark, Cooper, Douglas, Felton, Hurd, James, Lee, Marsh, Plumb, Pease, Quillian, Rockwell, Stone, Stover, Vigil, Webster, Wheeler, Mr. President.

Those voting in the negative are—Messrs. Ellsworth, Thatcher and Widderfield.

So the Convention adopted the substitute for section 5 reported by the Committee of the Whole.

On motion of Mr. Clark, the Convention concurred in the recommendation of the Committee of the Whole to strike out section 7 of the report of the Committee on Irrigation, Agriculture and Manufactures.

So the Convention adopted the article on Irrigation, Agriculture and Manufactures in the words following:

ARTICLE —.

IRRIGATION, AGRICULTURE AND MANUFACTURES.

Section 1. The water of every natural stream not heretofore appropriated within the State of Colorado is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the State, subject to appropriation as hereinafter provided.

Sec. 2. The right to direct 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 waters for the same purpose; but when the waters of any natural stream are not sufficient for the service of all those desiring to use the same, those using the water for domestic purposes shall have preference over any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for purposes of manufactures.

Sec. 3. All persons and corporations shall have the right of way across private and corporate lands for the construction of ditches, canals and flumes for the purpose of conveying water

for domestic purposes and for the irrigation of agricultural lands, and for mining and manufacturing purposes, and for drainage, upon payment of just compensation.

Sec. 4. 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.

On motion of Mr. Clark, the article on Irrigation, Agriculture and Manufactures was ordered engrossed and referred to the Committee on Revisions and Adjustments.

On motion of Mr. Rockwell, the report of the Committee of the Whole on the article on Revenue and Finance was taken from the table.

On motion of Mr. Cooper, the Convention adopted section 1 as reported by the Committee of the Whole.

On motion of Mr. Douglas, the Convention adopted section 2 as reported by the Committee of the Whole.

On motion of Mr. Douglas, the Convention concurred in the amendments to section 3 reported by the Committee of the Whole, viz.: To insert in the third line, after the word "real," the word "and;" also to strike out all of the section after the word "personal," in the third line and insert in lieu the words "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 be taxed as may be provided by law."

Mr. Felton moved to amend section 3 by adding thereto the words "all ditches, canals and flumes constructed by individuals or corporations for the exclusive purpose of irrigating lands owned by said individuals or corporations shall not be separately taxed."

Mr. Carr moved to amend the amendment offered by Mr. Felton by inserting between the words "corporation" and "shall," the words "or the individual members of such corporation," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Carr to the amendment offered by Mr. Felton.

Mr. Rockwell moved to amend the amendment offered by Mr. Felton by inserting after the word "constructed," the words "and used," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Rockwell to the amendment offered by Mr. Felton.

Mr. Cushman moved to amend the amendment offered by Mr. Felton by inserting before the word "irrigating," the words

"mining," and the question being upon the motion of Mr. Cushman to amend the amendment offered by Mr. Felton, and being put and a division called, it was decided in the affirmative—ayes, 13; noes, 7.

So the Convention concurred in the amendment offered by Mr. Cushman to the amendment offered by Mr. Felton.

Mr. Bromwell moved to amend the amendment offered by Mr. Felton by adding thereto the words "so long as they shall be exclusively used as above mentioned," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Bromwell to the amendment offered by Mr. Felton.

Mr. Pease moved to amend the amendment offered by Mr. Felton by adding thereto the words "together with all mills situated thereon," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Pease to the amendment offered by Mr. Felton.

Mr. Cooper moved to further amend the amendment offered by Mr. Felton by inserting the words "owned or," before the word "constructed," which was also agreed to.

So the Convention concurred in the amendment offered by Mr. Cooper to the amendment offered by Mr. Felton.

Mr. James moved the adoption of the amendment to section 3, offered by Mr. Felton, as amended.

And the question being upon the motion of Mr. James to adopt the amendment offered by Mr. Felton as amended, and being put, it was decided in the negative—ayes, 5; noes, 19. The ayes and noes being called for, those voting in the affirmative are—Messrs. Stover, Vigil, Wheeler, Widderfield and Yount.

Those voting in the negative are—Messrs. Bromwell, Carr, Cushman, Clark, Cooper, Douglas, Ellsworth, Felton, Hurd, Hough, James, Marsh, Plumb, Pease, Quillian, Rockwell, Thatcher, Webster, Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Felton as amended.

Mr. Rockwell moved to amend section 3 by adding thereto the words "all ditches, canals and flumes, owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations or the individual members thereof shall not be separately taxed so long as they shall be owned and used exclusively for such purposes."

Mr. Bromwell moved to amend the amendment offered by Mr. Rockwell by inserting after the word "flumes," the words "artesian wells, wind mills and pumps."

And the question being upon the motion of Mr. Bromwell to amend the amendment offered by Mr. Rockwell, and being put it was decided in the affirmative—ayes, 13; noes, 9.

Messrs. Cooper and James were excused from voting.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Bromwell, Clark, Douglas, Hurd, Marsh, Pease, Quillian, Stover, Vigil, Webster, Widderfield, Yount, Mr. President.

Those voting in the negative are—Messrs. Carr, Cushman, Ellsworth, Felton, Hough, Plumb, Rockwell, Thatcher, Wheeler.

So the Convention concurred in the amendment offered by Mr. Bromwell to the amendment offered by Mr. Rockwell.

Mr. Ellsworth moved to adjourn until 9 o'clock a. m. tomorrow.

And the question being upon the motion of Mr. Ellsworth to adjourn and being put, and a division called, it was decided in the negative—ayes, 6; noes, 16.

So the Convention refused to concur in the motion of Mr. Ellsworth to adjourn.

Mr. Marsh moved to reconsider the vote by which the amendment of Mr. Bromwell to the amendment offered by Mr. Rockwell was adopted, which was agreed to.

So the Convention concurred in the motion of Mr. Marsh to reconsider. The question then being on the motion of Mr. Bromwell to amend the amendment offered by Mr. Rockwell, and being put, it was not agreed to.

So the Convention refused to concur in the motion of Mr. Bromwell to amend the amendment offered by Mr. Rockwell.

The question then being upon the motion of Mr. Rockwell to amend section 3, and being put, it was agreed to.

So the Convention concurred in the motion of Mr. Rockwell to amend section 3.

On motion of Mr. Carr, the Convention adopted section 3 as reported by the Committee of the Whole as amended.

Mr. Carr, of the Committee on Revisions and Adjustments, presented a report of that committee on the article on Education and Educational Institutions as follows, which on his own motion was ordered printed and laid upon the table for future consideration:

To the President and Members of the Constitutional Convention:

Your Committee on Revisions having had under consideration the article on Education and Educational Institutions, beg leave to report the same, with sundry emendations according to the draft thereof, with such emendations inserted, assorted, all of which is respectfully submitted.

E. T. WELLS,
Chairman.

EDUCATION AND EDUCATIONAL INSTITUTIONS.

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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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 purposes.

Sec. 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.

Sec. 7. Neither the General Assembly nor any county, city, town, township, school district, or other public corporation shall ever make any appropriations or pay from any public fund or

moneys whatever, anything in aid of any church or sectarian society or for any sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by any church or sectarian denomination whatsoever; nor shall any grant or donation of land, money or other personal property ever be made by the State or any such public corporation to any church, or for any sectarian purpose.

Sec. 8. 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. Nor shall any distinction or classification of pupils be made on account of race or color.

Sec. 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.

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

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

Sec. 12. There shall be elected by the qualified electors of the State at the first general election under this Constitution, six Regents of the university, who shall immediately after their

election be so classified by lot that two shall hold their office for the term of two years, two for four years and two for six years, and every two years after the first election there shall be elected two Regents of the university, whose term of office shall be six years. The Regents thus elected and their successors shall constitute a body corporate to be known by (the) name and style of the Regents of the University of Colorado.

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

Sec. 14. The Board of Regents shall have the general supervision of the university and the exclusive control and direction of all funds and appropriations to the university.

Sec. 15. Stricken out.

Sec. 16. The General Assembly shall by law provide for the 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 people of the district. Said directors shall have control of instruction in the public schools of their respective districts.

Sec. 17. The General Assembly shall have no power to prescribe text books to be used in the public schools.

On motion of Mr. Marsh, the Convention adopted section 4 as reported by the Committee of the Whole.

Mr. Carr moved that the Convention do not concur in the recommendation of the Committee of the Whole to strike out section 5 of the report of the Committee on Revenue and Finance, and insert in lieu the following substitute:

Section 5. Buildings used exclusively for religious worship, for schools or for purely charitable purposes, including the ground upon which they stand, not exceeding one hundred and fifty feet square; also cemeteries not used or held for private or corporate profit, shall be exempt from taxation.

And the question being upon the motion of Mr. Carr to not [not to] concur in the recommendation of the Committee of the Whole, and being put, it was decided in the negative—ayes, 5; noes, 20.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Bromwell, Carr, Hough, Plumb, Vigil.

Those voting in the negative are—Messrs. Cushman, Clark, Cooper, Douglas, Ellsworth, Felton, Hurd, Kennedy, Marsh, Pease, Quillian, Rockwell, Stover, Thatcher, Webster, Wilcox, Wheeler, Widderfield, Yount, Mr. President.

So the Convention rejected the motion of Mr. Carr not to concur in the recommendation of the Committee of the Whole to strike out section 5 of the report of the Committee on Revenue and Finance, and insert in lieu the substitute therefor.

Mr. Bromwell moved to strike out the substitute for section 5, reported by the Committee of the Whole, and insert in lieu the following:

Section 5. Buildings used exclusively for public worship, schools, or for purposes purely charitable, to be specified, together with the ground on which the same may be situated, sufficient in extent for the necessary and convenient use of the same; also, cemetery lots, which have been actually used for burial of the dead, and such lots of ground as have been or may be dedicated to public use as burial places, may be exempt from taxation, provided, such exemption be only by a general law.

And the question being upon the motion of Mr. Bromwell to strike out the substitute for section 5, reported by the Committee of the Whole, and insert in lieu the substitute offered as above, and being put, it was decided in the negative—ayes, 6; noes, 18.

The ayes and noes being called for, those voting in the affirmative are— Messrs. Bromwell, Carr, James, Pease, Webster, Yount.

Those voting in the negative are—Messrs. Cushman, Clark, Cooper, Crosby, Douglas, Ellsworth, Felton, Hurd, Kennedy, Marsh, Quillian, Rockwell, Stover, Vigil, Wilcox, Wheeler, Widderfield, Mr. President.

So the Convention refused to concur in the substitute offered by Mr. Bromwell for the substitute recommended by the Committee of the Whole for section 5 of the report of the Committee on Revenue and Finance.

Mr. Pease moved to amend the substitute for section 5, reported by the Committee of the Whole, by inserting after the word "worship" the words "not exceeding in value ten thousand dollars."

And the question being upon the amendment offered by Mr. Pease, and being put, it was decided in the negative. Ayes, 6; noes, 19.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Carr, Cushman, Clark, James, Pease, Vigil.

Those voting in the negative are—Messrs. Cooper, Crosby, Douglas, Ellsworth, Felton, Hurd, Hough, Kennedy, Marsh, Plumb, Quillian, Rockwell, Stover, Webster, Wilcox, Wheeler, Widderfield, Yount, Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Pease.

Mr. Pease moved to amend the substitute for section 5 by inserting between the words "for" and "school" the word "public."

And the question being upon the motion of Mr. Pease to amend by inserting the word "public" between the words "for" and "schools," and being put, it was decided in the affirmative. Ayes, 14; noes, 11.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Carr, Clark, Ellsworth, Felton, Hurd, James, Pease, Rockwell, Vigil, Webster, Wilcox, Wheeler, Widderfield, Yount.

Those voting in the negative are—Messrs. Cushman, Cooper, Crosby, Douglas, Hough, Kennedy, Marsh, Plumb, Quillian, Stover, Mr. President.

So the Convention concurred in the amendment offered by Mr. Pease.

Mr. Ellsworth moved to amend the substitute for section 5 by adding thereto the words "unless otherwise provided by law."

And the question being upon the motion of Mr. Ellsworth to amend the substitute for section 5, reported by the Committee of the Whole, and being put, it was decided in the affirmative. Ayes, 15; noes, 10.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Carr, Cushman, Clark, Cooper, Crosby, Ellsworth, Felton, Hurd, James, Plumb, Pease, Webster, Wilcox, Wheeler, Yount.

Those voting in the negative are—Messrs. Douglas, Hough, Marsh, Quillian, Rockwell, Stone, Stover, Vigil, Widderfield, Mr. President.

So the Convention concurred in the amendment offered by Mr. Ellsworth.

Mr. Carr moved that section 5 of the report of the Committee on Revenue and Finance be stricken out and the substitute therefor reported by the Committee of the Whole, as amended, be inserted in lieu.

And the question being upon the motion of Mr. Carr to adopt the substitute for section 5, reported by the Committee of the Whole, as amended, and being put, it was decided in the affirmative. Ayes, 14; noes, 12.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Carr, Cushman, Clark, Crosby, Ellsworth, Felton, Hurd, James, Plumb, Pease, Webster, Wilcox, Wheeler, Yount.

Those voting in the negative are—Messrs. Bromwell, Cooper, Douglas, Hough, Marsh, Quillian, Rockwell, Stone, Stover, Vigil, Widderfield, Mr. President.

So the Convention adopted the substitute for section 5, as reported by the Committee of the Whole, as amended.

Mr. Wells, chairman of the Committee on Revisions and Adjustments, by Mr. Carr, asked that that committee be authorized to employ an engrossing clerk, which authority was granted by the Convention.

On motion of Mr. Yount, the Convention adopted section 6 as reported by the Committee of the Whole.

On motion of Mr. Widderfield, the Convention adopted section 7 as reported by the Committee of the Whole.

On motion of Mr. Yount, the Convention adopted section 8 as reported by the Committee of the Whole.

On motion of Mr. Yount, the Convention adopted section 9 as reported by the Committee of the Whole.

On motion of Mr. Plumb, the Convention adopted section 10 as reported by the Committee of the Whole.

Mr. Cooper moved to amend section 11 by striking out the word "six" in the first line and inserting in lieu the word "four;" by striking out the word "four" in the third line and inserting in lieu the word "three," and by striking out the word "two" in the fourth line and inserting in lieu the words "one and one-half."

And the question being upon the motion of Mr. Cooper to amend section 11, and being put, it was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Cooper.

Mr. Rockwell moved the adoption of section 11 as reported by the Committee of the Whole.

And the question being upon the motion of Mr. Rockwell to adopt section 11 as reported by the Committee of the Whole, and being put, it was decided in the affirmative. Ayes, 18; noes, 5.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Cushman, Clark, Crosby, Douglas, Ellsworth, Felton, Hurd, Hough, James, Marsh, Pease, Quillian, Rockwell, Webster, Wheeler, Widderfield, Yount, Mr. President.

Those voting in the negative are—Messrs. Cooper, Plumb, Stover, Vigil, Wilcox.

So the Convention adopted section 11 as reported by the Committee of the Whole.

Mr. Ellsworth gave notice that he would to-morrow move to reconsider the vote by which section 5 was adopted.

On motion of Mr. Clark, the Convention adopted section 12 as reported by the Committee of the Whole.

On motion of Mr. Plumb, the Convention adopted section 13 as reported by the Committee of the Whole.

On motion of Mr. Rockwell, the Convention adopted section 14 as reported by the Committee of the Whole.

On motion of Mr. Crosby, the Convention adopted section 15 as reported by the Committee of the Whole.

On motion of Mr. Felton, the Convention concurred in the amendments to section 16 reported by the Committee of the Whole, viz.: To insert in the first line, after the word "loan," the words "for state purposes;" also, to strike out the word "twenty," in the second line, and insert in lieu the word "fifteen;" also, to strike out in the third line the word "fifteen" and insert in lieu the word "ten."

On motion of Mr. Felton, the Convention adopted section 16 as reported by the Committee of the Whole.

On motion of Mr. Crosby, the Convention adopted section 17 as reported by the Committee of the Whole.

On motion of Mr. Stover, the article on Revenue and Finance was laid upon the table for future consideration.

Mr. Cooper, chairman of the Committee on Engrossing and Enrolling, reported back to the Convention the article on "Counties" as correctly engrossed.

There being no objection, the report was received and filed by the Secretary.

Mr. Clark, chairman of the Committee on Mines and Mining, submitted the following report:

Denver, March 1, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Mines and Mining, to whom was referred back section 7 of the article on Mines and Mining, for further consideration, would respectfully report said section back to the Convention and recommend that the further consideration thereof be indefinitely postponed.

WM. M. CLARK,
Chairman of Committee.

On motion of Mr. Felton, the report was received and the recommendation of the committee adopted.

Mr. Felton, chairman of the Special Committee apointed to prepare an election ordinance, presented the report of that committee, as follows:

ELECTION ORDINANCE.

Whereas, The Enabling Act passed by Congress and approved March 3, 1875, requires that the Convention charged with the duty of framing a Constitution for a State government, shall provide by ordinance for submitting said Constitution to the people of the Territory of Colorado for their ratification or rejection; therefore, this Convention, organized in pursuance of said Enabling Act, does establish the following

ORDINANCE:

Section 1. The Governor of the Territory of Colorado is hereby authorized to issue his proclamation for the submission of

this Constitution to the people of said Territory for their approval or rejection, on the — day of July, in the year of our Lord one thousand eight hundred seventy-six; and this Constitution shall be submitted to the qualified electors of said Territory in the several counties thereof for their approval or rejection on the said — day of July, in the year of our Lord one thousand eight hundred seventy-six.

Sec. 2. All persons who, upon the date of the aforesaid election, are electors under the laws of the Territory of Colorado, shall be qualified voters upon the adoption or rejection of this Constitution; and said election shall be held in the usual places of holding elections, and be conducted in the same manner as is prescribed by the laws of said Territory regulating elections.

Sec. 3. In voting upon this Constitution each elector shall deposit in the ballot box a ticket whereon shall be written or printed "For the Constitution," or "Against the Constitution," or such other words that [as] shall clearly indicate the intention of the elector.

Sec. 4. The votes cast at said election for the adoption or rejection of the Constitution shall be canvassed in the same manner as is prescribed by the laws of the Territory of Colorado for canvassing the votes of all general elections; and the returns of said election shall be made to the 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 shall be cast for said Constitution the Governor shall certify the same to the President of the United States, together with a copy of said Constitution and Ordinance.

On motion of Mr. Rockwell, the report was received, ordered printed and laid upon the table for future consideration.

On motion of Mr. Hurd, the Convention adjourned until 9 o'clock a. m. to-morrow.

THURSDAY, MARCH 2, 1876, NINE O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Millington.

Roll called. Absent—Messrs. Boyles, Carr, Cushman, Clark, Ebert, Hurd, Hough, Head, Meyer, Rockwell, Stone, Webster, White and Yount.

The Journal having been partially read, Mr. Felton moved that the further reading of the Journal be dispensed with, which was agreed to.

Mr. Bromwell offered the following resolution and moved its adoption:

"Resolved, That the Committee on Finance be instructed to prepare and report a section limiting the amount which may be appropriated by the General Assembly over and above the amount of assessment of tax available for such appropriations, so that reasonable limits of excess in such cases may be provided."

Mr. Crosby moved that the resolution be laid upon the table for future consideration.

And the question being upon the motion of Mr. Crosby to lay upon the table, and being put, it was not agreed to.

So the Convention refused to concur in the motion of Mr. Crosby to lay upon the table.

The question then being upon the motion of Mr. Bromwell to adopt the resolution, and being put, it was agreed to.

So the Convention adopted the resolution offered by Mr. Bromwell.

Messrs. Cushman, Carr, Clark, Ebert, Hurd, Stone and Yount appeared and took their seats.

Mr. Wells, chairman of the Committee of Revisions and Adjustments, presented the reports of that committee on the articles on State, County and Municipal Indebtedness, Preamble and Congressional and Legislative Apportionment, as follows, which, on his own motion, were ordered printed and laid upon the table for future consideration:

Denver, March 2, 1876.

To the President and Members of the Constitutional Convention:

Your Committee upon Revisions, having had under consideration the articles upon State, County and Municipal Indebtedness, beg leave to report the same with sundry emendations, which will appear by the draft herewith submitted; your committee beg leave to also report back the articles upon Congressional and Legislative Apportionment, with sundry emendations, which will appear by the draft of said articles hereto attached. Your committee also beg leave to report the Preamble with sundry emendations.

E. T. WELLS, Chairman.

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 become responsible for any debt, contract or liability of any person, company or corporation, public or private, in or out of the State.

Sec. 2. 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 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, township or school district, or to either or any of them jointly, with any person, company or corporation by forfeiture or sale of real estate for non-payment of taxes, or by donation or devise for public use, or by purchase by or on behalf of any or either of them jointly with any or either of them under execution in cases of fines, penalties or forfeiture, or recognizance, breach of condition of official bond, or of bond to secure public moneys, or the performance of any contract in which they or any of them may be jointly or severally interested.

Sec. 3. 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 5 of this article), and in all cases the valuation in this section mentioned shall be that of the assessment last preceding the creation of said debt.

Sec. 4. 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 deficiencies of revenue shall not be less than ten nor more than fifteen years, and the funds arising from the collection of any such tax shall not be applied to any other purpose than that provided in the law levying the same, and when the debt thereby created shall be paid or discharged, such tax shall cease.

Sec. 5. A debt for the purpose of erecting public buildings may be created by law as provided for in section 4 of this article, not exceeding in the aggregate three mills on each dollar of said valuation; Provided, that before going into effect such loan 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.

Sec. 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 such 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.

Sec. 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.

Sec. 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 councilman, alderman or officers of such city or town be submitted to a vote of such qualified electors thereof as shall in the year next preceding have paid a property tax therein, and a majority of those voting on the question, by ballot deposited in a separate ballot box, shall vote in favor of creating such debt; but the aggregate amount of debt so created, together with the debt existing at the time of such election, shall not at any time exceed three per cent. of the valuation last aforesaid. Debts contracted for supplying water to such city or town are excepted from the operation of this section.

The valuation in this section mentioned shall be in all cases that of the assessment next preceding the last assessment before the adoption of such ordinance.

Sec. 9. Nothing contained in this article shall be so construed 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.

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 form of government, establish justice, insure tranquillity, 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.

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT.

Section 1. One Representative in the Congress of the United States shall be elected from the State at large at the first election under this Constitution, and thereafter at such times and places and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress the General Assembly shall divide the State into congressional districts accordingly.

Sec. 2. 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 fixed by law.

Sec. 3. 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.

Sec. 4. 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.

Sec. 5. 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.

Sec. 6. 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.

Mr. Yount, of the Committee on Printing, reported back to the Convention the articles on "Bill of Rights," "Executive Department" and "State Institutions and Buildings," as reported by the Committee on Revisions and Adjustments, as correctly printed. There being no objection the report was received and filed by the Secretary.

On motion of Mr. Wells, the article on State Institutions and Buildings was taken from the table.

Mr. Wells moved that the article be considered by sections, which was agreed to.

On motion of Mr. Beck, section 1, as reported by the Committee on Revisions and Adjustments, was approved by the Convention.

On motion of Mr. Douglas, section 2 was stricken out, as recommended by the committee.

On motion of Mr. Felton, section 3 was stricken out and consolidated with section 10 of article on Education, as recommended by the committee.

On motion of Mr. Felton, section 4, as revised by the committee, was approved by the Convention.

On motion of Mr. James, the Convention approved section 5 as revised by the committee.

Section 6 remains unchanged.

On motion of Mr. Douglas, the Convention approved section 7 as revised by the committee.

So the Convention approved the article on State Institutions and Buildings as revised by the Committee on Revisions and Adjustments, in the words following:

STATE INSTITUTIONS AND BUILDINGS.

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 struck out because provided for in section 7, article on Executive Department.

Section 3 to be consolidated with section 10 of article on Education.

Sec. 4. 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.

Sec. 5. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed except by a vote of two-thirds of all the qualified electors of the State voting on that question at a general election at which the question of location of the seat of government shall have been submitted by the General Assembly.

Sec. 6. The General Assembly shall make no appropriation or expenditure for Capitol buildings or grounds until the seat of government shall have been permanently located as herein provided.

Sec. 7. 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, togther with the control thereof, to the officers provided for the management of said institution by this Constitution, or by law.

On motion of Mr. Wells, the article on State Institutions and Buildings, as approved by the Convention, was recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with a copy thereof for enrollment

On motion of Mr. Wells, the article on Bill of Rights, as reported by the Committee on Revisions and Adjustments, was taken from the table.

The preamble and sections 1, 2 and 3 remain unchanged.

Section 4, as revised by the committee was approved.

Sections 5, 6 and 7 remain unchanged.

Section 8, as revised by the committee, was approved.

Section 9 remains unchanged.

Sections 10, 11, 12 and 13, as revised by the committee, were approved by the Convention.

On motion of Mr. Bromwell, section 14 was recommitted to the Committee on Revisions and Adjustments, and was, after being amended, again reported to the Convention by Mr. Wells, chairman of the committee, in the words following:

Sec. 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.

On motion of Mr. Stone, section 14, as revised and reported by the committee, was approved by the Convention.

Sections 15, 16, 17, 18, 19 and 20, as revised by the committee, were approved by the Convention.

Sections 21 and 22 remain unchanged.

Sections 23 and 24, as revised by the committee, were approved by the Convention.

Sections 25 and 26 remain unchanged.

Section 27, as revised by the committee, was approved by the Convention.

Section 28 remains unchanged.

So the Convention approved the article on Bill of Rights as revised by the Committee on Revisions and Adjustments, in the words following:

ARTICLE —.

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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 6. The courts of justice shall be open to every person, and a speedy remedy afforded for every injury to person, property or character; and that right and justice should be administered without sale, denial or delay.

Sec. 7. That the people shall be secure in their persons, papers, homes and effects from unreasonable searches and seiz-

ures; and no warrant to search any place or seize any person or thing shall issue without describing the place to be searched or the person or thing to be seized, as near as may be, nor without probable cause, supported by oath or affirmation reduced to writing.

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

Sec. 9. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his confession in open court. That no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death.

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

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

Sec. 12. 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 when there is a strong presumption of fraud.

Sec. 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.

Sec. 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.

Sec. 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 use alleged to be public the question whether the contemplated use be really public shall be a judicial question and determined as such without regard to any legislative assertion that the use is public.

Sec. 16. That in criminal prosecutions the accused shall have the right to appear and defend, in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

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

Sec. 18. 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 a verdict, or if the judgment be reversed for error in law the accused shall not be deemed to have been in jeopardy

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

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

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

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

Sec. 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.

Sec. 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 natural born citizens.

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

On motion of Mr. Wells, the article on Bill of Rights, approved by the Convention, was recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the chairman of the Committee on Engrossing and Enrolling with a copy for enrollment.

On motion of Mr. Wells, the article on Executive Department as reported by the Committee on Revisions and Adjustments was taken from the table.

Section 1 as revised by the committee was approved by the Convention.

Section 2 remains unchanged.

Section 3 as revised by the committee was approved by the Convention.

Section 4 was stricken out, as recommended by the committee.

Sections 5, 6, 7, 8, 9, 10 and 11, as revised by the committee, was approved by the Convention.

Section 12 was stricken out because consolidated with section 7 as recommended by the committee

Sections 13, 14 and 15, as revised by the committee, were approved by the Convention.

Section 16 remains unchanged.

Sections 17, 18, 19, 20 and 21, as revised by the committee, were approved by the Convention.

Section 22 remains unchanged.

Section 23 as revised by the committee was approved.

So the Convention approved the article on Executive Department as revised by the Committee on Revisions and Adjustments in the words following:

ARTICLE —.

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 the Constitution or by law.

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

Sec. 3. 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 assemble for that purpose 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.

Sec. 4. Stricken out because provided for in the article on Impeachment, etc.

Sec. 5. 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 State or of the Territory of Colorado in good standing.

At the first election under this Constitution any person being a qualified elector at the time of the adoption of this Constitution, and having the qualifications above herein prescribed for any one of said offices shall be eligible thereto; but thereafter no person shall be eligible to any one of said offices, unless in addition to the qualifications above prescribed therefor, he shall be a citizen of the United States and have resided within the limits of the State two years next preceding his election.

Sec. 6. The Governor shall be Commander-in-Chief of the military forces of the State except when they shall be called into actual service of the United States. He shall have power to call out the militia to execute the laws, suppress insurrection or repel invasion.

Sec. 7. 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 such officer for incompetency, neglect of duty or malfeasance in office. If, during the recess of the Senate, a vacancy occur in any such office, the Governor shall appoint some fit person to discharge the duties thereof until the next meeting of the Senate, when he shall nominate some person to fill such office. If the office of Auditor of State, State Treasurer, Secretary of State, Attorney General or Superintendent of Public Instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. The Senate in deliberating upon executive nominations may sit with closed doors, but in acting upon nominations they shall sit with open doors, and the vote shall be taken by ayes and noes, which shall be entered upon the Journal.

Sec. 8. 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 a transcript of the petition, all proceedings and the reasons for his action.

Sec. 9. 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 in-

formation 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 raisd by taxation for all purposes of the State.

Sec. 10. The Governor may, on extraordinary occasions, convene the General Assembly by proclamation, stating therein the purpose for which it is to assemble; but at such special session no business shall be transacted other than that specially named in the proclamation; he may by proclamation convene the Senate in extraordinary session for the transaction of executive business.

Sec. 11. The Governor, in case of a disagreement between the two houses as to the time of adjournment, may, upon the same being certified to him by the house last moving adjournment, adjourn the General Assembly to a day not later than the first day of the next regular session.

Sec. 12. Carried into section seven.

Sec. 13. 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 that house, it shall become a law, notwithstanding the objections of the Governor. In all such cases the vote of each house shall be determined by ayes and noes, to be entered upon the Journal. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return, in which case it shall be filed with his objections in the office of the Secretary of State within thirty days after such adjournment or else become a law.

Sec. 14. 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 ap-

proved shall be law and the item or items disapproved shall be void, unless enacted in manner following: If the General Assembly be in session, he shall transmit to the house in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered and each item shall then take the same course as is prescribed for the passage of bills over the Executive Veto.

LIEUTENANT GOVERNOR.

Sec. 15. In case of the death, impeachment or conviction of felony or infamous misdemeanor, failure to qualify, resignation, absence from the State or other disability of the Governor, the powers, duties and emoluments of the office for the residue of the term or until the disability be removed, shall devolve upon the Lieutenant Governor.

Sec. 16. The Lieutenant Governor shall be President of the Senate and shall vote only when the Senate is equally divided. In case of the absence, impeachment or disqualification from any cause of the Lieutenant Governor or when he shall hold the office of Governor, then the President pro tempore of the Senate shall perform the duties of the Lieutenant Governor until the vacancy is filled or the disability removed.

Sec. 17. In case of 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, the same shall devolve upon the Speaker of the House.

Sec. 18. An account shall be kept by the officers of the Executive Department and of all public institutions of the State of all moneys received by them, severally, from all sources and for every service performed, and of all moneys disbursed by them, severally, and a semi-annual report thereof shall be made to the Governor under oath.

Sec. 19. 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.

Sec. 20. There shall be a seal of the State, which shall be kept by the Secretary of State, and shall be called the "Great Seal of the State of Colorado." The seal of the Territory of Colorado as now used shall be the seal of the State until otherwise provided by law.

Sec. 21. The officers named in section one of this article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official terms. It shall be the duty of all such officers to collect in advance all fees prescribed by law for services rendered by them severally, and pay the same into the State Treasury.

Sec. 22. The Superintendent of Public Instruction shall be ex-officio State Librarian.

Sec. 23. Neither the State Treasurer nor State Auditor shall be eligible for re-election as his own immediate successor.

On motion of Mr. Wells, the article on Executive Department, as approved by the Convention, was recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution; and the Secretary was instructed to furnish the Committee on Engressing and Enrolling with a copy for enrollment.

On motion of Mr. Wells, the article on Officers and Oath of Office was taken from the table.

The action of the committee in striking out section 1 and inserting the substitute therefor was approved by the Convention.

Section 2 as revised by the committee was approved by the Convention.

Sections 3 and 4 remain unchanged.

Sections 5 and 6 as revised by the committee were approved by the Convention.

Section 7 remains unchanged.

Mr. Beck moved that the Convention approve section 8 as revised by the committee. And the question being upon the motion of Mr. Beck to approve section 8, and being put, it was decided in the negative—ayes, 12; noes, 16.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Boyles, Beck, Carr, Ellsworth, Ebert, Felton, Garcia, Lee, Plumb, Stone, Wells, Yount.

Those voting in the negative are:

Messrs. Barela, Bromwell, Clark, Cooper, Crosby, Douglas, Hurd, James, Marsh, Quillian, Stover, Thatcher, Vigil, Webster, Widderfield, Mr. President.

So the Convention refused to approve section 8, as revised by the committee.

On motion of Mr. Wells, sections 8 and 9 were recommitted to the Committee on Revisions and Adjustments.

Sections 10 and 11, as revised by the committee, were approved by the Convention.

Section 12 was stricken out and carried on schedule as recommended by the Committee.

Sections 1, 2, 3, 4, 5, 6, 7, 10 and 11 were then laid upon the table for future consideration.

Mr. Thatcher asked for leave of absence for Mr. Hough until next Monday, which was granted.

Mr. Wells asked that he be excused from further service on the Committee on Schedule, which was granted; and the President appointed Mr. Felton a member of that committee to fill the vacancy.

On motion of Mr. Felton, the Convention adjourned until 9 o'clock a. m., tomorrow.

FRIDAY, MARCH 3, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Miller.

Roll called.

Absent—Messrs. Boyles, Hough, Head, Meyer, Rockwell, Stone, White and Wilcox.

The Journal having been partially read, Mr. Quillian moved that the reading of so much of the Journal as embraced the reports of the Committee on Revisions and Adjustments and the articles on "State Institutions and Buildings," "Bill of Rights" and "Executive Department" be dispensed with, which was agreed to.

The remainder of the Journal was then read and the same approved.

Mr. Stone appeared and took his seat.

Mr. Pease offered the following resolution and moved its adoption:

Resolved, That as there is no prohibition of the teaching of sectarianism in our public schools, the Committee on Education and Educational Institutions be instructed to prepare a section or an amendment to a section, declaring especially that "no sectarian doctrine shall be taught in the public schools."

And the question being upon the motion of Mr. Pease to adopt the resolution as above, and being put, it was decided in the affirmative—ayes, 21; noes, 9.

Mr. Barela was excused from voting.

The ayes and noes having been called for, those voting in the affirmative are:

Messrs. Bromwell, Beck, Carr, Cushman, Clark, Crosby, Ellsworth, Elder, Ebert, Felton, Garcia, Hurd, James, Kennedy, Lee, Marsh, Plumb, Pease, Stout, Vigil, Mr. President.

Those voting in the negative are:

Messrs. Cooper, Douglas, Quillian, Stover, Thatcher, Webster, Wells, Wheeler, Widderfield.

So the Convention adopted the resolution offered by Mr. Pease.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, presented the reports of that committee on the articles on "Public and Private Corporations," "Counties" and "Rights of Suffrage and Elections," which, on his own motion, were received, ordered printed and laid upon the table for future consideration.

Denver, March 3, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Revisions, having had under consideration the article on Counties, the article on Public and Private Corporations and the article on Suffrage and Elections, beg leave to report the same, with sundry emendations, which appear by the several articles and sections which are hereto attached.

All of which is respectfully submitted.

E. T. WELLS,
Chairman.

COUNTIES.

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

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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 them 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.

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

Sec. 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.

Sec. 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 and until his successor shall be duly elected and qualified. If the next general election occur before the expiration of the term in which the vacancy shall have happened, the person elected thereat shall hold only for the residue of such term.

Sec. 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.

Sec. 11. There shall, at the first election at which county officers are chosen and immediately 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.

Sec. 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.

Sec. 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.

Sec. 14. The General Assembly shall also make provision by general law whereby any city, town or village, existing by

virtue of any special or local law, may elect to become subject to and be governed by the general law relating to such corporations.

PUBLIC AND PRIVATE CORPORATIONS.

Section 1. All existing charters or grants of special or exclusive privileges, under which the corporations or grantees shall not have organized and commenced business in good faith at the time of the adoption of this Constitution, shall hereafter have no validity.

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

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

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

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

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

Sec. 7. No railroad or other transportation company in existence at the time of the adoption of this Constitution shall have the benefit of any future Legislation, without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution in binding form.

Sec. 8. The right of eminent domain shall never be abridged nor so construed as to prevent the General Assembly

from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals; and the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well being of the State.

Sec. 9. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 13. Dues from corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable in any amount over or above the amount of unpaid stock owned by him or her.

Sec. 14. Any association or corporation or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph company owning or having the control of a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

Sec. 15. 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 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.

RIGHTS OF 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.

Sec. 2. The General Assembly shall, at the first session thereof, and may at any session thereafter, extend by law the right of suffrage to persons not herein enumerated, but no such law shall take effect or be in force until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all the votes cast for and against such law.

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

Sec. 4. 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 Sates, nor while a student at any institution of learning, nor while kept at public expense in any poor house or other asylum, nor while confined in public prison.

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

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

Sec. 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.

Sec. 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.

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

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

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

Sec. 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.

Mr. Elder, of the Committee on Miscellaneous Subjects, presented a report of that Committee on "Distribution of Powers," as follows, which, on motion of Mr. Wells, was adopted by the Convention:

To the Honorable President of the Constitutional Convention of Colorado:

Your Standing Committee on Miscellaneous Subjects beg leave to present the accompanying article on Distribution of Powers as a supplemental report.

Respectfully submitted,

WM. E. BECK,
C. P. ELDER,
WM. LEE,
JESUS MA GARCIA.

The powers of the government of this State are divided into three district departments—the Legislative, Executive and Judicial—and no person or collection of persons, charged with the exercise of powers properly belonging to one of those depart-

ments shall exercise any power properly belonging to either of the others, except as in this Constitution expressly directed or permitted.

On motion of Mr. Elder, the article on Distribution of Powers, as adopted by the Convention, was referred to the Committee on Revisions and Adjustments.

Mr. Cooper, Chairman of the Committee on Engrossing and Enrolling, reported back to the Convention the articles on "Irrigation and Agriculture and Manufactures," and "Mines and Mining," as adopted by the Convention.

There being no objection, the reports were received and filed by the Secretary.

Mr. Beck, of the Committee on Miscellaneous Subjects, presented a supplementary report of that committee, as follows, which on his own motion was received, ordered printed and laid upon the table for future consideration.

To the Honorable President of the Constitutional Convention of Colorado:

Your Standing Committee on Miscellaneous Subjects beg leave to present the following supplemental report and to recommend the adoption of the several provisions therein contained.

Respectfully submitted,

WM. E. BECK,
C. P. ELDER,
JESUS MA GARCIA,
WM. LEE.

MISCELLANEOUS.

Section 1. 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 grade and fix the compensation of officers within the respective classes according to the population thereof. Said 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 in to the County Treasury.

Sec. 2. No law shall be passed which will operate to extend the term of any public officer after his election or appointment.

Sec. 3. The General Assembly shall pass liberal homestead and exemption laws.

Sec. 4. The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

Sec. 5. The General Assembly may, by general law, provide for the establishment of courts of arbitration and conciliation in the several counties of this State, which courts shall have jurisdiction of all causes at law or in equity, and of all matters of difference which may be submitted to them by the parties interested therein, and such courts shall be empowered to issue all process necessary and proper to carry into effect their judgments and awards.

Mr. Quillian, Chairman of the Committee on Schedule, presented a report of that committee, as follows:

Denver, Colorado, March 3, 1876.

To the Honorable President and Members of the Constitutional Convention:

Gentlemen—Your Committee on "Schedule," to whom was referred the subject matter pertaining to that portion of the Constitution, beg leave to state that they have had the same under consideration and submit the following report, all of which is respectfully submitted.

ROBERT A. QUILLIAN,
Chairman of Committee.

SCHEDULE.

That no inconvenience may arise by reason of the change from a Territorial form of government to that of a permanent State government, it is hereby ordained and declared:

Section 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force 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.

Sec. 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 subdivision thereof, or any municipality therein, and all fines, taxes, penalties and forfeitures due or owing to the Territory of Colorado, or any such subdivisions or municipality, 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 this Constitution.

Sec. 3. That all property, real and personal, and all moneys, credits, claims and cases 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.

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

Sec. 5. The Supreme and District Courts existing in the Territory at the time of the adoption of this Constitution, shall, until superseded under its provisions, continue with like powers and jurisdiction and in the exercise thereof both at law and in equity, in all respects, as if this Constitution had not been adopted; and when said courts shall be so superseded, all causes then pending in said courts, and the books, papers, records and proceedings thereof, shall pass into the jurisdiction of the Supreme and District Courts created by this Constitution.

Sec. 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.

Sec. 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.

Sec. 8. The books, records, papers and proceedings of the several probate courts, and all cases and matters of administration pending therein, shall be transferred to and remain in the custody of the County Courts, and proceed to final decree or judgment, order or other determination. And until the election of the county judges provided for in this Constitution the probate judges shall act as judges of the County Courts, and the seal of the probate courts shall be the seal of the County Courts until the County Courts shall have procured proper seals.

Sec. 9. It is hereby declared that wherever the words probate court or probate judge occur in the statutes of Colorado, they shall be construed to mean County Court or county judge, and all laws specially applicable to the probate court shall be construed to apply to and be in force as to the County Court until repealed.

Sec. 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 con-

tinue in full force and effect as though this Constitution had not been adopted.

Sec. 11. All county offices that may become vacant during the year A. D. 1876 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, A. D. 1876, and the persons so elected shall hold their respective offices for the term of one year.

On motion of Mr. Wells, the reading of the report was dispensed with.

On motion of Mr. James, the report was received, ordered printed, and laid upon the table for future consideration.

Mr. Webster, of the Committee on Printing, reported back to the Convention the report of the Special Committee on preparation of "Election Ordinance," the articles on "State, County and Municipal Indebtedness," "Congressional and Legislative Apportionment," "Preamble," as reported by the Committee on Revisions and Adjustments, as correctly printed. Also, articles on "Education and Educational Institutions," "Legislature and Legislation," "Impeachment and Removal from Office," and the article on drugged liquors.

There being no objection, the reports were received and filed by the Secretary.

Mr. Ellsworth moved that the vote by which section 5 of the article on Revenue and Finance was adopted be reconsidered, which was agreed to.

So the Convention concurred in the motion of Mr. Ellsworth to reconsider.

Mr. Stone moved to amend the section by striking out all after the figure 5, and inserting the following as a substitute therefor:

The following classes and description of property shall be exempt from taxation by general law, to-wit: First, the property, real and personal, of the State, and of the several counties, cities, towns and other municipal corporations, and public libraries; second, buildings used exclusively for religious worship, for schools, and for strictly charitable purposes, including the ground necessary for such use; cemeteries, when laid out in burial lots, and dedicated for burial purposes by public record forever, so long as used for such purposes, and not for private or corporate profit.

On motion of Mr. Wells, the further consideration of section 5, and amendments thereto of the article on Education, was postponed, and the article on "Preamble," as reported by the Committee on Revisions and Adjustments, taken from the table.

On motion of Mr. Stone, the article on "Preamble," as revised by the committee, was approved by the Convention.

So the Convention approved the article on Preamble in the words following:

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 tranquillity, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do declare and establish this Constitution for "the State of Colorado."

Mr. Wells moved that the votes by which the articles on "Preamble," "Boundaries," "Bill of Rights" and "Distribution of Powers" were adopted be reconsidered, and then moved that the motion to reconsider the same be laid upon the table, which was agreed to.

So the Convention concurred in the motion of Mr. Wells to lay the motion to reconsider upon the table.

Mr. Wells offered the following resolution, which on his own motion was adopted:

Resolved, That the following portions and articles of the Constitution be arranged and enrolled in the following order: Preamble. I. The article defining the boundaries of the State. II. The Bill of Rights. III. The article touching the distribution of powers.

On motion of Mr. Felton, the article on "Preamble" was recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with a copy for enrollment.

On motion of Mr. Felton, the Convention resumed the consideration of section 5 of the article on Revenue and Finance, and the amendment offered thereto by Mr. Stone of the article on Education and Educational Institutions.

Mr. Bromwell moved to amend the amendment offered by Mr. Stone by striking out the third clause, and inserting in lieu thereof the words: The General Assembly may make such exemption as to burial grounds as may be deemed proper.

And the question being upon the amendment offered by Mr. Bromwell to the amendment offered by Mr. Stone, and, being put, it was agreed to.

So the Convention concurred in the amendment offered by Mr. Bromwell to the amendment offered by Mr. Stone.

Mr. Hurd asked for leave of absence during the remainder of the day, which was granted.

Mr. Stone moved to amend the substitute offered by him by inserting after the word "use" the words, "and as may be prescribed by law."

And the question being upon the motion of Mr. Stone to amend the substitute offered by him, and, being put and a division called, it was decided in the affirmative. Ayes, 16; noes, 8.

Mr. Stone then moved the previous question, and the question being, "Shall the main question be now put?" and being put, it was ordered. Ayes, 17; noes, 14.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Barela, Boyles, Bromwell, Cushman, Clark, Cooper, Douglas, Garcia, Kennedy, Marsh, Stone, Stover, Thatcher, Vigil, Webster, Wheeler, Widderfield.

Those voting in the negative are:

Messrs. Beck, Carr, Crosby, Ellsworth, Elder, Ebert, Felton, James, Plumb, Pease, Quillian, Wells, Yount, Mr. President.

On motion of Mr. Carr, a call of the Convention was ordered. The Secretary proceeded to call the roll, when Mr. Boyles moved that further proceedings under the call be dispensed with. And the question being upon the motion of Mr. Boyles, and being put, it was decided in the affirmative. Ayes, 23; noes, 8.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Barela, Boyles, Bromwell, Beck, Cushman, Clark, Cooper, Crosby, Douglas, Felton, Garcia, Kennedy, Marsh, Quillian, Stone, Stover, Thatcher, Webster, Wells, Wheeler, Widderfield, Yount, Mr. President.

Those voting in the negative are:

Messrs. Carr, Ellsworth, Elder, Ebert, James, Plumb, Pease, Vigil.

So the Convention concurred in the motion of Mr. Boyles to dispense with further proceedings under the call.

Mr. Carr moved to adjourn, and the question being upon the motion of Mr. Carr to adjourn, and being put, it was decided in the negative. Ayes, 11; noes, 21.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Carr, Ellsworth, Elder, Ebert, Felton, James, Kennedy, Plumb, Pease, Vigil.

Those voting in the negative are:

Messrs. Barela, Boyles, Bromwell, Beck, Cushman, Clark, Cooper, Crosby, Douglas, Garcia, Marsh, Quillian, Stover, Stone, Thatcher, Webster, Wells, Wheeler, Widderfield, Yount, Mr. President.

So the Convention refused to concur in the motion of Mr. Carr to adjourn.

The question then recurring on the motion of Mr. Stone to strike out section 5 and insert in lieu thereof the substitute of-

fered by him, as amended by Mr. Bromwell, and being put, it was decided in the affirmative. Ayes, 17; noes, 13.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Barela, Boyles, Cooper, Crosby, Douglas, Ellsworth, Garcia, Kennedy, Marsh, Quillian, Stone, Stover, Thatcher, Vigil, Wheeler, Widderfield, Mr. President.

Those voting in the negative are.

Messrs. Bromwell, Beck, Carr, Cushman, Clark, Elder, Ebert, Felton, James, Plumb, Pease, Wells, Yount.

So the Convention concurred in the motion of Mr. Stone to strike out section 5 and insert in lieu the substitute therefor offered by him and amended by Mr. Bromwell.

Mr. Stone moved that the vote by which his substitute for section 5 was adopted be reconsidered, and then moved to lay the motion to reconsider upon the table. And the question being upon the motion of Mr. Stone to lay the motion to reconsider upon the table, and being put, it was decided in the negative. Ayes, 11; noes, 19.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Barela, Boyles, Crosby, Douglas, Garcia, Marsh, Quillian, Stone, Stover, Vigil, Widderfield.

Those voting in the negative are:

Messrs. Bromwell, Beck, Carr, Cushman, Clark, Cooper, Ellsworth, Elder, Ebert, Felton, James, Kennedy, Plumb, Pease, Thatcher, Wells, Wheeler, Yount, Mr. President.

So the Convention refused to concur in the motion of Mr. Stone to lay the motion to reconsider upon the table.

On motion of Mr. Beck, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Crosby, Hurd, Hough, Head, Kennedy, Meyer, Rockwell and Wilcox.

The Convention resumed the consideration of section 5 of the article on Revenue and Finance.

And the question being upon the motion of Mr. Stone to reconsider the vote by which section 5 was adopted, and being put, it was decided in the affirmative. Ayes, 17; noes, 12.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Bromwell, Beck, Carr, Cushman, Clark, Ellsworth, Ebert, Felton, James, Marsh, Plumb, Pease, Wells, Wheeler, Widderfield, Yount, Mr. President.

Those voting in the negative are:

Messrs. Barela, Boyles, Cooper, Douglas, Garcia, Lee, Quillian, Stone, Stover, Thatcher, Vigil, Webster.

So the Convention concurred in the motion of Mr. Stone to reconsider.

Mr. Beck moved to amend section 5 by striking out all after the figure "5," and inserting in lieu the following substitute: Lots, with the buildings thereon, if said buildings are used exclusively and solely for religious worship, for schools, or for strictly charitable purposes, also cemeteries not used or held for private or corporate profit, may be exempt from taxation; Provided, Such exemption shall be only by general law.

And the question being upon the motion of Mr. Beck to strike out section 5, and insert the substitute as above, and being put, it was decided in the affirmative. Ayes, 19; noes, 11.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Barela, Beck, Carr, Cushman, Clark, Ellsworth, Elder, Ebert, Felton, James, Lee, Marsh, Plumb, Pease, Stone, Webster, Wheeler, Yount, Mr. President.

Those voting in the negative are:

Messrs. Boyles, Bromwell, Cooper, Douglas, Garcia, Quillian, Stover, Thatcher, Vigil, Wells, Widderfield.

So the Convention concurred in the motion of Mr. Beck to strike out section 5, and insert the substitute offered by him.

Mr. Cooper moved to amend section 5 by striking out the word "may," in the third line, and inserting in lieu the word "shall." Also, by striking out the words "provided such exemption shall be only," in the third and fourth lines, and inserting in lieu the words "unless otherwise provided," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Cooper.

Mr. Boyles moved to amend section 5 by striking out all of the section after the word "taxation," in the third line.

And the question being upon the motion of Mr. Boyles to amend section 5 by striking out all after the word "taxation," in the third line, and being put, it was decided in the negative. Ayes, 11; noes, 21.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Barela, Boyles, Crosby, Douglas, Garcia, Lee, Quillian, Stone, Stover, Vigil, Widderfield.

Those voting in the negative are:

Messrs. Bromwell, Beck, Carr, Cushman, Clark, Cooper, Ellsworth, Elder, Ebert, Felton, James, Marsh, Plumb, Pease, Thatcher, Webster, White, Wells, Wheeler, Yount, Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Boyles.

On motion of Mr. Carr, the Convention adopted section 5 as amended.

So the Convention adopted the article on Revenue and Finance, in the words following:

REVENUE AND FINANCE.

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

Sec. 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.

Sec. 3. All taxes shall be uniform upon the same class of subjects within the Territorial limits of the authority levying the tax, and shall be levied and collected under general laws which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal; Provided, That 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.

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

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

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

Sec. 7. The General Assembly shall not impose taxes upon counties, cities, towns or other municipal corporations, or upon the inhabitants thereof, for county, city, town or other municipal purposes, but may by general law vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

Sec. 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 proportional share of taxes to be levied for State purposes.

Sec. 9. The power to tax corporations and corporate property, real and personal, shall never be relinquished or suspended by any contract or grant to which the State shall be a party.

Sec. 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.

Sec. 11. The State tax on property shall never exceed six mills on each dollar of valuation, and whenever the taxable property of 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 of the State shall amount to three hundred million dollars, the rate shall never thereafter exceed two mills on each dollar of valuation, unless the proposition to increase such tax shall be submitted to a vote of the people, and a majority of those who in the year next preceding such election shall have paid a property tax assessed to them shall vote in favor thereof, in such manner as provided by law.

Sec. 12. All moneys belonging to the State shall, immediately on the receipt thereof by the State Treasurer, be deposited to the credit of the State in such bank or banks as he may select, with the approval of the Governor and the Attorney General, such bank or banks giving security, satisfactory to the Governor and Attorney General, for the safe-keeping and payment of such deposit whenever demanded by the State Treasurer on his checks, such bank to pay a bonus for the use of such deposit; such bonus to be not less than that paid by other banks for similar deposits, and the same, together with all interest and profit as may accrue thereon, shall be disbursed by said Treasurer for the purposes of the State upon warrants drawn by the State Auditor, according to law, and not otherwise.

Sec. 13. The Treasurer shall keep a separate account of the funds, and the number and amount of warrants received, and from whom, and shall publish, in such manner as the Governor may designate, a quarterly statement showing the amount of State moneys, and where the same are kept or deposited.

Sec. 14. The making of profit out of State, county, city, town or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

Sec. 15. Private property shall not be taken or sold for the payment of the corporate debt of municipal corporations.

Sec. 16. Every law enacted by the General Assembly creating a debt or authorizing a loan for State purposes shall provide for a sinking fund for the payment of such debt or loan within a period not exceeding fifteen and not less than ten years. After the payment of the debt for which such sinking fund has been provided, the balance, if any, to the credit of the fund shall immediately be placed to the credit of the general fund of the State.

Sec. 17. 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

the 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 value 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.

On motion of Mr. Wells, the article on Revenue and Finance, as adopted by the Convention, was ordered engrossed and referred to the Committee on Revisions and Adjustments.

Mr. Stover asked for leave of absence for the remainder of the afternoon, which was granted.

Mr. Wells moved that the article on Legislature and Legislation, as reported by the Committee on Revisions and Adjustments, be taken from the table and considered by sections.

LEGISLATURE.

Section 1 remains unchanged; section 2, as revised by the committee, was approved by the Convention.

Section 3 remains unchanged; section 4, as revised by the committee, was approved by the Convention.

The action of the committee striking out section 5, and inserting a substitute therefor, was approved by the Convention.

On motion of Mr. Wells, a call of the Convention was ordered.

The Secretary proceeded to call the roll, when, on motion of Mr. Quillian, further proceedings under the call were dispensed with.

Sections 6 and 7, as revised by the committee, were approved by the Convention.

Sections 8 and 9 remain unchanged; section 10, as revised by the committee, was approved by the Convention; section 11 remains unchanged.

Mr. Felton moved that the Convention approve section 12 as revised by the committee, and the question being upon the motion of Mr. Felton to approve section 12, and being put and a division called, it was decided in the affirmative. Ayes, 15; noes, 5.

So the Convention approved section 12 as revised by the Convention.

Section 13, as revised by the committee, was approved; sections 14, 15 and 16 remain unchanged.

LEGISLATION.

Sections 1 and 2 remain unchanged; sections 3 and 4, as revised by the committee, were approved by the Convention; section 5 remains unchanged; sections 6 and 7, as revised by

the committee, were approved by the Convention; sections 8 and 9 remain unchanged.

On motion of Mr. Wells, the Committee on Revisions and Adjustments was granted leave to amend section 10.

And the committee reported section 10 back to the Convention, with an amendment thereto, viz.: The word "dissents," in the fourteenth line, was changed to "dissent." Section 10, as revised by the committee, was then approved by the Convention.

The action of the committee in striking out section 11 and consolidating the same with section 24 was approved by the Convention.

Sections 12 and 13 remain unchanged.

Sections 14, 15, 16 and 17, as revised by the committee, were approved by the Convention.

Sections 18, 19, 20, 21, 22, 23 and 24 remain unchanged.

The action of the committee in striking out section 25, because its provisions are contained in section 10 of the article on Executive Department, was approved by the Convention.

Section 26 remains unchanged.

On motion of Mr. Wells, section 27 was recommitted to the Committee on Revisions and Adjustments.

Section 28, as revised by the committee, was approved by the Convention.

Sections 29 and 30 remain unchanged.

So the Convention approved the article on Legislature and Legislation, in the words following:

ARTICLE —.

LEGISLATURE AND LEGISLATION.

THE LEGISLATURE.

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.

Sec. 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 place, in such 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 power of Governor, shall issue writs of election to fill such vacancies.

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

Sec. 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.

Sec. 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.

Sec. 6. Each member of the first General Assembly, as a compensation for his services, shall receive four dollars for each day's attendance, and fifteen cents for each mile necessarily traveled in going to and returning from the seat of government; and shall receive no other compensation, perquisite or allowance 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.

Sec. 7. The General Assembly shall meet at 12 o'clock noon on the fourth 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 fourth Wednesday of November next after their election, until otherwise provided by law.

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

Sec. 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.

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

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

Sec. 12. 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, 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 shill not bar an indictment for the same offense.

Sec. 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 uestion shall at the desire of any two members be entered on the Journal.

Sec. 14. The sessions of each house and of the Committee of the Whole shall be open, unless when the business is such as ought to be kept secret

Sec. 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.

Sec. 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.

LEGISLATION.

Section 1. 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.

Sec. 2. The style of the laws shall be: "Be it Enacted by the General Assembly of the State of Colorado."

Sec. 3. 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 bill, 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.

Sec. 4. No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members.

Sec. 5. 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.

Sec. 6. 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 upon the Journal.

Sec. 7. 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 vote of a majority of the members elected thereto taken by ayes and noes, and the names of those voting recorded upon the Journal thereof.

Sec. 8. No law shall be revived or amended, or the provisions thereof extended, or conferred by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be re-enacted and published at length.

Sec. 9. 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, or the agents or employes thereof, and such contracts shall be absolutely null and void.

Sec. 10. 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 jurors; 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, percentage or allowances of public officers; changing the law of descent; granting to any corporation, association or individual the right to lay down railroad tracks; granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever. In all other cases where a general law can be made applicable no special law shall be enacted.

Section 11 consolidated with section 24.

Sec. 12. 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.

Sec. 13. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each house, and no payment shall be made from the State treasury or be in any way authorized to any person except to an acting officer or employe elected or appointed in pursuance of law.

Sec. 14. No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or contractor after services shall have been rendered or contract made, nor providing for the payment of any claim made against the State without previous authority of law.

Sec. 15. All stationery, printing paper and fuel used in the Legislature 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.

Sec. 16. 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.

Sec. 17. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in case of other bills.

Sec. 18. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the Executive, Legislative and Judicial departments of the State, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 19. No money shall be paid out of the treasury except upon appropriations made by law, and on warrants drawn by the proper officer in pursuance thereof.

Sec. 20. No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the State, nor to any denominational or sectarian institution or association.

Sec. 21. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Sec. 22. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees in the bonds or stock of any private corporation.

Sec. 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

Sec. 24. No obligation or liability of any person, association or corporation held or covered 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 25 struck out because provided for in section 10 of Executive article.

Sec. 26. 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 27 recommitted to the committee.

Sec. 28. Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, priv-

ilege or personal advantage to any executive or judicial officer or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery and be punished in such manner as shall be provided by law.

Sec. 29. The offense of corrupt solicitation of members of the General Assembly, or of public officers of the State, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

Sec. 30. 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.

On motion of Mr. Wells, the article on Legislature and Legislation, as approved by the Convention, was recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with a copy thereof for enrollment.

On motion of Mr. Wells, the article on "Impeachment and Removal from Office" was taken from the table and considered by sections.

Sections 1, 2 and 3, as revised by the committee, were approved by the Convention.

So the Convention approved the article on "Impeachment and Removal from Office," in the words following:

IMPEACHMENT AND REMOVAL FROM OFFICE.

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.

Sec. 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.

Sec. 3. Provision shall be made by law for the removal from office of all civil officers not liable to impeachment for misconduct or malfeasance in office.

On motion of Mr. Wells, the article on Impeachment and Removal from Office, as approved by the Convention, was recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish a copy thereof to the Committee on Engrossing and Enrollment for enrollment.

On motion of Mr. Wells, the article on drugged and poisonous liquors, as reported by the Committee on Revisions and Adjustments, was taken from the table and considered by sections.

Section 1 remains unchanged; section 2, as revised by the committee, was approved by the Convention.

So the Convention approved the article on drugged and poisonous liquors in the words following:

ARTICLE —.

Section 1. The General Assembly shall prohibit by law the importation into this State, for the purposes 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 the 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.

Sec. 2. The General Assembly shall provide by law for the condemnation and destruction of all spurious, poisonous or drugged liquors herein prohibited.

On motion of Mr. Wells, the article on Drugged and Poisonous Liquors, approved by the Convention, was recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with a copy for enrollment.

On motion of Mr. Wells, the article on Education and Educational Institutions was taken from the table and considered by sections.

Sections 1, 2, 3, 4, 5, 6 and 7, as revised by the committee, were approved by the Convention.

Mr. Pease asked for leave of absence for the remainder of the afternoon, which was granted.

Sections 11, 12, 13, 14 and 16 remain unchanged.

On motion of Mr. Wells, the article on Education and Educational Institutions was recommitted to the Committee on Revisions and Adjustments.

On motion of Mr. Wells, the article on "Congressional and Legislative Apportionment," as reported by the Committee on Revisions and Adjustments, was taken from the table and considered by sections.

Section 1, as revised by the committee, was approved by the Convention.

Section 2 remains unchanged.

Section 3, as revised by the committee, was approved by the Convention.

Section 4 remains unchanged.

Sections 5 and 6, as revised by the committee, were approved by the Convention.

So the Convention approved the article on Congressional and Legislative Apportionment, in the words following:

ARTICLE —.

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT.

Section 1. One Representative in the Congress of the United States shall be elected from the State at large at the first election under this Constitution, and thereafter at such times and places, and in such manner, as may be prescribed by law. When a new apportionment shall be made by Congress the General Assembly shall divide the State into Congressional districts accordingly.

Sec. 2. 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 the ratios to be fixed by law.

Sec. 3. 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.

Sec. 4. 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.

Sec. 5. 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 shall 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 shall 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.

Sec. 6. 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.

On motion of Mr. Wells, the article on "Congressional and Legislative Apportionment," as approved by the Convention, was recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with a copy for enrollment.

On motion of Mr. Wells, the article on State, County and Municipal Indebtedness was taken from the table and considered by sections.

Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, as revised by the committee, were aproved by the Convention.

So the Convention approved the article on State, County and Municipal Indebtedness, in the words following:

STATE, COUNTY AND MUNICIPAL 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 and debt, contract or liability of any person, company or corporation, public or private, in or out of the State.

Sec. 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 by 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.

Sec. 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.

Sec. 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 deficiencies of revenue, shall not be less than ten nor more than fifteen years, and the funds arising from the collection of any such tax shall not be applied to any other purpose than that provided in the law levying the same, and when the debt thereby created shall be paid or discharged such tax shall cease.

Sec. 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.

Sec. 6. No county shall contract any debt by law 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 such 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.

Sec. 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.

Sec. 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 exceding 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 councilman or alderman or officers of such city or town be submitted to a vote of such qualified electors thereof as shall in the year next preceding have paid a property tax therein, and a majority of those voting on the question by ballot, deposited in a separate ballot box, shall vote in favor of creating such debt; but the aggregate amount of debt so created, together with the debt existing at the time of such election, shall not at any time exceed three per cent. of the valuation last aforesaid. Debts contracted for supplying water to such city or town are excepted from the operation of this section. The valuation in this section mentioned shall be in all cases that of the assessment next preceding the last assessment before the adoption of such ordinance.

Sec. 9. 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 the 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.

On motion of Mr. Wells, the article on State, County and Municipal Indebtedness, as approved by the Convention, was recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with a copy for enrollment.

Mr. Cooper, chairman of the Committee on Engrossing and Enrolling, reported back to the Convention the article on Judicial Department as correctly engrossed.

There being no objection, the report was received and referred to the Committee on Revisions and Adjustments.

On motion of Mr. Wells, the Convention adjourned until 9 o'clock a. m. to-morrow.

SATURDAY, MARCH 4, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Sturtevant.

Roll called. Absent—Messrs. Barela, Boyles, Clark, Crosby, Hough, Head, Marsh, Meyer, Rockwell, Webster, White and Wilcox.

On motion of Mr. Felton, the reading of the Journal was dispensed with.

Mr. Wells offered the following resolution, and on his own motion it was adopted:

Resolved, That the following be the arrangement of the following named articles, to wit: IV, Executive Department; V, Legislative Department; VI, Judicial Department.

The President presented a communication from the mayor of the city of Pueblo, inviting the Convention as a body to visit that city and participate in the festivities and celebration on Tuesday, the 7th inst.

Mr. Elder moved that the invitation be accepted and the thanks of the Convention returned to the mayor of the city of Pueblo.

Mr. Wells, as an amendment to the motion of Mr. Elder, offered the following resolution, and moved its adoption:

Resolved, That the thanks of the Convention be returned to the citizens of the city of Pueblo for the hospitable invitation extended to us, and that the President be instructed to say in reply that in the opinion of the Convention, in view of the condition of our labors here, we ought not to accept the invitation.

And the question being upon the motion of Mr. Wells to adopt the above resolution, and being put and a division being called, it was decided in the affirmative. Ayes, 12; noes, 8.

So the Convention adopted the resolution offered by Mr. Wells.

Mr. Wells, chairman of the Committee on Revisions and Adjustments, presented the following report:

Denver, March 11, 1876.

To the President and Members of the Constitutional Convention:

Your Committee upon Revisions and Adjustments, to whom was recommitted the article upon Officers and Oaths of Office, and section 27 of the article on Legislature and Legislation, in that part thereof entitled Legislation, respectfully recommend the following changes:

Strike out section 27 aforesaid, and insert in lieu thereof section 7 as heretofore reported of the article on Officers and Oath of Office.

In the sixth section of the article on Officers and Oath of Office insert in the first line, after the words "any civil officer," the words "or member of the General Assembly."

In the article on Legislature, etc., strike out the sub-title "Legislation," and number the section following that title consecutively with those preceding.

Also, that section 9 of the part of the article upon Legislature and Legislation, in that part bearing the title "Legislation," be stricken out where it occurs and carried to the article on Corporations.

On motion of Mr. Quillian, the recomendations of the Committee on Revisions and Adjustments were approved by the Convention and the committee were instructed to make the alterations named.

Messrs. Barela, Clark, Crosby, Webster and White appeared and took their seats.

Mr. Bromwell, of the Committee on Revisions and Adjustments, submitted the report of that committee on sections 8 and 9 of the article on Officers and Oath of Office, as follows:

Denver, March 4, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Revisions, etc., to whom was recommitted sections 8 and 9 of the article on Officers and Oath of Office, respectfully report the following amendments to said sections:

Sec. 8. Every member of the General Assembly shall, before he enters upon his official duties, take an oath or affirmation to support the Constitution of the United States and of the State of Colorado, and to faithfully perform the duties of his office according to the best of his ability. This oath or affirmation shall be administered in the hall of the house to which the member shall have been elected.

Sec. 9. 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.

E. T. WELLS,
H. P. H. BROMWELL,
W. F. STONE,
WM. LEE,
B. L. CARR,
Committee.

On motion of Mr. Kennedy, sections 8 and 9 of the article on Officers and Oath of Office, as revised and reported by the Com-

mittee on Revisions and Adjustments, were approved by the Convention.

And so the Convention approved the article on Officers and Oath of Office, in the words following:

ARTICLE.

OFFICERS AND OATH OF OFFICE.

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 the General Assembly may by law provide for suspending any officer in his functions pending impeachments or prosecutions for misconduct in office. This section 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.

Sec. 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.

Sec. 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 moneys for which he may be accountable.

Sec. 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.

Sec. 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 exceding five, to investigate the official acounts and affairs of the treasurer of such county, and report to the court the condition thereof. The judge of the District Court may appoint a like committee in vacation, at any time, but not oftener than once in every three months.

The District Court of the county wherein the seat of government may be shall have the like power to appoint committees to investigate the official accounts and affairs of the State Treasurer and the Auditor of State.

Sec. 6. Any civil officer or member of the General Assembly who shall solicit, demand, receive or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment,

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

Sec. 7. 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 to 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.

Sec. 8. Every member of the General Assembly shall, before he enters upon his official duties, take an oath or affirmation to support the Constitution of the United States and of the State of Colorado, and to faithfully perform the duties of his office, according to the best of his ability. This oath or affirmation shall be administered in the hall of the house to which the member shall have been elected.

Sec. 9. Every civil officer, except members of the General Assembly and such inferior officers as may be by law exempted, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation to support the Constitution of the United States and of the State of Colorado, and to faithfully

perform the duties of the office upon which he shall be about to enter.

Sec. 10. 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.

On motion of Mr. Wells, the article on Officers and Oath of Office was recommitted to the Committee on Revisions and Adjustments for adjustment, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with a copy for enrollment.

Mr. Webster, chairman of the Committee on Printing, reported back to the Convention the report of the Committee on Revisions and Adjustments on the articles entitled "Counties," "Public and Private Corporations" and "Rights of Suffrage and Election," and the reports of Standing Committee on "Schedule" and "Miscellaneous Subjects," as correctly printed.

There being no objection, the reports were received and filed by the Secretary.

Mr. Wells moved that the Committee on Revisions and Adjustments be authorized to print their report on the article entitled Judicial Department, before the same is presented to the Convention, which was agreed to.

Mr. Hurd, chairman of the Committee on Education and Educational Institutions, submitted the following report:

Denver, March 4, 1876.

To the Honorable President and Members of the Constitutional Convention:

Gentlemen—Your Committee on Education and Educational Institutions, to whom was referred the resolution of Mr. Pease in regard to sectarian instruction in the public schools, beg leave to report that they have had the same under consideration, and, in obedience to the instructions therein, beg leave to submit the following:

"Insert additional section in the words following, to wit:

"No sectarian tenets or doctrines shall ever be taught in the public schools."

All of which is respectfully submitted.

D. HURD,
Chairman.

Mr. Carr moved that the report be received and accepted.

And the question being upon the motion of Mr. Carr to receive and adopt the report, and being put, it was decided in the affirmative. Ayes, 16; noes, 8.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Beck, Carr, Cushman, Clark, Crosby, Ellsworth,

Elder, Ebert, Felton, Kennedy, Plumb, Pease, Webster, Widderfield, Yount, Mr. President.

Those voting in the negative are—Messrs. Cooper, Douglas, Hurd, Quillian, Stover, Thatcher, Vigil, Wheeler.

So the Convention adopted the additional section to the article on Education and Educational Institutions as reported by the committee.

On motion of Mr. Felton, the section just adopted was referred to the Committee on Revisions and Adjustments, with instructions to insert the same in the article on Education and Educational Institutions.

Mr. Webster, of the Committee on Printing, submitted the report of that committee on the cost of printing the address to the people and the Constitution in English, Spanish and German:

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Printing, who were instructed by resolution to inquire into and report the expense of publishing the Constitution in the English, German and Spanish language, beg leave to state that they have received sundry proposals therefor and herewith submit said proposals for the consideration of this Convention.

Respectfully submitted.

W. W. WEBSTER,
For the Committee.

Times—

5,000 copies, 32 pages.....$280.00

Per page extra (over 32) in multiples of 8 pages, $9.00 page.

10,000 copies, 32 pages..... 480.00

Per page extra (over 32) in multiples of 8 pages, $15.00 per page.

20,000 copies, 32 pages..... 850.00

Per page extra (over 32) in multiples of 8 pages, $28.00 per page.

Denver, Colorado, February 18, 1876.

Hon. John S. Hough, Chairman Committee on Printing, Constitutional Convention:

Dear Sir—In reply to your request I submit the following proposal for publishing the Constitution of the Territory in pamphlet form:

No. 2 book paper; small pica type; first class work:

For 32 pages, 5,000 copies: English, $225; Spanish, $275.

For 32 pages, 10,000 copies: English, $425; Spanish, $500.

For 32 pages, 15,000 copies: English, $625; Spanish, $750.

For 32 pages, 20,000 copies: English, $825; Spanish, $950.

For 48 pages, 5,000 copies: English, $375; Spanish, $375.

For 48 pages, 10,000 copies: English, $600; Spanish, $700.

For 48 pages, 15,000 copies: English, $700; Spanish, $850.

For 48 pages, 20,000 copies, English, $1,275; Spanish, $1,450.

This does not contemplate the translation by me of the laws into Spanish.

Very respectfully, etc.,

W. N. BYERS, Olney.

Denver, Colorado, March 3, 1876.

Hon. Jno. S. Hough, Chairman Printing Committee:

I will print you 10,000 copies of the Constitution, 32 pages, small pica type, good book paper, for $400. I will print 20,000 copies for $800. I will also furnish you 2,000 copies of the Constitution in Spanish, 32 pages, small pica type, for $165. This latter proposal does not include translating the Constitution into Spanish. Should the Constitution make more than 32 pages, the price will be in proportion.

Very respectfully,

HERMAN BECKURTS.

Denver, Colo., March 1, 1876.

Estimated cost of printing the Constitution in the German language:

For printing one thousand copies (32 pages), in bourgeois type, on good paper, including cover and binding, $112.00.

For each additional thousand, $50.00. For translating, one ($1.00) dollar per page.

W. WILLERBORG.

Denver, February 29, 1876.

To the Honorable Chairman of the Committee on Printing, of the Constitutional Convention:

Sir—Having taken into consideration the matter of translating the Constitution of Colorado into the Spanish language, beg leave to report that on account of there being no Spanish printer in the city an immense amount of labor and waste of time is occasioned to the translators after their literary work is done, and therefore we consider that to make a correct and creditable translation of the State paper in contemplation, to attend to the proofreading and revisions of the same in a proper manner, can not be done at a price of less than $2 per page.

Very respectfully,

C. DOMINGUEZ,
A. R. DYER.

On motion of Mr. Webster, the report was received and laid upon the table for future consideration.

Mr. Clark moved to reconsider the vote by which section 17 of the article on Education and Educational Institutions was adopted.

And the question being upon the motion of Mr. Clark to reconsider, and being put, it resulted in a tie vote. Ayes, 15; noes, 15.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Beck, Carr, Clark, Crosby, Douglas, Ellsworth, Elder, Felton, Kennedy, Lee, Quillian, Thatcher, White, Wells, Wilson.

Those voting in the negative are—Messrs. Barela, Bromwell, Cushman, Cooper, Garcia, Hurd, James, Pease, Stone, Stover, Vigil, Webster, Wheeler, Widderfield, Yount.

So the Convention refused to concur in the motion of Mr. Clark to reconsider.

On motion of Mr. Beck, the report of the Standing Committee on Miscellaneous Subjects was taken from the table.

On motion of Mr. Pease, the Convention resolved itself into Committee of the Whole to consider the report of the Committee on Miscellaneous Subjects, Mr. Clark in the chair, and after some time spent therein the President resumed the chair and Mr. Clark reported that the Committee of the Whole Convention, to whom was referred the report of the Standing Committee on Miscellaneous Subjects, having, according to orders, had under consideration said report, had made some progress therein and asked leave to sit again.

On motion of Mr. Felton, the report was received and leave granted to sit again.

On motion of Mr. Plumb, the Convention adjourned until 2 o'clock this afternoon.

TWO O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called. Absent—Messrs. Barela, Boyles, Bromwell, Beck, Crosby, Hough, Head, Kennedy, Marsh, Meyer, Quillian, Webster, Wells and Wilcox.

Mr. Carr asked leave of absence for Mr. Beck until Tuesday, which was granted.

Mr. Thatcher asked for leave of absence for himself and Mr. Stone until Wednesday, which was granted.

Mr. White asked for leave of absence until Tuesday, which was granted.

Mr. Vigil asked for leave of absence during the remainder of the session of the Convention, which was granted.

On motion of Mr. Felton, the Convention resolved itself into Committee of the Whole to further consider the report of the Standing Committee on Miscellaneous Subjects, Mr. Clark in the

chair, and after some time spent therein the President resumed the chair and Mr. Clark submitted the following report:

Denver, March 4, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Standing Committee on Miscellaneous Subjects, having, according to order, had under consideration said report, have directed me to report the same back to the Convention with sundry amendments thereto, and ask the concurrence of the Convention therein, in the words following, viz.

WM. M. CLARK,
Chairman of the Committee of the Whole.

MISCELLANEOUS.

Section 1. 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 grade, and fix the compensation of the officers within the respective classes according to the population thereof. Said 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.

Sec. 2. No law shall be passed which will operate to extend the term of any public officer after his election or appointment, except as in this Constitution otherwise provided.

Sec. 3. The General Assembly shall pass liberal homestead and exemption laws.

Sec. 4. The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

Sec. 5. It shall be the duty of the General Assembly to pass such laws as shall be necessary and proper to decide differences by arbitration, to be approved by the parties who may choose that summary mode of adjustment, such arbitrators to have the powers and duties that may be prescribed by law.

Sec. 6. The term "felony," wherever it may occur in this Constitution or the laws of the State, shall be construed to mean any criminal offense punishable by death or imprisonment in the penitentiary, and none other.

Sec. 7. Persons elected or appointed to fill a vacancy occurring in any office shall serve only for the unexpired term of the office to which he is elected or appointed.

Sec. 8. 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 this State to fight a duel, shall hold any office in this State.

On motion of Mr. Felton, the report was received and laid upon the table for future consideration.

On motion of Mr. Webster, the Convention resolved itself into Committee of the Whole to consider the report of the Standing Committee on Schedule, Mr. Kennedy in the chair, and after some time spent therein the President resumed the chair and Mr. Kennedy submitted the following report:

Denver, March 4, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Standing Committee on Schedule, having, according to order, had under consideration said report, have directed me to report the same back with an amendment thereto, and ask the concurrence of the Convention therein, in the words following:

WM. R. KENNEDY,
Chairman.

ARTICLE —.

SCHEDULE.

That no inconvenience may arise by reason of the change from a Territorial form of government to that of a permanent State government, it is hereby ordained and declared:

Section 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force 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, committees, individuals or bodies corporate (not inconsistent therewith), shall continue as if the form of government had not been changed and this Constitution adopted.

Sec. 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 subdivision thereof, or any municipality therein, and all fines, taxes, penalties and forfeitures due or owing to the Territory of Colorado or any such subdivisions or municipality, 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 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 this Constitution.

Sec. 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.

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

Sec. 5. The Supreme and District Courts existing in this Territory at the time of the adoption of this Constitution shall, until superseded under its provisions, continue with like powers and jurisdiction and in the exercise thereof, both at law and in equity, in all respects as if this Constitution had not been adopted; and when said courts shall be so superseded all causes then pending in said courts, and the books, papers, records and proceedings thereof, shall pass into the jurisdiction of the Supreme and District Courts created by this Constitution.

Sec. 6. The terms of office of the several judges of the Supreme and District Courts and the district attorneys of the several 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.

Sec. 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.

Sec. 8. The books, records and proceedings of the several probate courts, and all cases and matters of administration pending therein, shall be transferred to and remain in the custody of the County Courts, and proceed to final decree, judgment, order or other determination; and, until the election of the county judges provided for in this Constitution, the probate judges shall act as judges of the County Courts, and the seal of the probate courts shall be the seal of the County Courts until the County Courts shall have procured proper seals.

Sec. 9. It is hereby declared that wherever the words Probate Court or probate judge occurs in the Statutes of Colorado, they shall be construed to mean County Court or county judge, and all laws specially applicable to the Probate Court shall be construed to apply to and be in force as to the County Court until repealed.

Sec. 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.

Sec. 11. All county offices, except county commissioner, that may become vacant during the year A. D. 1876 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, A. D. 1876, and the persons so elected shall hold their respective offices for the term of one year.

On motion of Mr. Webster, the report was received and laid upon the table for future consideration.

On motion of Mr. White, the report of the Committee of the Whole on the article on Miscellaneous Subjects was taken from the table.

Mr. Kennedy moved that the article be considered by sections, which was agreed to.

On motion of Mr. Kennedy, the Convention adopted section 1 as reported by the Committee of the Whole.

On motion of Mr. Widderfield, the Convention concurred in the amendment to section 2 as reported by the Committee of the Whole, viz.: To add to the section the words "except as in this Constitution otherwise provided."

On motion of Mr. Douglas, the Convention adopted section 2 as reported by the Committee of the Whole.

Mr. Wheeler moved the adoption of section 3 as reported by the Committee of the Whole.

And the question being upon the motion of Mr. Wheeler to adopt section 3, and being put, it was decided in the affirmative. Ayes, 15; noes, 7.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Clark, Cooper, Crosby, Ellsworth, Elder, Ebert, Felton, Garcia, James, Kennedy, Pease, Quillian, Vigil, Wheeler, Mr. President.

Those voting in the negative are—Messrs. Douglas, Hurd, Plumb, Stover, Webster, White, Widderfield.

So the Convention adopted section 3 as reported by the Committee of the Whole.

On motion of Mr. Kennedy, the Convention adopted section 4 as reported by the Committee of the Whole.

On motion of Mr. Kennedy, the Convention concurred in the recommendation of the Committee of the Whole to strike out section 5, as reported by the Standing Committee on Miscellaneous Subjects, and insert in lieu a substitute therefor.

On motion of Mr. Carr, the Convention amended section 5 by striking out the word "as" after the word "duties," and inserting in lieu thereof the word "that."

On motion of Mr. Kennedy, the Convention adopted section 5 as reported by the Committee of the Whole, as amended.

Mr. Pease moved to amend section 6 by striking out the word "include" and inserting in lieu the word "mean;" also, to strike out the words "and no others," at the end of the section.

Mr. Carr called for a division of the question.

And the question being, "Will the Convention strike out the word 'include' and insert the word 'mean'?", and being put, and a division called, it was decided in the affirmative. Ayes, 13; noes, 9.

So the Convention concurred in the motion of Mr. Pease to strike out the word "include."

Mr. Bromwell moved to amend section 6 by inserting the word "signify" in lieu of the word "include," stricken out, which was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Bromwell.

Mr. White moved to amend the amendment offered by Mr. Pease, by inserting the words "only such," after the word "mean."

Mr. Bromwell moved to amend section 6 by inserting after the word "mean" the word "any;" also, by striking out the word "offenses" and inserting in lieu thereof the word "offense;" also, by striking out the words "and no others" and inserting in lieu thereof the words "and none other," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Bromwell.

The question being on the amendment offered by Mr. White, and being put, it was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. White.

On motion of Mr. Kennedy, the Convention adopted section 6 as reported by the Committee of the Whole, as amended.

On motion of Mr. Kennedy, the Convention adopted section 7 as reported by the Committee of the Whole.

On motion of Mr. Clark, the Convention adopted section 8 as reported by the Committee of the Whole.

So the Convention adopted the article on Miscellaneous Subjects, in the words following:

ARTICLE.

MISCELLANEOUS.

Section 1. 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 grade, and fix the compensation of the officers within their respective classes according to the population thereof. Said 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.

Sec. 2. No law shall be passed which will operate to extend the term of any public officer after his election or appointment, except as in this Constitution otherwise provided.

Sec. 3. The General Assembly shall pass liberal homestead and exemption laws.

Sec. 4. The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

Sec. 5. It shall be the duty of the General Assembly to pass such laws as shall be necessary and proper to decide differences by arbitrators to be appointed by the parties who may choose that summary mode of adjustment; such arbitrators to have the power and duties that may be prescribed by law.

Sec. 6. The term "felony," wherever it may occur in this Constitution or the laws of the State, shall be construed to mean any criminal offense punishable by death or imprisonment in the penitentiary, and none other.

Sec. 7. Persons [any person] elected or appointed to fill a vacancy occurring in any office shall serve only for the unexpired term of the office to which he is elected or appointed.

Sec. 8. 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 this State to fight a duel, shall hold any office in this State.

On motion of Mr. Kennedy, the article on Miscellaneous Subjects, as adopted by the Convention, was ordered engrossed and referred to the Committee on Revisions and Adjustments.

On motion of Mr. Wells, the report of the Committee on Revisions and Adjustments on the article on Counties was taken from the table and considered by sections.

Sections 1 and 2, as revised by the committee, were approved by the Convention.

Section 3 remains unchanged.

Sections 4, 5 and 6, as revised by the committee, were approved by the Convention.

Section 7 remains unchanged.

Section 8, as revised by the committee, was approved by the Convention.

On motion of Mr. Wells, section 9 (except the last sentence), as revised by the committee, was approved by the Convention.

Sections 10, 11, 12, 13 and 14, as revised by the committee, were approved by the Convention.

So the Convention approved the article on "Counties." in the words following:

COUNTIES.

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

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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, and 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.

Sec. 7. The compensation of all county officers shall be as provided by law.

Sec. 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 and coroner; one treasurer, who shall be collecter of taxes; one county superintendent of schools; one county surveyor; and one county assessor.

Sec. 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, and until his successor shall be duly elected and qualified.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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 restriction.

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

On motion of Mr. Wells, the article on Counties, as approved by the Convention, was recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with a copy for enrollment.

Mr. White asked for leave of absence for Mr. Lee during the remainder of the afternoon's session, which, on motion of Mr. Widderfield, was granted.

Mr. Kennedy having asked for leave of absence until Wednesday next, Mr. Quillian moved that leave be granted.

And the question being upon the motion of Mr. Quillian to grant leave of absence to Mr. Kennedy until Wednesday, and being put, it was decided in the affirmative—ayes, 19; noes, 2.

The ayes and noes being called for, those voting in the affirmative are—Messrs. Bromwell, Carr, Clark, Cooper, Crosby, Douglas, Ellsworth, Elder, Ebert, Felton, Hurd, Plumb, Pease, Quillian, Stover, Webster, White, Widderfield, Mr. President.

Those voting in the negative are—Messrs. Wells, Wheeler.

So the Convention concurred in the motion of Mr. Quillian to grant leave of absence to Mr. Kennedy until Wednesday next.

On motion of Mr. Wells, the report of the Committee on Revisions and Adjustments on the article on Public and Private Corporations was taken from the table and considered by sections.

Sections 1, 2, 3 and 4, as revised by the committee, were approved by the Convention.

Section 5 remains unchanged.

Section 6, as revised by the committee, was approved by the Convention.

Sections 10, 11, 12, 13 and 14 remain unchanged.

Section 15, as revised by the committee, was approved by the Convention.

Section 9 of the article on Legislation was inserted as section 16.

On motion of Mr. Wells, the article on Public and Private Corporations was laid upon the table for future consideration.

Mr. Bromwell gave notice that he would on Monday next, or on some subsequent day, move that the vote by which section 13 of the article on Public and Private Corporations was adopted be reconsidered.

On motion of Mr. Wells, the article on Rights of Suffrage and Elections, as reported by the Committee on Revisions and Adjustments, was taken from the table and considered by sections.

Sections 1, 2, 3 and 4, as revised by the committee, were approved by the Convention.

Section 5 remains unchanged.

Sections 6, 7, 8, 9 and 10, as revised by the committee, were approved by the Convention.

On motion of Mr. Felton, the Committee on Revision and Adjustments was instructed to report to the Convention a substitute for section 2 of the article on Rights of Suffrage and Elections.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, submitted the following report:

Denver, March 4, 1876.

To the President and Members of the Constitutional Convention:

Your Committee on Revisions and Adjustments, who were directed to report a substitute for section 2 of the article on Suffrage and Elections, beg leave to report such substitute, hereto attached.

E. T. WELLS,
Chairman.

Sec. 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.

On motion of Mr. Felton, the Convention adopted the substitute for section 2 of the article on Rights of Suffrage and Elections, as reported by the Committee on Revisions and Adjustments.

So the Convention approved the article on Rights of Suffrage and Elections, in the words following:

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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

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

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

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

Sec. 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.

On motion of Mr. White, the article on Rights of Suffrage and Elections, as approved by the Convention, was recommitted

to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with a copy for enrollment.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, presented the report of that committee on the additional section to the article on Education and Educational Institutions, as follows:

To the Honorable President and Members of the Constitutional Convention:

Your Committee on Revisions and Adjustments, to whom was referred the section adopted in Convention prohibiting sectarian teachings in the public schools, having, according to order, had the same under consideration, respectfully recommend that the substance of said section be inserted in the 8th section of the article upon Education and Educational Institutions, as heretofore adopted, immediately after the word "whatever," in the third line thereof, in words as follows, to-wit: "No sectarian tenets or doctrines shall ever be taught in the public schools."

Respectfully submitted,

E. T. WELLS,

Denver, March 4, 1876. Chairman.

On motion of Mr. Felton, the report was received and the recommendation of the committee concurred in and approved by the Convention.

Mr. Wells asked leave to amend the report of the Committee on Revisions and Adjustments on section 17 of the article on Education and Educational Institutions, which, on motion of Mr. Pease, was granted.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, reported back section 17 of the article on Education and Educational Institutions, with sundry amendments thereto, as follows:

"Section 17. Neither the General Assembly nor the State Board of Education shall have power to prescribe text books to be used in the public schools."

On motion of Mr. Widderfield, the Convention approved section 17 as revised by the committee.

So the Convention approved the article on Education and Educational Institutions, in the words following:

EDUCATION AND EDUCATIONAL INSTITUTIONS.

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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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 purposes.

Sec. 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 as prescribed by law. He shall be ex-officio commissioner of lands within his county, and shall discharge the duties of said office under the direction of the State Board of Land Commissioners, as directed by law.

Sec. 7. Neither the General Assembly nor any county, city, town, township, school district or other public corporation shall ever make any appropriations, 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 whatever, nor shall any grant or donation of land, money or other personal property ever be made by the State or any such public corporation to any church or for any sectarian purpose.

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

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

Sec. 10. 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 such land made by Congress to the State shall be judiciously located and carefully preserved and held in trust, subject to disposal for the use and benefit of the respective objects for which said grants of land were made, and the General Assembly shall provide for the sale of said lands from time to time and for the faithful application of the proceeds thereof, in accordance with the terms of said grants.

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

Sec. 12. There shall be elected by the qualified electors of the State, at the first general election under this Constitution, six Regents of the University, who shall, immediately after their election, be so classified by lot that two shall hold their office for the term of two years, two for four years and two for six years, and every two years after the first election there shall be elected two Regents of the University, whose term of office shall be six years.

The Regents thus elected and their successors shall constitute a body corporate, to be known by the name and style of "The Regents of the University of Colorado."

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

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

Sec. 15. Stricken out.

Sec. 16. 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 people of the district. Said directors shall have control of instruction in the public schools of their respective districts.

Sec. 17. Neither the General Assembly nor the State Board of Education shall have power to prescribe text books to be used in the public schools.

On motion of Mr. Wells, the article on Education and Educational Institutions, as approved by the committee, was recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling a copy for enrollment.

On motion of Mr. Wells, the Convention adjourned.

MONDAY, MARCH 6, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Reverend Mr. Sturtevant.

Roll called.

Absent—Messrs. Boyles, Beck, Douglas, Hurd, Hough, Head, Kennedy, Marsh, Meyer, Rockwell, Stone, Thatcher, Vigil, Webster, White and Wilcox.

The Journal having been partially read, on motion of Mr. Wheeler the further reading of the Journal was dispensed with.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, presented the report of that committee on the article on Judicial Department, as follows:

Denver, March 6, A. D. 1876.

To the President and Members of the Constitutional Convention:

Your Committee on Revisions and Adjustments, having, according to order, had under consideration the article agreed upon, under the title "Judicial Department," respectfully report the same back with sundry emendations, wherein the concurrence of the Convention is requested.

E. T. WELLS,
Chairman.

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.

Sec. 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.

Sec. 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.

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

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

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

Sec. 7. The term of office of the judges of the Supreme Court, except as in this article otherwise provided, shall be nine years.

Sec. 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 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.

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

Sec. 10. 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 the State or Territory at least two years next preceding his election.

DISTRICT COURTS.

Sec. 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 railroads, telegraph or toll road companies or corporations.

Sec. 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 [court] for each other, and shall do so when required by law.

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

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

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

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

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

Sec. 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.

Sec. 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 Courts 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.

Sec. 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.

Sec. 17. The time of holding courts within said districts shall be as provided by law, but at least one term of the District Court shall be held annually in each county, except in such counties as may be attached for judicial purposes to another county, wherein such courts are so held. This shall not be construed to prevent the holding of special terms, under such regulations as may be provided by law.

Sec. 18. 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.

Sec. 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.

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

DISTRICT ATTORNEYS.

Sec. 21. There shall be elected at each regular election for judges of the Supreme Court a district attorney for each Judicial 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 the District Courts as prescribed in this article.

COUNTY COURTS.

Sec. 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 such as may be provided by law.

Sec. 23. County Courts shall be courts of record and shall have original jurisdiction within each county 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 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 Court, 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.

Sec. 24. The General Assembly shall have power to create and establish a Criminal Court in each county having a population exceeding fifteen thousand, which courts 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.

POLICE MAGISTRATES.

Sec. 26. The General Assembly shall have power to provide for creating such police magistrates for cities and towns as

may be deemed from time to time necessary or expedient, who shall have jurisdiction of all cases arising under the ordinances of such cities and towns respectively.

MISCELLANEOUS.

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

Sec. 28. 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.

Sec. 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 vacancies 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.

Sec. 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."

Mr. Yount, of the Committee on Printing, reported back to the Convention the report of the Committee on Revisions and Adjustments on the article on Judicial Departments, as correctly printed.

There being no objection, the report was received and filed by the Secretary.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, presented the report of that committee on the articles on "Mines and Mining" and "Irrigation, Agriculture and Manufactures," which, on his own motion, was received, ordered printed, and laid upon the table for future consideration.

Denver, March 6, 1876.

To the President and Members of the Constitutional Convention:

Your Committee upon Revisions and Adjustments, having had under consideration the articles adopted by the Convention in relation to Mines and Mining, and Irrigation, Agriculture and Manufactures, respectfully report sundry emendations therein, in which the concurrence of the Convention is requested.

E. T. WELLS,
Chairman.

MINING AND IRRIGATION.

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.

Sec. 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.

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

Sec. 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.

Sec. 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.

Sec. 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 desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes.

Sec. 7. All persons and corporations shall have the right of way across public, private and corporate lands for the con-

struction of ditches, canals and flumes for the purpose of conveying water for domestic purposes for the irrigation of agricultural lands, and for mining and manufacturing purposes, and for drainage, upon payment of just compensation.

Sec. 8. 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.

Mr. Cushman, Chairman of the Committee on Revenue and Finance, presented the following report:

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Revenue and Finance have had under consideration the section which was referred to them from the report of your Committee on State, County and Municipal Indebtedness, and recommend the same, with certain changes, to you as an additional section to the article on Revenue and Finance. All of which is respectfully submitted.

WM. N. CUSHMAN,

Denver, Colorado, March 6, 1876.

Sec. 3. No appropriation shall be made nor any expenditure authorized by the General Assembly, nor by any board of county commissioners, city council, board of aldermen, trustees, selectmen or directors of any county, city, town, township or school district, whereby the expenditures of the State or of any county, city, town, township or school district, during the next ensuing fiscal year, shall exceed the total tax then levied and available for such appropriation, or authorizing such expenditure; shall provide for the levying of a sufficient tax to pay such increased appropriation or expenditure within such next ensuing fiscal year, but in no case shall such appropriation or expenditure exceed an amount equal to ten per cent. of the tax then levied for such purposes.

Mr. Felton moved that the report be received, ordered printed and laid upon the table for future consideration.

Mr. Carr called for a division of the question, and the question being upon the motion of Mr. Felton to receive the report, and being put, it was agreed to.

The question then being on the motion to order printed, and being put, it was not agreed to.

And the question then being on the motion to lay the report upon the table for future consideration, and being put, it was agreed to.

So the report of the Committee on Revenue and Finance was received and laid upon the table for future consideration.

Mr. Webster appeared and took his seat.

On motion of Mr. Barela, Mr. Boyles was excused from further attendance during the remainder of the session of the Convention.

On motion of Mr. Wells, the report of the Committee on Revisions and Adjustments on the article on Judicial Departments was taken from the table and considered by sections.

Section 1 remains unchanged; section 2, as revised by the committee, was approved by the Convention; sections 3, 4, 5 and 6 remain unchanged; sections 7 and 8, as revised by the committee, were approved by the Convention; section 9 remains unchanged; sections 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, as revised by the committee, were approved by the Convention; section 20 remains unchanged; sections 21, 22, 23, 24, 25, 26 and 27, as revised by the committee, were approved by the Convention; section 28 remains unchanged; section 29, as revised by Supreme Court shall, on or before the first day of July, in each the committee, was approved by the Convention; section 30 remains unchanged.

So the Convention approved the article on Judicial Department in the words following:

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.

Sec. 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.

Sec. 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.

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

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

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

Sec. 7. The term of office of the judges of the Supreme Court, except as in this article otherwise provided, shall be nine years.

Sec. 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 judge having the shortest time 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

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

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

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

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

Fourth District—The Counties of Costilla, Conejos, Rio Grande, San Juan, La Plata, Hinsdale, Saguache and Lake.

Sec. 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 numbers 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.

Sec. 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 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.

Sec. 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 law thereof at the time of the adoption of this Constitution, shall be eligible to the office of judge of the District Court of the judicial district within which he is an elector.

Sec. 17. 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 so construed as to prevent the holding of special terms under such regulations as may be provided by law.

Sec. 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.

Sec. 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.

Sec. 20. Until the General Assembly shall provide by law for fixing the terms of the courts aforesaid, the judges of the

supreme and district courts, respectively, shall fix the terms thereof.

DISTRICT ATTORNEYS.

Sec. 21. There shall be elected at each regular election for judges of the Supreme Court a district attorney for each judicial 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.

Sec. 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 such as may be provided by law.

Sec. 23. County Courts shall be courts of record, and shall have original jurisdiction within each County 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.

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

JUSTICES OF THE PEACE.

Sec. 25. Justices of the peace shall have such jurisdiction as may be conferred by law, but they shall not have 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.

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

MISCELLANEOUS.

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

Sec. 28. 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.

Sec. 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.

Sec. 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."

On motion of Mr. Wells, the article on Judicial Department, as approved by the Convention, was recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with a copy for enrollment.

Mr. Cooper, Chairman of the Committee on Engrossing and Enrolling, reported back to the Convention the article on Miscellaneous Subjects adopted by the Convention as correctly engrossed. There being no objection the report was received and referred to the Committee on Revisions and Adjustments.

On motion of Mr. Wells, the additional section to the article on Revenue and Finance, reported by the Committee on Revenue and Finance, was taken from the table.

Mr. Webster moved to amend the section by striking out the word "ten" and inserting in lieu thereof the words "twenty-five."

Mr. Felton moved that the further consideration of the section be postponed until 2 o'clock (P. M.) this afternoon, which was agreed to.

So the Convention postponed the further consideration of the section until 2 o'clock.

On motion of Mr. Bromwell, the rules were suspended, and Mr. Bromwell then moved that the vote by which section 13 of the article on Public and Private Corporations was adopted be reconsidered, which was agreed to.

Mr. Bromwell moved to amend section 13 of the article on Public and Private Corporations by inserting after the word "stockholder," in the second line, the words "in any corporation of which the paid up capital stock shall exceed twenty thousand dollars;" also by adding to the section the words "Stockholders in any corporation shall be individually liable for any and all debts contracted by such corporations when the paid up capital stock thereof shall not exceed twenty thousand dollars," which was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Bromwell.

Mr. Plumb moved to amend the section by striking out all of the section after the word "law," in the first line.

Mr. Pease, as an amendment to the motion of Mr. Plumb, moved to strike out the whole of the section, which amendment was accepted by Mr. Plumb.

And, the question being, "will the Convention strike out section 13 of the article on Public and Private Corporations?" and being put, it was decided in the affirmative—ayes, 13; noes, 9.

The ayes and noes being called, those voting in the affirmative are:

Messrs. Barela, Bromwell, Carr, Cooper, Felton, Garcia, Hurd, Lee, Plumb, Stover, Wells, Wheeler and Wilson.

Those voting in the negative are:

Messrs. Ellsworth, Elder, Ebert, James, Pease, Quillian, Webster, Widderfield and Yount.

So the Convention concurred in the motion of Mr. Plumb to strike out section 13 of the article on Public and Private Corporations.

So the Convention approved the article on Public and Private Corporations in the words following.

PUBLIC AND PRIVATE 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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 employe thereof shall give any preference to individuals, associations or corporations in furnishing cars or motive power.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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 coporate property within the limits of the State in all matters which may arise as if said consolidation had not taken place.

Sec. 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.

On motion of Mr. Felton, the article on Public and Private Corporations, as approved by the Convention, was recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with a copy for enrollment.

On motion of Mr. Felton, the report of the Committee of the Whole on the article on Schedule was taken from the table.

On motion of Mr. Felton, the article on Schedule was laid upon the table for further consideration; and on motion of Mr. Ellsworth, the report of the Committee on Printing, in reference to the cost of printing the Constitution, was taken from the table, pending debate upon which, on motion of Mr. Carr, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Boyles, Beck, Cooper, Crosby, Douglas, Felton, Hough, Head, Kennedy, Marsh, Meyer, Rockwell, Stone, Thatcher, Vijil, White and Wilcox.

Mr. Quillian asked for leave of absence for Mr. Douglas, which was granted.

The Convention resumed the consideration of the report of the Committee on Printing, and, on motion of Mr. Ellsworth, the report was laid upon the table for future consideration.

The special order for this hour being the consideration of the additional section to the article on Revenue and Finance reported by the Committee on Revenue and Finance,

On motion of Mr. Webster, the section was recommitted to the Committee on Revenue and Finance.

Mr. Webster, Chairman of the Committee on Printing, reported back to the Convention the article on Mining and Irrigation, as reported by the Committee on Revisions and Adjustments, as correctly printed. There being no objection, the report was received and filed by the Secretary.

On motion of Mr. Felton, the report of the special committee appointed to prepare an election ordinance was taken from the table.

On motion of Mr. Webster, the Convention resolved itself into Committee of the Whole to consider the report of the special committee appointed to prepare an election ordinance. Mr. Elder in the chair. And, after some time spent therein, the President resumed the chair and Mr. Elder submitted the following report:

Denver, March 6, A. D. 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention to whom was referred the report of the special committee appointed to prepare an election ordinance, having, according to order, had under consideration said report, have directed me to report the same back with sundry amendments thereto, and ask the concurrence of the Convention therein in the words following, viz.:

C. P. ELDER,
Chairman of the Committee of the Whole.

ELECTION ORDINANCE.

Whereas, The enabling act passed by Congress and approved March 3, 1875, requires that the Convention charged with the duty of framing a Constitution for a state government, shall provide by ordinance for submitting said Constitution to the people of the Territory of Colorado for their ratification or rejection; therefore, this Convention, organized in pursuance of said enabling act, does establish the following:

ORDINANCE.

Section 1. The Governor of the Territory of Colorado shall issue his proclamation for the submission of this Constitution to the people of said Territory for their approval or rejection on the first day of July, in the year of our Lord one thousand eight hundred and seventy-six; and this Constitution shall be submitted to the qualified electors of said Territory in the several Counties thereof for their approval or rejection on the said first day of July, in the year of our Lord one thousand eight hundred and seventy-six.

Sec. 2. All persons who, upon the date of the aforesaid election, are electors under the laws of the Territory of Colorado, shall be qualified voters upon the adoption or rejection of this Constitution, and said election shall be held in the usual places of holding elections, and be conducted in the same manner as is prescribed by the laws of said Territory regulating elections.

Sec. 3. In voting upon this Constitution each elector shall deposit in the ballot box a ticket whereon shall be written or printed "For the Constitution" or "Against the Constitution," or such other words that shall clearly indicate the intention of the elector.

Sec. 4. The votes cast at said election shall be canvassed in the same manner as is prescribed by the laws of the Territory of Colorado for canvassing the votes of all general elections, and the said returns of said election shall be made to the 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 Governor shall certify the same to the President of the United States, together with a copy of said Constitution and ordinances.

On motion of Mr. James, the report was received.

On motion of Mr. Clark, the Convention concurred in the amendments to the ordinance reported by the Committee of the Whole, viz.:

In section 1, to strike out the words "is hereby authorized to," in the first line, and insert in lieu the word "shall;" also by filling the blanks in the third and fifth lines by inserting in each case the word "first." In section 4, to strike out the words "for the adoption or rejection of the Constitution," in the first line; also by striking out the words "shall be," in the fifth line; and also by striking out in same line the words "for said," and inserting in lieu the words "shall be for the."

On motion of Mr. Clark, the preamble to the odinance was stricken out.

On motion of Mr. Clark, the Convention adopted section 1 as reported by the Committee of the Whole.

Mr. Hurd moved to amend section 2 as reported by the Committee of the Whole by striking out the word "upon," in the first line and inserting in lieu the word "at," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Hurd.

On motion of Mr. James, the Convention adopted section 2 as reported by the Committee of the Whole, as amended.

On motion of Mr. James, the Convention adopted section 3 as reported by the Committee of the Whole.

So the Convention adopted the election ordinance in the words following:

ELECTION ORDINANCE.

Section 1. The Governor of the Territory of Colorado shall issue his proclamation for the submission of this Constitution to the people of said Territory for their approval or rejection, on the first day of July, in the year of our Lord one thousand eight hundred and seventy-six, and this Constitution shall be submitted to the qualified electors of said Territory in the several Counties thereof for their approval or rejection, on the said first day of July, in the year of our Lord one thousand eight hundred and seventy-six.

Sec. 2. All persons who, at the date of the aforesaid election, are electors under the laws of the Territory of Colorado, shall be qualified voters upon the adoption or rejection of this Constitution, and said election shall be held in the usual places of holding elections, and be conducted in the same manner as is prescribed by the laws of said Territory regulating elections.

Sec. 3. In voting upon this Constitution, each elector shall deposit in the ballot box a ticket whereon shall be written or printed, "For the Constitution" or "Against the Constitution," or such other words that shall clearly indicate the intention of the elector.

Sec. 4. The votes cast at said election shall be canvassed in the same manner as is prescribed by the laws of the Territory of Colorado for canvassing the votes of all general elections, and the returns of said election shall be made to the 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 Governor shall certify the same to the President of the United States, together with a copy of said Constitution and ordinances.

On motion of Mr. Widderfield, the election ordinance adopted by the Convention was ordered engrossed and referred to the Committee on Revisions and Adjustments.

On motion of Mr. Plumb, the report of the Committee of the Whole on the article on Schedule was taken from the table.

On motion of Mr. Pease, the Convention recommitted section 1 to the Committee on Schedule.

On motion of Mr. Clark, the Convention adopted section 2 as reported by the Committee of the Whole.

On motion of Mr. Widderfield, the Convention adopted section 3 as reported by the Committee of the Whole.

On motion of Mr. Plumb, the Convention adopted section 4 as reported by the Committee of the Whole.

On motion of Mr. Quillian, the Convention adopted section 5 as reported by the Committee of the Whole.

On motion of Mr. Clark, the Convention adopted section 6 as reported by the Committee of the Whole.

On motion of Mr. James, the Convention adopted section 7 as reported by the Committee of the Whole.

On motion of Mr. Widderfield, the Convention concurred in the amendment reported by the Committee of the Whole, viz.:

To strike out the word "or" after the word "decree," in the third line.

Mr. Quillian moved to amend section 8 by inserting at the beginning of the section the words "when this Constitution goes into effect," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Quillian.

On motion of Mr. Felton, the Convention adopted section 8 as reported by the Committee of the Whole, as amended.

On motion of Mr. Stover, the Convention adopted section 9 as reported by the Committee of the Whole.

On motion of Mr. Cooper, the Convention adopted section 10 as reported by the Committee of the Whole.

On motion of Mr. James, the Convention concurred in the amendment reported by the Committee of the Whole, viz.:

To insert after the word "offices," in the first line, the words "except county commissioners."

On motion of Mr. Quillian, the Convention adopted section 11 as reported by the Committee of the Whole.

Mr. Quillian offered the following as an additional section, and moved its adoption:

The provisions of this Constitution shall be in force from the day the President of the United States issues his proclamation declaring Colorado admitted into the Union, and the Governor, Secretary, Treasurer, Auditor, Superintendent of Public Instruction and Judges of the Supreme Court of the Territory of Colorado shall continue to discharge the duties of their respective offices and in the judicial districts, after the admission of the State into the Union until the qualification of the officers elected 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.

Mr. Pease moved to amend the additional section offered by Mr. Quillian, by inserting after the words "respective officers" the words "and in the same Judicial Districts," which amendment was accepted by Mr. Quillian.

And the question being on the motion of Mr. Quillian to adopt the additional section as amended, and being put, it was agreed to.

So the Convention adopted the additional section as section 12, offered by Mr. Quillian, as amended.

On motion of Mr. Felton, the article on Schedule was laid upon the table for future consideration.

On motion of Mr. Felton, the Committee on Revisions and Adjustments were authorized to procure any printing they may require, including reports and other matters referred to that committee.

Mr. Cushman, Chairman of the Committee on Revenue and Finance, submitted the following report:

Denver, Colo., March 6th, 1876.

To the Honorable President and Constitutional Convention:

Your standing committee to whom was referred the resolution directing them to prepare and report a section limiting appropriations by the General Assembly, have had the same under consideration and submit the following:

Respectfully,

WM. H. CUSHMAN,
A. K. YOUNT,
S. J. PLUMB,
L. C. ELLSWORTH.

Section 18. No appropriation shall be made nor any expenditure authorized by the General Assembly whereby the expenditure of the State, during the next fiscal year, shall exceed the total tax then levied and applicable for such appropriation or expenditure, unless the law making such appropriation or authorizing such expenditure shall provide for levying a sufficient tax to pay such increased appropriation or expenditure within such next ensuing fiscal year.

On motion of Mr. Felton, the report was received, ordered printed and laid upon the table for future consideration.

Mr. James moved to adjourn until 9 o'clock A. M. on Wednesday.

And, the question being upon the motion of Mr. James to adjourn until 9 o'clock on Wednesday, and being put, it resulted in a tie vote—ayes, 10; noes, 10.

The ayes and noes being called, those voting in the affirmative are:

Messrs. Barela, Clark, Cooper, Felton, Garcia, Hurd, James, Quillian, Wheeler and Mr. President.

Those voting in the negative are:

Messrs. Cushman, Ellsworth, Elder, Lee, Plumb, Pease, Stover, Webster, Widderfield and Yount.

So the Convention refused to concur in the motion of Mr. James to adjourn.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, presented a report of that Committee in reference to the second section of the article on Miscellaneous Subjects, as follows:

To the Honorable the President and Members of the Constitutional Convention.

Your Committee upon Revisions and Adjustments having had under consideration the article concerning Miscellaneous Subjects, respectfully recommend that section 2 of said article be stricken out, and that the words "except as otherwise provided in this Constitution" be suffixed to section 16 of the second part of the article on Legislative Department, as the same passed the Convention, said section now being numbered 30 in the article entitled Legislative Department.

E. T. WELLS,
Chairman.

On motion of Mr. Felton, the Convention concurred in and approved the recommendation of the committee in reference to the second section of the article on Miscellaneous Subjects, and the Committee were instructed to carry out their recommendation.

Mr. Felton moved that the report of the Committee on Revisions and Adjustments on the article on Mining and Irrigation be taken from the table.

And, the question being upon the motion of Mr. Felton, and being put, and a division called, it was decided in the negative—ayes, 8; noes, 12.

So the Convention refused to concur in the motion of Mr. Felton to take the report of the Committee on Revisions and Adjustments on the article on Mining and Irrigation from the table.

Mr. Felton moved, that in order to give the Committees on Revisions and Adjustments and Engrossing and Enrolling an opportunity to complete their reports, this Convention do now adjourn until 9 o'clock A. M. on Wednesday, which was agreed to.

So the Convention adjourned until 9 o'clock A. M. on Wednesday.

WEDNESDAY, MARCH 8TH, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Hawley.

Roll called.

Absent—Messrs. Barela, Boyles, Douglas, Ebert, Hough, Head, Kennedy, Marsh, Meyer, Rockwell, Stone, Thatcher, Vigil, White and Wheeler.

The President asked that the leave of absence of Messrs. Stone and Thatcher be extend until tomorrow, which was granted.

The Journal having been partially read, on motion of Mr. Quillian, the further reading was dispensed with.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, presented the report of that Committee on the articles on Revenue and Finance and Miscellaneous Subjects, which, on his own motion, were received and laid on the table for future consideration:

Denver, March 8th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Your Committee upon Revisions and Adjustments (having) had under consideration the article concerning Revenue and Finance as heretofore agreed to, beg leave to report the same with sundry amendatures therein and sundry recommendations, which will appear by the copy thereof hereto attached. Your Committee also beg leave to report the article entitled Miscellaneous, as heretofore agreed to, with sundry emendations and recommendations, which will appear by the copy thereof hereto attached.

All of which is respectfully submitted,

E. T. WELLS,
Chairman.

MISCELLANEOUS.

Section 1. 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 give to 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.

Sec. 2. Recommended to be stricken out, because provided for in section 16 of the second part of the article on Legislature and Legislation, now section 30 of said article: recommended also to preface to said last mentioned section the words, "Except as otherwise provided in this Constitution."

Sec. 3. The General Assembly shall pass liberal homestead and exemption laws.

Sec. 4. The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

Sec. 5. It shall be the duty of the General Assembly to pass such laws as may be necessary and proper to decide differences by arbitration, to be appointed by mutual agreement of the parties to any controversy who may choose that mode of adjustment. The powers and duties of such arbitrators shall be as prescribed by law.

Sec. 6. The term felony, wherever it may occur in this Constitution or in the laws of the State, shall be construed to mean any criminal offense punishable by death or imprisonment in the penitentiary, and none other.

Sec. 7. The term of office of any officer elected to fill a vacancy shall terminate at the expiration of the term during which the vacancy occurred.

Sec. 8. 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 this State to fight a duel, shall hold any office in the State.

REVENUE AND FINANCE.

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

Sec. 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.

Sec. 3. All taxes shall be uniform upon the same class of subjects within the Territorial limits of the authority levying the tax, and shall be levied and collected under general laws, which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal. Provided, That 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 purposes.

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

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

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

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

Sec. 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.

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

Sec. 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.

Substitute recommended for sections 12 and 13.

Sec. 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 are kept on deposit, and the number and amount of every warrant received, and the number and amount of every warrant paid therefrom during the quarter. Swearing falsely to any such report shall be deemed perjury.

The Governor shall cause every such report to be immediately published in at least one newspaper printed at the seat of Government, and otherwise as the General Assembly may require.

The General Assembly may provide by law further regulations for the safe keeping and management of the public funds in the hands of the Treasurer, but notwithstanding, any such regulation, the Treasurer and his sureties shall in all cases be held responsible therefor.

Sec. 14. The making of profit directly or indirectly out of any State, county, city, town or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

Sec. 15. Private property shall not be taken or sold for the payment of the corporate debt of municipal corporations.

Sec. 16. Recommended to be stricken out, because provided for in section 14 of the article on Public Indebtedness, except the last clause, which is recommended to be carried to the end of the section named.

Sec. 17. 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.

Mr. Cooper, Chairman of the Committee of Engrossing and Enrolling, reported back to the Convention the Election Ordinance as correctly engrossed.

There being no objection, the report was received and referred to the Committee on Revisions and Adjustments.

Mr. Quillian, Chairman of the Committee on Schedule, submitted the following report of that Committee, which, on his own motion, was laid upon the table for future consideration:

Denver, March 8th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Schedule to whom was recommitted section 1 of their report, beg leave to report the same back unaltered.

R. A. QUILLIAN,
Chairman.

Mr. Webster, of the Committee on Printing, reported back to the Convention the reports of the Committee on Revisions and

Adjustments on the articles entitled "Revenue and Finance" and "Miscellaneous," as correctly printed; and also the supplementary report of the Committee on Revenue and Finance as correctly printed.

There being no objection, the reports were received and filed by the Secretary.

On motion of Mr. Wells, the report of the Committee on Revisions and Adjustments on the article on Mining and Irrigation, was taken from the table and considered by sections. Section 1 and 2 as revised by the Committee were approved by the Convention. Sections 3, 4, 5 and 6 remain unchanged. Section 7 as revised by the Committee was approved by the Convention. Section 8 remains unchanged.

So the Convention approved the article on Mining and Irrigation in the words following:

MINING AND IRRIGATION.

MINING.

Sec. 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.

Sec. 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.

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

Sec. 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.

Sec. 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.

Sec. 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.

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

Sec. 8. 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.

On motion of Mr. Wells, the article on mining and irrigation, as approved by the Convention, was recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with a copy for enrollment.

Mr. Marsh appeared and took his seat.

On motion of Mr. Wells, the report of the Committee on Revisions and Adjustments on the article on Revenue and Finance was taken from the table, and considered by sections.

Sections 1 and 2 remain unchanged; section 3, as revised by the committee, was approved by the Convention; sections 4 and 5 remain unchanged; sections 6 and 7, as revised by the committee, were approved by the Convention; section 8 remains unchanged; section 11, as revised by the committee, was approved by the Convention.

On motion of Mr. James, the Convention concurred in and approved the action of the committee in striking out sections 12 and 13 and inserting the following substitute in lieu thereof:

Sec. 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 paid therefrom during the quarter. Swearing falsely to any such report shall be deemed perjury.

Section 14, as revised by the committee, was approved by the Convention; section 15 remains unchanged.

On motion of Mr. Felton, the convention concurred in and approved the action of the committee in striking out section 16

and carrying the last clause thereof to the end of section 4 of the article on State, County and Municipal Indebtedness.

Section 17, as revised by the committee, was approved by the Convention.

So the Convention approved the article on Revenue and Finance in the words following:

REVENUE AND FINANCE.

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

Sec. 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.

Sec. 3. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws, which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal. Provided, That 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 corporation, or the individual members thereof, shall not be separately taxed, so long as they shall be owned and used exclusively for such purpose.

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

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

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

Sec. 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.

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

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

Sec. 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.

Sec. 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 prescribed by law.

Sec. 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.

Sec. 14. The making of profit directly or indirectly out of State, county, city, town or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

Sec. 15. Private property shall not be taken or sold for the payment of the corporate debt of municipal corporations.

Section 16. Recommended to be stricken out because provided for in section 4 of the article on Public Indebtedness, except the last clause, which is recommended to be carried to the end of the section named.

Sec. 17. 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.

On motion of Mr. Wells, the article on Revenue and Finance, as approved by the Convention, was recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with a copy for enrollment.

On motion of Mr. Carr, the additional section to the article on Revenue and Finance reported by the committee was taken from the table.

Mr. Hurd moved to amend the section by striking out the word "the" after the word "during," in the second line, and inserting in lieu thereof the word "any," which was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Hurd.

Mr. Pease moved to amend the section by striking out the words "the next ensuing," in second line, and inserting in lieu the word "any;" also, by striking out the words "next ensuing," in fifth line, which was agreed to.

So the Convention concurred in the amendment offered by Mr. Pease.

Mr. Bromwell offered the following substitute for the section reported by the committee:

"The General Assembly shall not make any appropriation nor authorize any expenditure whereby the expenditure of the State, during the next two fiscal years or either of them, shall be increased beyond the amount of tax applicable to the payment of such appropriation or expenditure, unless the law making such appropriation or authorizing such expenditure shall provide for the levying of such tax as will be sufficient to pay such increased appropriation or expenditure, within the fiscal year or years in which such appropriation or expenditure shall be payable. 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."

And the question being upon the motion of Mr. Bromwell to strike out the section reported by the committee and insert in lieu the above substitute, and being put, it was not agreed to.

So the Convention refused to concur in the motion of Mr. Bromwell.

Mr. Webster moved to amend the section reported by the committee by striking out the words "the law making such appropriation or authorizing such expenditure shall provide for levying," in third and fourth lines, and inserting in lieu the words "the general levy," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Webster.

Mr. Pease moved to amend the section by adding thereto the words "This provision shall not apply to appropriations or expenditures to suppress insurection, defend the State or assist in defending the United States in time of war," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Pease.

Mr. Bromwell moved to amend the section by inserting after the word "tax," in the fourth line, the words "not exceeding the rates allowed in section 11 of this article," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Bromwell.

Mr. Beck moved the adoption of the section, as amended, as section 18.

And the question being, "Will the Convention Adopt the Additional Section Reported by the Committee on Revenue and Finance as Amended?" and being put, it was decided in the affirmative—ayes, 17; noes, 6.

The ayes and noes being called for:

Those voting in the affirmative are—Messrs. Bromwell, Beck, Cushman, Clark, Crosby, Ellsworth, Elder, Felton, Garcia, Hurd, James, Lee, Pease, Stover, Webster, Widderfield, Mr. President.

Those voting in the negative are—Messrs. Cooper, Marsh, Plumb, Quillian, Wilcox and Yount.

So the Convention adopted the additional section, as amended, as section 18.

Mr. Bromwell offered the following additional section to the article on Revenue and Finance and moved its adoption:

"No county, city, town or school district shall make any appropriation or authorize any expenditure whereby the expenditure of such county, city, town or school district for the next ensuing fiscal year shall be increased beyond the amount of tax then levied and applicable for payment of such appropriation or expenditure and ten per cent. thereon, unless the order or ordinance making such appropriation or authorizing such expenditure shall

provide for a tax sufficient to pay the same within such fiscal year."

Mr. Ellsworth offers the following as a substitute for the additional section offered by Mr. Bromwell.

"The General Assembly shall pass laws to restrict the amount of appropriations or expenditures that may be made by counties, cities, towns or school districts."

On motion of Mr. Webster, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Boyles, Douglas, Ebert, Hurd, Hough, Head, Kennedy, Meyer, Rockwell, Stone, Thatcher, Vigil, White and Wheeler.

The Convention resumed the business unfinished at the last adjournment, viz.: The consideration of the additional section to the article on Revenue and Finance offered by Mr. Bromwell, and the substitute therefor offered by Mr. Ellsworth.

Mr. Wells moved that the consideration of the additional section and substitute be postponed, which was agreed to.

Mr. Wells, chairman of the Committee on Revisions and Adjustments, submitted a report of that committee, as follows:

To the Hon. President and Constitutional Convention of Colorado:

Gentlemen—Your Committee upon Revisions and Adjustments, to whom have been heretofore referred the several articles hereinafter mentioned, beg leave to recommend the following several emendations therein, to-wit:

In the article concerning Legislative Department, in section 2 thereof, as heretofore reported by this committee and agreed to, in line 2 of said section, according to the printed copy of the report of this committee (C. C. R. No. 58), strike out the words "of our Lord" and the figures "1876" and insert in lieu thereof the words "eighteen hundred and seventy-six." In the same line, strike out the figures "1878" and insert in lieu thereof the words "eighteen hundred and seventy-eight." In section 7 of the same article in lieu, and of the same printed copy, strike out the figures "12" and insert the word "twelve." In line 2, strike out "A. D. 1876," and insert the words: "In the year eighteen hundred and seventy-six." In the same line, strike out the figures "12" and insert the word "twelve." In lines two and three, strike out "A. D. 1879" and insert in lieu the words: "In the year eighteen hundred and seventy-nine." In line 3, strike out "12" and insert the word "twelve." In section (8) of the article concerning Judiciary, in line (3) three thereof, according to the same printed copy of the

former report of this committee thereon (C. C. R. No. 65), insert after the words "nine years" the following: "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." In section 21 of said article, according to the same printed copy, insert after the word "elected," in line one, the words "by the qualified electors of each judicial district." In line 2, strike out the words "each judicial" and insert "such."

All of which is respectfully submitted.

E. T. WELLS,
Chairman.

Mr. Wells moved that the Convention concur in and approve the recommendations of the committee, in reference to section 2 of the article on Legislative department, which was not agreed to.

So the Convention refused to concur in and approve the recommendations of the committee, in reference to section 2 of the article on Legislative department.

Mr. Wells moved that the Convention concur in and approve the recommendations of the committee, in reference to section 7 of the article on Legislative department, which was not agreed to.

So the Convention refused to concur in and approve the recommendations of the committee in reference to section 7 of the article on the Legislative department.

On motion of Mr. Ellsworth, the Convention concurred in and approved the recommendations of the committee in reference to section 8 of the article on the Judicial department.

On motion of Mr. Plumb, the Convention concurred in and approved the recommendation of the committee in reference to section 21 of the article on the Judicial department.

On motion of Mr. Wells, the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with certified copies of the revised sections above, as approved by the Convention.

The Convention then resumed the consideration of the additional section to the article on Revenue and Finance, offered by Mr. Bromwell, and the substitute therefor, offered by Mr. Ellsworth.

And the question being upon the motion of Mr. Ellsworth to strike out the section offered by Mr. Bromwell and insert in lieu the substitute above mentioned and being put, it was not agreed to.

So the Convention refused to adopt the substitute offered by Mr. Ellsworth.

And the question then being, "will the Convention adopt the additional section to the article on Revenue and Finance,

offered by Mr. Bromwell?" and being put, it was not agreed to. So the Convention refused to adopt the section offered by Mr. Bromwell.

On motion of Mr. Beck, the additional section to the article on Revenue and Finance (section 18), reported by the Committee on Revenue and Finance and amended as follows, was referred to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with a certified copy for enrollment.

Sec. 18. 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 levied and applicable for such appropriation or expenditure, unless the General Assembly making such appropriations shall levy a sufficient tax, not exceeding the rates allowed in section 11 of this article, to pay such increased 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.

Mr. Webster offered the following resolution, which on his own motion was adopted, and the Secretary was instructed to furnish the Committee on Revisions and Adjustments with a certified copy thereof, viz.:

"Resolved, That the Committee on Revisions and Adjustments be, and are hereby instructed to strike out the word "such," in the ninth line of section 6 of the article on State, County and Municipal Indebtedness."

On motion of Mr. Felton, the report of the Committee on Schedule, on section 1 of that article, was taken from the table.

Mr. Clark moved to amend the Preamble by striking out the word "permanent," in the second line, which was agreed to.

So the Convention concurred in the amendment offered by Mr. Clark.

Mr. Clark moved to amend the Preamble by striking out the word "Government," in the second line.

And the question being upon the motion of Mr. Clark to strike out the word "Government," in the second line, and being put and a division called, it was decided in the negative—Ayes, 9; noes, 11.

So the Convention refused to concur in the amendment offered by Mr. Clark to strike out the word Government.

Mr. Felton moved to strike out the Preamble to the article, which was not agreed to.

So the Convention refused to concur in the motion of Mr. Felton to strike out the "Preamble."

On motion of Mr. Carr, the Preamble to the article, as amended, was adopted by the Convention.

Mr. Plumb moved the adoption of section 1 as reported by the committee.

And the question being, "Will the Convention adopt section 1 of the article on Schedule, as reported by the committee?" and being put, it was decided in the affirmative—Ayes, 21; noes, 2.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Barela, Bromwell, Beck, Carr, Cushman, Clark, Cooper, Ellsworth, Elder, Felton, Garcia, James, Lee, Marsh, Plumb, Quillian, Stover, Wells, Widderfield, Yount, Mr. President.

Messrs. Pease and Webster voted in the negative.

So the Convention adopted section 1 as reported by the committee.

So the Convention adopted the article on Schedule in the words following:

SCHEDULE.

That no inconvenience may arise by reason of the change from a Territorial form of Government to that of a State Government, it is hereby ordained and declared:

Section 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force 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 subdivision thereof or any municipality therein, and all fines, taxes, penalties and forfeitures due or owing to the Territory of Colorado or any such subdivisions or municipality; 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 this Constitution.

Sec. 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.

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

Sec. 5. The Supreme and District Courts existing in this Territory at the time of the adoption of this Constitution shall, until superseded under its provisions, continue with like powers and jurisdiction, and in the exercise thereof, both at law and in equity, in all respects as if this Constitution had not been adopted; and when said courts shall be so superseded, all causes then pending in said courts and the books, papers, records and proceedings thereof shall pass into the jurisdiction of the Supreme and District Courts created by this Constitution.

Sec. 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.

Sec. 7. Until otherwise provided by law the seals of 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.

Sec. 8. When this Constitution goes into effect the books, records, papers and proceedings of the several Probate Courts and all cases and matters of administration pending therein shall be transferred to and remain in the custody of the county courts and proceed to final decree, judgment, order or other determination. And until the election of the county judges provided for in this Constitution the probate Judges shall act as Judges of the county courts, and the seal of the probate courts shall be the seal of the county courts until the county courts shall have procured proper seals.

Sec. 9. It is hereby declared that wherever the words Probate Court or Probate Judge occur in the statutes of Colorado they shall be construed to mean County Court or County Judge and all laws specially applicable to the Probate Court shall be construed to apply to and be in force as to the county court until repealed.

Sec. 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 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.

Sec. 11. All county offices except county commissioners that may become vacant during the year A. D. 1876, 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, A. D. 1876, and the persons so elected shall hold their respective offices for the term of one year.

Sec. 12. The provisions of this Constitution shall be in force from the day the President of the United States issues his proclamation declaring Colorado admitted into the Union, and the Governor, Secretary, Treasurer, Auditor, Superintendent of Public Instruction and Judges of the Supreme Court of the Territory of Colorado shall continue to discharge the duties of their respective offices, and in the judicial districts after the admission of the State into the Union, until the qualification of the officers elected 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 service.

On motion of Mr. Wells, the article on Schedule, as adopted by the Convention, was taken from the table and, together with section one just adopted by the Convention, ordered engrossed and referred to the Committee on Revisions and Adjustments.

On motion of Mr. Wells, the report of the Committee on Revisions and Adjustments on the article entitled "Miscellaneous" was taken from the table and considered by sections:

Section one as revised by the committee was approved by the Convention.

Section two stricken out.

Sections three and four remain unchanged.

Section five, as revised by the committee, was approved by the Convention.

Section six remains unchanged.

On motion of Mr. Felton, the Convention concurred in and approved the action of the committee in striking out section seven and inserting in lieu the substitute therefor.

Section eight remains unchanged.

So the Convention approved the article on Miscellaneous Subjects in the words following:

MISCELLANEOUS.

Section 1. 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.

Sec. 3. The General Assembly shall pass liberal homestead and exemption laws.

Sec. 4. The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

Sec. 5. 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 ot adjustment. The powers and duties of such arbitrators shall be as prescribed by law.

Sec. 6. The term felony, wherever it may occur in this Constitution or the laws of the State, shall be construed to mean any criminal offense punishable by death or imprisonment in the penitentiary, and none other.

Sec. 7. The term of office of any officer elected to fill a vacancy shall terminate at the expiration of the term during which the vacancy occurred.

Sec. 8. 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.

On motion of Mr. Felton, the article on Miscellaneous Subjects, as approved by the Convention, was recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with a copy for enrollment.

On motion of Mr. Plumb, the Convention adjourned until 9 o'clock a. m., tomorrow.

THURSDAY, MARCH 9, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Sturtevant.

Roll called.

Absent—Messrs. Barela, Boyles, Douglas, Ebert, Head, Kennedy, Meyer, Rockwell, Stone, Thatcher and Vigil.

The Journal of preceding day having been partially read, Mr. Stover moved that the reading of so much of the Journal as embraced the reports of the Committee on Revisions and Adjustments be dispensed with, which was agreed to.

The remainder of the Journal was then read and the same approved.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, submitted a report of that Committee on the Election Ordinance, as follows, which on, his own motion, was received and ordered printed and laid upon the table for future consideration:

Denver, March 9, 1876.

To the Honorable the President and Members of the Constitutional Convention:

Your Committee upon Revisions and Adjustments, having had under consideration the Election Ordinance heretofore adopted by the Convention, beg leave to report a substitute therefor, which is hereunto attached.

Respectfully submitted,

E. T. WELLS,
Chairman.

ELECTION ORDINANCE.

In conformity with the requirements of an 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 Said State Into the Union on an Equal Footing with the Original States," approved March 3, 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 this 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 jection 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 Election 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 said 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 all 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.

Mr. Wells, Chairman of the Committee on Revision and Adjustments, also submitted the following report:

Denver, March 9, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee upon Revision and Adjustments respectfully recommend that the following several articles be arranged, numbered and entitled in the Constitution as follows, to wit:

The article concerning Suffrage and Elections be numbered Article VII, and entitled "Suffrage and Elections."

That the article concerning State Institutions and Buildings be numbered Article VIII and entitled "State Institutions."

That the article concerning Education and Educational Institutions be numbered Article IX and entitled "Education."

That the article concerning Revenue and Finance be numbered Article X and entitled "Revenue."

That the article concerning State, County and Municipal Indebtedness be numbered Article XI and entitled "Public Indebtedness."

That the article concerning Officers and Oath of Office be numbered Article XII and entitled "Officers."

That the article concerning Impeachment and Removal from Office be numbered Article XIII and be entitled "Impeachments."

That the article concerning Counties be numbered Article XIV and entitled "Counties."

That the article concerning Public and Private Corporations be numbered Article XV and entitled "Corporations."

Respectfully submitted,

E. T. WELLS,

Chairman.

On motion of Mr. Widderfield, the Convention concurred in and approved the recommendations of the Committee.

Messrs. Barela, Kennedy and Stone appeared and took their seats.

Mr. Wells presented the following report of the Committee on Revisions and Adjustments:

To the Honorable the President and Members of the Constitutional Convention:

Your Committee on Revisions and Adjustments having had under consideration the following mentioned articles heretofore referred to them, beg leave to make the following recommendations:

In the article touching Judiciary in section 22 of the fourth line thereof, according to the printed copy of the former report of this committee upon said article (C. C. R. No. 65), strike out the word "Such" and in section 23 and lines one and two thereof

according to said printed copy, strike out the words "within each county."

In the article entitled "Officers and Oaths of Office," and line 2 of section one (1) thereof, according to the printed copy of the substitute recommended by this committee in their former report (C. C. R. No. 51), strike out the words "The General Assembly" and from thence all that follows down to and including the words "misconduct in office" in the fourth line of the same printed copy, and insert the same matter at the end of the section; strike out the word "Section" in line 4 of the same section, according to the same printed copy; and change the word "impreachment" in the third line of said section to "impeachments:"

Your committee also recommend the following substitute for section 3 of the article on "Impeachment" as heretofore reported by this committee, to wit (C. C. R. No. 58), "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."

In the article concerning "Counties" and in lines 4 and 5 of section 9 thereof, according to the printed copy of the former report of this Committee therein (C. C. R. No. 64), strike out the words "and until his successor shall be duly elected and qualified," and insert in lieu the words "or until the vacancy be filled by election according to law."

In section 14, line 2, of the same printed copy of said report, strike out the words "Existing by virtue of" and insert "Incorporated by."

In section 7 of the article concerning "Education" and in line 2 thereof, according to the printed copy of the former report of this committee (C. C. R. No. 59), change the word "Appropriations" to "Appropriation."

In the article concerning "State, County and Municipal Indebtedness," strike out the word "Such" in line 9 of section 6 thereof, according to the printed copy of the former report of this committee (C. C. R. No. 61).

In section 15 of the article concerning "Education" and in line 3 of the printed copy of the former report of this committee (C. C. R. No. 59), strike out the word "people" and insert in lieu the words "qualified electors."

On motion of Mr. Pease, the Convention concurred in and approved the recommendations of the committee in reference to section 22 of the article on the Judicial department.

On motion of Mr. Widderfield, the Convention concurred in and approved the recommendations of the committee, in reference to section 23 of the article on the Judicial department.

On motion of Mr. Wheeler, the Convention concurred in and approved the recommendation of the committee, in reference to section 1 of the article on Officers and Oath of Office.

On motion of Mr. Wheeler, the Convention concurred in and approved the recommendations of the committee to strike out section 3 of the article on Impeachment and insert in lieu thereof the following substitute:

"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."

On motion of Mr. Ellsworth, the Convention concurred in and approved the recommendation of the committee in reference to section 9 of the article on "Counties."

On motion of Mr. Widderfield, the Convention concurred in and approved the recommendations of the committee in reference to section 14 of the article on "Counties."

On motion of Mr. Ellsworth, the Convention concurred in and approved the recommendation of the committee in reference to section 7 of the article on Education.

On motion of Mr. Ellsworth, the Convention concurred in and approved the recommendation of the committee in reference to section 6 of the article on State, County and Municipal Indebtedness.

On motion of Mr. Wheeler, the Convention concurred in and approved the recommendation of the committee in reference to section 15 of the article on Education.

On motion of Mr. Wells, the Secretary was instructed to certify the above changes and corrections to the Committee on Engrossing and Enrollment.

Mr. Quillian, Chairman of the Committee on Schedule, presented a report of that committee as follows:

Denver, March 9, A. D. 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Schedule beg leave to submit the following supplementary report:

R. A. QUILLIAN,
Chairman of Committee.

Sec. 13. The Judicial districts shall remain as provided for under the Territorial law until the judges of the Supreme and District Courts provided for in this Constitution shall have been elected and qualified according to law.

Sec. 14. 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.

Sec. 15. 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.

On motion of Mr. Elder, the report was received, ordered printed and laid upon the table for future consideration.

Mr. Elder offered the following resolution, which, on his own motion, was adopted.

Resolved, That the Committee on Expense and Expenditure be instructed to see the Territorial Secretary and Auditor and ascertain what arrangements have been or will be made for the payment of the expense of this Convention and the certificates of members of the Convention; also the number of days service to be allowed each officer and members [member], and at what time the expense of the Convention and the certificates of the members will be made, and report the same to the Convention.

On motion of Mr. Felton, the Special Committee appointed to prepare an address to the people were authorized to procure the printing of said address when completed by the committee.

Mr. Yount moved that two additional members be appointed on the Committee on Accounts and Expenditures of the Convention, which was agreed to. And the President appointed Messrs. Cooper and Stover as such additional members.

On motion of Mr. James, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Barela, Boyles, Douglas, Garcia, Hurd, Head, Meyer, Rockwell, Thatcher, Vigil.

Mr. Cooper, Chairman of the Committee on Engrossing and Enrolling, reported back the article on Schedule as correctly engrossed.

There being no objection, the report was received and referred to the Committee on Revisions and Adjustments.

Mr. Yount, Chairman of the Committee on Accounts and Expenditures of the Convention, presented a communication from the Honorable John Taffe, Secretary of the Territory of Colorado, as follows:

Secretary's Office, March 9, 1876.

Hon. A. K. Yount, Chairman of Committee on Expense and Expenditure, Constitutional Convention:

Sir—In response to your resolution of the Constitutional Convention, presented by you this day, I beg leave to say that I have forwarded my requisition to the Secretary of the Treasury of the United States for the sum of twenty thousand dollars, less ninety-seven cents, the amount of the Congressional appropriation for defraying the expense of your Convention, and have requested instructions in regard to the manner of disbursement of the same, particularly as to pro rating and as to the mode of payment of officers. I have also sent a request that if practicable the credit should be transferred by telegram to the United States depositories here, that the funds may be available as soon as possible. I cannot give any information regarding number of days' service which may be allowed or when payment can be made until I get returns from Washington.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN TAFFE,

Secretary.

Messrs. Barela, Garcia, Hurd and White appeared and took their seats.

On motion of Mr. Webster, the report of the Committee on Printing, in reference to the cost of publishing the Address to the People and the Constitution, was taken from the table.

On motion of Mr. Webster, the Convention resolved itself into Committee of the Whole to consider the report of the Standing Committee on Printing, in reference to the cost of publishing the Address to the People and the Constitution, Mr. Cushman in the chair. And after some time spent therein, the President resumed the chair, and Mr. Cushman submitted the following report:

Denver, March 9, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—The Committee of the Whole Convention, to whom was referred the report of the Standing Committee on Printing, in reference to the cost of publishing the "address" to the people, and the Constitution in English, Spanish and German, having, according to order, had under consideration said

report, have directed me to recommend that the subject of printing the Constitution and address be referred back to the Printing Committee, with instructions to call for sealed bids from the various printing establishments in Colorado for printing 10,000 copies of the Constitution and Address in English, 2,000 in Spanish and 1,000 in German, upon fair book paper in small pica type; bids to be submitted by 2 o'clock to-morrow afternoon.

On motion of Mr. Webster, the report was received.

Mr. Widderfield moved that the Convention concur in the recommendations of the Committee.

Mr. Crosby moved to amend the report by adding thereto the words "and that specimens of the work to be done be submitted to the Committee," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Crosby.

The question then being upon the motion of Mr. Widderfield to concur in the recommendation of the Committee of the Whole, as amended, and being put and a division called, it was decided in the affirmative—ayes, 16; noes, 11.

So the Convention concurred in the recommendation of the Committee of the Whole as amended.

Mr. Elder offered the following resolution and moved its adoption:

"Resolved, That the Committee on Printing be instructed to make a contract for the printing of the Constitution and Address to [with] the lowest responsible bidder."

Mr. White moved to amend the resolution by adding there to the words, "Such contract to be subject to the approval of the Convention."

Mr. Webster moved to further amend the resolution by add ing thereto the words, "and that the Hon. C. P. Elder be added to the committee."

And the question being upon the amendment offered by Mr. Webster, and being put, it was agreed to.

So the Convention concurred in the amendment offered by Mr. Webster.

The question then recurring on the amendment offered by Mr. White, and being put, it was agreed to.

So the Convention concurred in the amendment offered by Mr. White.

The question then recurring on the motion of Mr. Elder to adopt the resolution offered by him as amended, and being put, it was agreed to.

So the Convention adopted the resolution offered by Mr. Elder as amended.

Mr. White offered the following resolution, which, on his own motion, was adopted.

"Resolved, That the Committee on Printing be directed to provide in their contract for printing the Constitution that no part of the twenty thousand dollars allowed by Congress shall be applied to the payment of such printing."

Mr. Felton moved to adjourn until 9 o'clock a. m. tomorrow.

And the question being upon the motion of Mr. Felton to adjourned, and being put and a division called, it was decided in the affirmative—ayes, 15; noes, 12.

So the Convention adjourned until 9 o'clock a. m. to-morrow.

FRIDAY, MARCH 10, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. French.

Roll called.

Absent—Messrs. Barela, Boyles, Douglas, Ebert, Head, Marsh, Meyer, Rockwell, Thatcher, Vigil and White.

The Journal having been partially read, on motion of Mr. Wheeler the further reading of the Journal was dispensed with.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, submitted the following report of that committee:

To the President and Members of the Constitutional Convention:

Your Committee upon Revisions and Adjustments, having had under consideration the following named articles and sections, respectfully recommend the adjustment thereof in the Constitution, as follows:

That the article concerning Mining and Irrigation be numbered "Article XVI" and entitled "Mining and Irrigation."

That the article concerning Militia be numbered "Article XVII" and entitled "Militia."

That the article concerning Miscellaneous be inserted by that title as number "XVIII."

That the article concerning Future Amendments be numbered "Article XIX" and entitled "Amendments."

Your committee further recommend that section one of the article heretofore agreed to, under the title Miscellaneous, be carried to the article on Counties and stand as section 15 of said last mentioned article.

That the section numbered 7, as contained in the same article Miscellaneous (C. C. R. No. 68), be inserted in the article concerning Officers and stand as section 11 therein.

That section 8 of the same article Miscellaneous be also carried into the article concerning Officers, and stand as section 12 thereof.

That the two sections concerning the importation of adulterated liquors be consolidated and stand as section 5 of the article on Miscellaneous Subjects.

That the two sections concerning Forest Culture be inserted in the article concerning Miscellaneous Subjects as sections 6 and 7 thereof.

That the article requiring the laws to be published in English, Spanish and German be also inserted in the article on Miscellaneous Subjects and stand as section 8 thereof.

Respectfully submitted. E. T. WELLS,
Chairman.

On motion of Mr. Quillian, the Convention concurred in and approved the action of the committee in striking out section one of the article on Miscellaneous Subjects and inserting the same in the article on Counties, as section 15 of said article.

On motion of Mr. Ellsworth, the Convention concurred in and approved the action of the committee in striking out section 7 of the article on Miscellaneous Subjects and inserting the same in the article on Officers, as section 11 of said article.

On motion of Mr. James, the Convention concurred in and approved the action of the Committee in striking out section 8 of the article on Miscellaneous Subjects, and inserting said section in the article on Officers as section 12 of said article.

On motion of Mr. Pease, the Convention concurred in and approved the recommendation of the committee to consolidate the two sections concerning the importation of adulterated liquors, and inserting the same in the article on Miscellaneous Subjects as section 5.

On motion of Mr. James, the Convention concurred in and approved the recommendation of the committee that the two sections concerning Forest Culture be inserted in the article on Miscellaneous Subjects as sections 6 and 7 thereof.

On motion of Mr. Quillian, the Convention concurred in and approved the recommendation of the committee to insert the section requiring that the laws be published in English, Spanish and German in the article on Miscellaneous Subjects as section 8 thereof.

Mr. Barela appeared and took his seat.

Mr. Carr offered the following resolution, which, on his own motion, was adopted:

"Resolved, That the members of the Legislature of the State of Kansas are hereby earnestly and cordially invited to attend the sessions of this Convention, and to seats within the bar thereof;

"Resolved, That the Sergeant-at-Arms be and hereby is instructed to inform such members as are now present in this city of this action of the Convention."

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, submitted the following report of that committee, which, on his own motion, was laid upon the table for further consideration:

To the President and Members of the Constitutional Convention:

Your Committee on Revision, having had under consideration the articles concerning Revision and the Schedule, respectfully recommend sundry emendations therein, which will appear by the copies attached hereto.

Respectfully submitted,

E. T. WELLS,

Denver, March 9, 1876. Chairman.

Sec. 18. 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 11 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.

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 in full force 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.

Sec. 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 this Constitution.

Sec. 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.

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

Substitute recommended for

Sec. 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 superseded, 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 judges [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 heretofore 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 superseded 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 hertofore constituted under the laws of the Territory.

Sec. 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.

Sec. 7. Until otherwise provided by law, the seals of 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.

Sec. 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 into the jurisdiction and possession of the County Court of the same county, and the said County Court shall proceed to final division, judgment, order or other determination in the said several matters and causes as the 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 Court 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.

Sec. 9. The terms "Probate Court" or "probate judges," wherever 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.

Sec. 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.

Sec. 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.

Sec. 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 service.

Mr. Hough, Chairman of the Committee on Printing, reported back to the Convention the supplementary report of the Committee on Schedule and the reports of the Committee on Revisions and Adjustments on the article entitled Revenue and the Election Ordinance, as correctly printed.

There being no objection, the reports were received and filed by the Secretary.

On motion of Mr. Wells, the report of the Committee on Revisions and Adjustments on section 18 of the article on Revenue was taken from the table.

The Secretary read the section, and, there being no objection, the section, as revised by the committee, was approved by the Convention.

On motion of Mr. Wells, the report of the Committee on Revisions and Adjustments on the article entitled "Schedule" was taken from the table and considered by sections. The preamble and sections 1 and 2, as revised by the committee, were approved by the Convention; sections 3 and 4 remain unchanged.

On motion of Mr. James, the Convention concurred in and approved the recommendation of the committee to strike out section 5, and insert in lieu thereof the following substitute:

Sec. 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 superseded, 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 superseded 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 heretofore constituted under the laws of the Territory.

Sections 6 and 7 remain unchanged; sections 8, 9, 10, 11 and 12, as revised by the committee, were approved by the Convention.

On motion of Mr. Wells, the supplementary report of the Committee on Schedule was taken from the table.

Mr. Carr moved that the report be considered by sections, which was agreed to.

On motion of Mr. Elder, the Convention adopted section 13 as reported by the committee.

On motion of Mr. Yount, the Convention adopted section 14 as reported by the committee.

On motion of Mr. Ellsworth, the Convention adopted section 15 as reported by the committee.

Mr. Felton offered an additional section to the article on Schedule, as follows, which, on his own motion, was ordered printed and laid upon the table for future consideration:

The qualified electors of this State shall, on the first Tuesday after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy-six, assemble in their respective counties at the usual places designated for holding elections and proceed to elect three electors of President and Vice-President of the United States. The acting Governor of the State shall issue his proclamation for the above election, and shall in said proclamation designate the manner of holding the election, canvassing the votes, and to whom the abstracts of votes shall be returned, and also designate who shall compose

the State Canvassing Board and give certificates of election to the several electors.

The additional section (No. 18) to the article on Revenue and the article on Schedule were recommitted to the Committee on Revisions and Adjustments for adjustment in the Constitution, and the Secretary was instructed to furnish the Committee on Engrossing and Enrolling with a copy for enrollment. Also, the supplementary report of the Committee on Schedule as adopted by the Convention was ordered engrossed and referred to the Committee on Revisions and Adjustments.

On motion of Mr. Wells, the report of the Committee on Revisions and Adjustments on the Election Ordinance was taken from the table.

Mr. Pease moved that it be considered by clauses, which was agreed to.

On motion of Mr. Felton, the Convention approved the revision of the Preamble as reported by the committee.

On motion of Mr. Felton, the Convention approved the revision of the first clause as reported by the committee.

On motion of Mr. Wheeler, the Convention approved the revision of the second clause, as reported by the committee.

Mr. Felton moved to amend the third clause by striking out all of the clause after the word "laws," in the seventh line, which was not agreed to.

So the Convention refused to concur in the amendment offered by Mr. Felton.

Mr. Yount moved to amend the third clause by striking out all after the word "election," in the first line of the proviso.

And, the question being upon the motion of Mr. Yount, and, being put, it was decided in the negative—ayes, 3; noes, 20.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Cooper, Felton, Yount.

Those voting in the negative are: Messrs. Barela, Bromwell, Beck, Carr, Cushman, Crosby, Ellsworth, Elder, Garcia, Hough, James, Lee, Plumb, Pease, Quillian, Stone, Webster, Wells, Wheeler, Mr. President.

So the Convention refused to concur in the amendment offered by Mr. Yount.

Mr. James moved that the Convention concur in and approve the third clause as revised by the committee.

And, the question being upon the motion of Mr. James to approve the revision of the third clause, and being put and a division called, it was decided in the affirmative—ayes, 18; noes, 3.

So the Convention concurred in and approved the revision of the third clause as reported by the committee.

On motion of Mr. Plumb, the Convention concurred in and approved the revision of the fourth clause as reported by the committee.

On motion of Mr. Felton, the Convention concurred in and approved the revision of the fifth clause as reported by the committee.

On motion of Mr. Yount, the Convention concurred in and approved the revision of the sixth clause as reported by the committee.

So the Convention approved the Election Ordinance, in the words following:

ELECTION ORDINANCE.

In conformity with the requirements of the 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 3, 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 fourteenth 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 sexenty-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 judges of said election, and vacancies in the board of judges of any ward or precinct shall be filled, and clerks of eection 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 amendment; 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.

On motion of Mr. Felton, the Election Ordinance was referred to the Committee on Engrossing and Enrolling for enrollment.

Mr. Hough asked for leave of absence for the remainder of the session of the Convention, which, on motion of Mr. Wells, was granted.

On motion of Mr. Crosby, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Boyles, Cushman, Douglas, Hurd, Head, James, Marsh, Meyer, Quillian, Rockwell, Stone, Stover, Thatcher, Vigil, Webster, White, Wells.

Mr. Hough, chairman of the Committee on Printing, reported back to the Convention the additional section to the article on Schedule offered by Mr. Felton, as correctly printed.

There being no objection, the report was received and filed by the Secretary.

Messrs. Cushman, Hurd, White, James, Quillian and Webster appeared and took their seats.

Mr. Carr offered the following additional section to the article on Corporations, viz.:

No corporation shall be hereafter organized in this State under any name which does not fully and clearly express its corporate character. Stockholders in all corporate companies shall be individually liable for the debts of the company to an amount equal to the unpaid capital stock held by them respectively, and not further.

Mr. Bromwell moved to amend the section offered by Mr. Carr by striking out the words "the unpaid" and inserting in lieu thereof the words "double the amount of the."

Mr. Crosby moved that the section offered by Mr. Carr, and the amendment thereto offered by Mr. Bromwell, be laid upon the table.

And, the question being upon the motion of Mr. Crosby to lay upon the table, and being put, it was decided in the affirmative—ayes, 14; noes, 12.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Barela, Bromwell, Cushman, Clark, Cooper, Crosby, Ebert, Felton, Hough, Kennedy, Lee, Plumb, Webster, Wilcox.

Those voting in the negative are: Messrs. Beck, Carr, Ellsworth, Elder, Garcia, James, Pease, White, Wheeler, Widderfield, Yount, Mr. President.

So the Convention concurred in the motion of Mr. Crosby to lay the section offered by Mr. Carr, with the amendment thereto offered by Mr. Bromwell, upon the table.

On motion of Mr. Widderfield, the Committee on Enrollment were granted leave to sit during the afternoon session of the Convention.

On motion of Mr. Quillian, the Convention adjourned until 3:15 p. m.

3:15 P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Boyles, Crosby, Douglas, Hurd, Head, Marsh, Meyer, Rockwell, Thatcher, Vigil.

Mr. Hough, Chairman of the Committee on Printing, submitted the following report:

To the Honorable President and Members of the Constitutional Convention:

Your Committee on Printing, to whom was referred the resolution offered by Mr. White, together with the instructions of

the Convention authorizing your committee to receive bids for the publication in pamphlet form of the Constitution, beg leave to report that they have asked for and received several bids, and request of the Convention that such bids be opened and acted upon by the Convention. Your committee further report that the Denver Daily Tribune office refuses to make any additional bid, claiming that, being the lowest bidder, are [it is] entitled by right to have the contract awarded upon their original bid on the same basis as other printing.

JNO. H. HOUGH,
Chairman of Committee.

On motion of Mr. White, the report was received.

Mr. James moved that the bids be opened and read.

Mr. Hough moved to amend the motion of Mr. James by adding thereto the words "and acted upon," which amendment was accepted by Mr. James.

And, the question being upon the motion of Mr. James as amended by Mr. Hough, and, being put, it was agreed to.

So the Convention concurred in the motion of Mr. James as amended by Mr. Hough.

Mr. Wilcox moved that the contract for printing 1,000 copies of the Constitution and address to the people in German, and the contract for translating the same be awarded Mr. William Wittborg upon the terms stated in his tender for the same.

Mr. Felton moved that the further consideration of printing the address and the Constitution be postponed until to-morrow after the regular order of business, which was not agreed to.

So the Convention refused to concur in the motion of Mr. Felton to postpone.

Mr. Carr moved that the subject of printing the Constitution and address be referred to the Committee on Accounts and Expenditures of Convention.

On motion of Mr. Wells, the further consideration of the report of the Committee on Printing was postponed, and, on motion of Mr. Wells, the article on Revenue, with the additional section (No. 18) thereto, was ordered enrolled.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, submitted the following report of that committee:

Denver, March 10, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Revisions and Adjustments, to whom was referred the Schedule heretofore adopted by the Convention and the supplemental sections 13, 14, 15 contained in C. C. R. No. 71, beg leave to report that they have had the same under consideration, and respectfully recommend that said section 13 be stricken out, and that the word "respectively

as" be inserted in section 5 of the Schedule as contained in the report of this committee (C. C. R. No. 72), after the word "districts," in the thirteenth line of such printed copy.

Your committee also report said sections 14 and 15 of the Schedule without change, and recommend that they be inserted in the Schedule as sections 13 and 14.

E. T. WELLS,
Chairman.

On motion of Mr. Clark, the Convention concurred in and approved the recommendations of the committee.

On motion of Mr. Wells, the article on Schedule, together with the sections just adopted, were ordered enrolled.

The Convention then resumed the consideration of the report of the Committee on Printing.

Mr. White moved to amend the motion of Mr. Carr to refer the subject to the Committee on Accounts and Expenditures by adding "with instructions to contract for printing the Constitution on the most reasonable terms, and upon the condition that any party so contracting shall depend on Territorial or State appropriations or on future appropriations by Congress for payment," which amendment was accepted by Mr. Carr.

And, the question being upon the motion of Mr. Carr as amended, and being put and a division called, it was decided in the affirmative—ayes, 14; noes, 7.

So the Convention concurred in the motion of Mr. Carr as amended to refer the subject to the Committee on Accounts and Expenditures, with instructions as above.

Mr. Clark offered the following resolution, and moved its adoption:

Resolved, That the amount appropriated by the National Government be divided pro rata among the members, officers and employes of this Convention, and that the Committee on Accounts and Expenditures be instructed to report the amount due each in such distribution.

Mr. Carr offered the following as a substitute for the resolution offered by Mr. Clark:

Resolved, That all certificates hereafter issued by the President of this Convention for the payment of officers and members thereof, and for the payment of other expenses of the Convention, be in the form of warrants drawn on the Territorial Auditor.

Mr. Carr moved that the consideration of the resolution offered by Mr. Clark, and the substitute therefor offered by Mr. Carr, be postponed until to-morrow after regular order of business.

On motion of Mr. Carr, the Convention adjourned until 9 o'clock a. m. to-morrow.

SATURDAY, MARCH 11, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Eads.

Roll called.

Absent—Messrs. Boyles, Bromwell, Clark, Douglas, Ebert, Hurd, Hough, Head, Kennedy, Marsh, Meyer, Rockwell, Stone, Thatcher, Vigil, Webster and White.

The Journal of preceding day having been partially read, on motion of Mr. Cooper the reading of the reports of the Committee on Revisions and Adjustments was dispensed with.

Mr. Wheeler moved that the further reading of the Journal be dispensed with, which was agreed to.

Mr. Cooper, Chairman of the Committee on Engrossing and Enrolling, reported back the article on Schedule, as correctly engrossed.

There being no objection, the report was received and filed by the Secretary.

On motion of Mr. Cooper, the Committee on Engrossing and Enrolling were granted leave to sit during the session of the Convention.

The next order of business being the unfinished business of yesterday, viz., the consideration of the resolution offered by Mr. Clark and the substitute therefor offered by Mr. Carr.

On motion of Mr. Felton, the resolution and substitute were laid upon the table for future consideration.

On motion of Mr. Felton, the additional section to the article on Schedule offered by him yesterday was taken from the table, and, on motion of Mr. Felton, the consideration of the said additional section was indefinitely postponed.

Messrs. Bromwell, Carr, Clark, Hurd, Kennedy, Stone and Webster appeared and took their seats.

Mr. Felton moved that a special committee of five members be appointed to confer with the Auditor of the Territory of Colorado, and to take such steps as may be necessary for obtaining the opinion of a Justice of the Supreme Court of (the) Territory of Colorado as to the authority of said Auditor to issue warrants for the sum of twenty-six thousand dollars appropriated by the Legislative Assembly to defray the expenses of this Convention.

Mr. Pease moved to amend the motion of Mr. Felton by striking out the word "five," and inserting in lieu the word "three," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Pease.

The question then being upon the motion of Mr. Felton as amended by Mr. Pease, and, being put, it was agreed to.

So the Convention concurred in the motion of Mr. Felton as amended by Mr. Pease, and the President appointed as such special committee Messrs. Wells, Stone and Bromwell.

Mr. Bromwell asked that he be excused from serving on the above Special Committee, and on motion of Mr. Carr he was excused, and the President appointed Mr. Carr a member of the Special Committee to fill the vacancy.

Mr. Wells offered the following two additional sections to the article on Schedule, which, on his own motion, were adopted by the Convention:

Sec. 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.

Sec. 16. The votes cast for Representatives in Congress at the first election held under the 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.

On motion of Mr. Wells, the five additional sections to the article on Schedule as adopted by the Convention were ordered engrossed and referred to the Committee on Engrossing and Enrollment for enrollment in the Constitution.

On motion of Mr. Felton, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Barela, Boyles, Douglas, Ebert, Garcia, Hurd, Hough, Head, Kennedy, Marsh, Meyer, Rockwell, Thatcher, Vigil, Wheeler and Widderfield.

Mr. Yount asked for leave of absence for Mr. Wheeler, which was granted.

Mr. Felton offered the following resolution:

Resolved, That the Committee on Revisions and Adjustments be instructed to strike out the word "fourth," in the first line of the seventh section of the Legislative article, and insert in lieu the word "first."

On motion of Mr. Crosby, the resolution was referred to the Committee on Judiciary.

On motion of Mr. Carr, the Committee on Judiciary was instructed to consider and report to the Convention the advisability or otherwise of inserting in the article on Schedule a pro-

vision that the nineteenth section of the article on the Legislative Department shall not apply to the first session of the General Assembly.

On motion of Mr. Crosby, the Convention adjourned until 4 o'clock p. m.

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4 O'CLOCK P. M.

Convention met pursuant to adjournment.

On motion of Mr. Pease, the Convention adjourned until 9 o'clock a. m. on Monday.

MONDAY, MARCH 13, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Bliss.

Roll called.

Absent—Messrs. Boyles, Beck, Crosby, Ebert, Hough, Head, James, Kennedy, Marsh, Rockwell, Stover, Thatcher, Vigil and White.

Mr. Clark asked for leave of absence for this day for Mr. Beck, which was granted.

The Journal was read and approved.

Mr. Quillian offered the following resolution, which, on his own motion, was adopted.

Resolved, That our Delegate in Congress, the Hon. Thomas M. Patterson, be requested to procure the passage of an act of Congress establishing in Colorado a United States District Court, to go into operation upon the admission of Colorado into the Union.

On motion of Mr. Quillian, the resolution just adopted was ordered engrossed and a certified copy thereof sent to the Hon. T. M. Patterson.

Mr. Clark offered the following resolution, and moved its adoption:

Resolved, That the hour of 10 o'clock p. m., on Tuesday the 14th day of March, 1876, be designated as the time for adjournment of this Convention.

And, the question being upon the motion of Mr. Clark to adopt the above resolution offered by him, and being put and a division called, it was decided in the negative—ayes, 9; noes, 11.

So the Convention refused to adopt the resolution offered by Mr. Clark.

Mr. Crosby appeared and took his seat.

Mr. Pease offered the following resolution, and moved its adoption:

Resolved, That the Committee on Revisions and Adjustments be instructed to alter the term or phrase "high crimes or misdemeanors," in the article on Impeachment and Removal from Office, article 13, in — line thereof, by striking out the word "or" and inserting the word "and," so that the same will read "high crimes and misdemeanors."

And, the question being upon the motion of Mr. Pease, and being put, it was decided in the negative—ayes, 9; noes, 12.

The ayes and noes being called for, those voting in the affirmative are: Messrs. Bromwell, Cooper, Ellsworth, Elder, Garcia, Kennedy, Pease, Stone, Mr. President.

Those voting in the negative are: Messrs. Barela, Cushman, Clark, Douglas, Felton, Hurd, Lee, Quillian, Webster, Wells, Wilcox, Yount.

So the Convention refused to adopt the resolution offered by Mr. Pease.

Mr. Wells, Chairman of the Committee on Revisions and Adjustments, submitted the following report of that committee:

Denver, March 13, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Revisions and Adjustments, having had under consideration the Schedule as heretofore agreed to, respectfully recommend the following emendations, to wit: In the first section, and in the second line thereof, according to the printed copy (No. 62) of the former report of this committee, strike out the words "in full force," and insert in lieu thereof the words "of the same force as if this Constitution had not been adopted." Your committee also recommend the following additional section:

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.

On motion of Mr. Bromwell, the convention concurred in and approved the recommendation of the committee in reference to section 1 of the article on Schedule, and also adopted the additional section to the same article as reported by the committee.

On motion of Mr. Carr, the secretary was instruced to furnish the Committee on Engrossing and Enrolling for enrollment with a copy of the resolution adopted at the first day's session of the Convention in reference to the adoption by the Convention of the Constitution of the United States.

On motion of Mr. Clark, Mr. Barela was added to the special committee appointed to prepare an address to the people.

On motion of Mr. Clark, the consideration of the report of the special committee appointed to prepare an address to the people was made the special order for 2 o'clock this afternoon.

Mr. Wells asked for leave of absence during the remainder of the morning session, which was granted.

On motion of Mr. Clark, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Boyles, Beck, Crosby, Ebert, Hough, Head, Marsh, Meyer, Rockwell, Thatcher, Vigil and White.

The special order for this hour being the consideration of the report of the Special Committee appointed to prepare an "address to the people,"

On motion of Mr. Carr, the Convention resolved itself into Committee of the Whole to consider the "address" as reported by the committee, Mr. Ellsworth in the chair, and after some time spent therein, the President resumed the chair, and Mr. Ellsworth reported.

Mr. Wells offered the following resolutions, which, on his own motion, were adopted:

Resolved, That the resolution which passed this Convention on the 22d day of December, A. D. 1875, adopting the Constitution of the United States, be enrolled in duplicate with the following prefix: "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 3, 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, which was on the 22d day of December, A. D. 1875."

Resolved, That the President and Secretary of the Convention certify each of said enrolled copies to be a true copy from the Journal of the Convention.

Resolved, That each of the ordinances adopted by this Convention be also enrolled in duplicate, and certified in like manner by the President and Secretaries [Secretary] of the Convention.

Resolved, That the Constitution framed by this Convention be enrolled in duplicate, and that each of said enrolled copies be attested by the signatures of the President and Secretaries [Secretary] of the Convention and of the members present.

Resolved, That one of said enrolled copies of the Constitution, attested as aforesaid, and one of said enrolled copies of the resolution of December 22, 1875, and one enrolled copy of each of the ordinances aforesaid, attested as before mentioned, be delivered by the Secretary of that Convention to the Governor of the Territory, to be by him certified to the President of the United States in case this Constitution shall be ratified by the people, and that the other of said enrolled copies, together with the Journal and other records, proceedings and files of this Convention, and all papers pertaining thereto, be by the Secretary of the Convention delivered to the Secretary of the Territory, to be by him preserved in his office in perpetual memorial of the

acts of this Convention, and the Constitution and form of government of the State of Colorado.

Mr. Stone, chairman of the Committee on Judiciary, submitted the following report of that committee:

Denver, Colorado, March 13, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Standing Committee on Judiciary, having considered the matter referred to them relating to the choosing of electors for the Electoral College, beg leave to report that they find precedents in the case of Nevada for providing in the Election Ordinance appended to the Constitution, that such electors be chosen at an election for that purpose in accordance with the time fixed by act of Congress. Your committee also find some authority for such action in all cases where a Territory passes into a condition of Statehood, and the choosing of said electors can not in the nature of things be provided for in such manner as the Legislature of the State may direct, unless the appointment of the electors is delayed until the new State has been fully clothed with all the conditions of Statehood, and its Legislature has by proper enactments fully provided for the mode and manner of appointing such electors; this, in the present case of Colorado, as in the case of Nevada and all similar cases, would work great inconvenience, and operate to possibly prevent the casting of the electoral vote by such State, unless the Convention framing the first Constitution for a new State can be regarded as possessing legislative powers to an extent sufficient to provide for the choosing of such electors, the same as Representatives to Congress, at an election held for such purpose, and at the time provided by the act of Congress of the United States.

In view of the authority and the precedent referred to, your committee therefore recommend the adoption of a provision for holding an election for such number of electors as the State of Colorado will be entitled to, on the first Tuesday after the first Monday of November, A. D. 1876. This will obviate the necessity of the appointing of such electors by the General Assembly directly, as has been proposed—a course which would indirectly lead to inconvenience, wrangling and discord, and, very likely, to such party feeling in the General Assembly as would defeat the chance of electors altogether by that body.

Respectfully submitted,

WILBUR F. STONE,

Chairman of Judiciary Committee.

On motion of Mr. Pease, the report was received, and its consideration made the special order for to-morrow morning after the regular order of business.

On motion of Mr. Wells, the hour of 4 o'clock to-morrow was the time appointed for the members to affix their signatures to the enrolled copy of the Constitution as adopted by the Convention.

On motion of Mr. Ellsworth, the Convention adjourned until 9 o'clock to-morrow.

TUESDAY, MARCH 14, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment. Prayer was offered by the Rev. Mr. Culloch.

Roll called.

Absent—Messrs. Boyles, Beck, Cooper, Crosby, Ebert, Hough, Head, Kennedy, Marsh, Meyer, Vigil, White.

The Journal of the preceding day was read and approved.

On motion of Mr. Clark, Rule 20 was suspended during this day's session.

Messrs. Marsh, Cooper, White and Kennedy appeared and took their seats.

The special order for this hour being the consideration of the report of the Committee on Judiciary, the Secretary read the report, and Mr. Thatcher offered the following resolution:

Resolved, That the Committee upon Revision be instructed to prepare an additional section or sections to the Schedule, which shall provide that the General Assembly, upon meeting, pass a law authorizing said Legislature to meet in joint ballot on the Tuesday next after the first Monday in November, 1876, and choose electors of the Electoral College, and providing that the bill for such enrollment may be passed without reference to any committee, and without being printed and without being read on three different days in either house. That said committee also recommend such change in the Constitution as shall fix the first meeting of the General Assembly on the first Wednesday of November instead of the fourth Wednesday. That said committee also recommend an additional section in the Schedule, which shall require that the canvass of the votes for the members of the first General Assembly be made on the 25th day after the election.

Mr. Felton moved the adoption of the resolution, and the question being upon the motion of Mr. Felton to adopt the resolution, and being put, it was decided in the affirmative. Ayes, 23; noes, 1.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Barela, Bromwell, Carr, Clark, Cooper, Douglas, Ellsworth, Elder, Felton, Hurd, James, Marsh, Plumb, Pease, Stone, Stover, Thatcher, Wells, Wilcox, Wheeler, Widderfield, Yount, Mr. President.

Mr. Lee voted in the negative.

On motion of Mr. Wells, the Convention adjourned until 12 o'clock m.

12 O'CLOCK M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Boyles, Beck, Cushman, Crosby, Ebert, Hough, Head, Kennedy, Meyer, Vigil, White, Wilcox.

Mr. Wells, chairman of the Committee on Revisions and Adjustments, submitted the following report:

To the President and Members of the Constitutional Convention:

Your Committee upon Revision and Adjournment, having had under consideration the matter of providing for choice of electors in the Electoral College, respectfully recommend that the word "fourth," in the first line of the 7th section of the fifth article of the Constitution, as heretofore adopted, according to the printed copy of the former report of this committee (C. C. R. No. 58), be changed to "first;" that the same word "fourth," in the 5th line of same section, according to same printed copy, be changed to "first;" that the enrollment be modified accordingly.

Your committee also recommend the following additional sections, to be inserted in the Schedule, and numbered respectively with the numbers affixed thereto:

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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 remaining unpaid.

E. T. WELLS,
Chairman.

On motion of Mr. Widderfield, the report was received and laid upon the table and its consideration made the special order for two o'clock this afternoon.

Mr. Clark, Chairman of the Special Committee appointed to prepare an address to the people, presented the report of that committee, which, on motion of Mr. Widderfield, was received and approved by the Convention.

On motion of Mr. Widderfield, the Convention adjourned until 2:00 o'clock p. m.

2:00 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Boyles, Beck, Ebert, Hough, Head, Meyer, Stone, Vigil.

The special order for this hour being the consideration of the report of the Committee on Revisions and Adjustments,

On motion of Mr. Felton, the report was taken from the table.

On motion of Mr. Felton, the Convention adopted the additional section to the article on Schedule, as No. 18 thereof.

On motion of Mr. Felton, the Convention adopted section 19 as reported by the committee.

Mr. Douglas moved the adoption of the additional section (No. 20) to the article on Schedule.

And the question being upon the motion of Mr. Douglas to adopt section 20 as reported by the committee, and being put, it was decided in the affirmative—ayes, 17; noes, 4.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Barela, Bromwell, Carr, Douglas, Ellsworth, Elder, Felton, Garcia, Hurd, James, Kennedy, Quillian, Rockwell, Thatcher, White, Wells, Mr. President.

Those voting in the negative are:

Messrs. Marsh, Pease, Stover, Wheeler.

So the Convention concurred in the motion of Mr. Douglas and adopted section 20 as reported by the committee.

On motion of Mr. Kennedy, the Convention adopted section 21 as reported by the committee.

On motion of Mr. Wells, the various sections of the article on Schedule, just adopted by the Convention, were considered

engrossed and referred to the Committee on Enrollment for enrollment in the Constitution, and the Committee on Enrollment were also instructed to make the alteration in the first article, as approved by the Convention.

On motion of Mr. Kennedy, the Convention adjourned until 4:00 o'clock this afternoon.

4:00 O'CLOCK P. M.

Convention met pursuant to adjournment.

Mr. Thatcher offered the following as an additional section to the article on Schedule, which, on his own motion, was adopted by the Convention:

Sec. 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, 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 branch thereof, whenever occurring, may, after the admission of the State, be prosecuted in the name of the people of the State.

On motion of Mr. Wells, the additional section to the article on Schedule was considered engrossed and referred to the Committee on Enrollment for the enrollment in the Constitution.

On motion of Mr. Carr, the Convention adjourned until 7:00 o'clock p. m.

7:00 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Boyles, Crosby, Hough, Head, Meyer and Vigil.

Mr. Widderfield offered the following resolution:

Resolved, That Col. L. C. Ellsworth and the Hon. C. P. Elder be and they are hereby appointed a committee to see that the Constitution is properly printed and distributed throughout the Territory.

On motion of Mr. Kennedy, the resolution offered by Mr. Widderfield was adopted unanimously.

Mr. Douglas offered the following resolution, which, on motion of Mr. Kennedy, was adopted unanimously:

"Resolved, That the thanks of the Convention be tendered to the ministers of the city of Denver, and others who have officiated in opening the morning sessions of the Convention with prayer; that the Convention recognize and highly appreciate their long continued services as an offering entirely voluntary, and entitled to our warmest expression of thanks."

Mr. Felton moved that the members of the Convention sign the Constitution in alphabetical order.

And the question being upon the motion of Mr. Felton, and being put, and a division called for, it was decided in the affirmative. Ayes, 12; noes, 8.

So the Convention concurred in the motion of Mr. Felton.

Mr. Cooper, chairman of the Committee on Enrollment, submitted the following as the final report of that committee:

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Engrossing and Enrolling, to whom was referred the different articles of the Constitution, with the ordinances and resolutions, with instructions to have the same enrolled, respectfully report the same back correctly enrolled. All of which is respectfully submitted.

A. D. COOPER,
Chairman of Committee.

CONSTITUTION.

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 ap-

pear 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. That 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 Instruc-

tion 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 informa-

tion 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 Assem-

bly 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; and 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

day's attendance, and fifteen cents for each mile necessarily traveled in going to and returning from the seat of government; and shall receive no other compensation, perquisite or allowance 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 qualifications 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, percentage or allowances of public officers; changing the law of descent; granting to any corporation, association or individual the right to lay down railroad tracks; granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever. In all other cases, where a general law can be made applicable, no special law shall be enacted.

Section 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 fur-

nished; 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, upon 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 Gen-

eral 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 49. Until an apportionment of Representatives be made, in accordance with the provisions of this article, they shall be divided among the several counties of the State in the following manner: The county of Arapahoe shall have seven; the counties of Boulder and Clear Creek, each, four; the counties of Gilpin and Las Animas, each, three; the counties of El Paso, Fremont, Huerfano, Jefferson, Pueblo and Weld, each, two; the counties of Bent, Costilla, Conejos, Douglas, Elbert, Grand, Hinsdale, Larimer, La 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 pro-

vided, 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, Tremont, 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 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 Counsellor-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 Magistrates for cities and towns as may be deemed from time to time necessary or expedient, who shall have jurisdiction of all cases arising under the ordinances of such cities and towns respectively.

MISCELLANEOUS.

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

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 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 an 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 to 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 corpora-

tions, 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 rates, 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 amended by such law for the payment thereof, which in the case of debts contracted for the erection of public buildings and supplying deficiencies of revenue shall not be less than ten nor more than fifteen years, and the funds arising from the collection of any such tax shall not be applied to any other purpose than that provided in the law

levying the same, and when the debt thereby created shall be paid or discharged, such tax shall cease and the balance, if any, to the credit of the fund shall immediately be placed to the credit of the general fund of the State.

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 de-

faulter 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 sub-

scribe 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 or 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.

IMPEACHMENT.

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 employe 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 day's 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 stocks 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 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.

Sec. 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 this 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 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 into 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 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 of the General Assembly after the first twenty-five days thereof, 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, the 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. C. WILSON, President.
H. P. H. BROMWELL.
CASIMIRO BARELA.
WM. E. BECK.
GEORGE BOYLES.
BYRON L. CARR.
WM. H. CUSHMAN.
WM. M. CLARK.
A. D. COOPER.
HENRY R. CROSBY.
ROBERT DOUGLAS.
FREDERICK J. EBERT.
LEWIS C. ELLSWORTH.
CLARENCE P. ELDER.
WILLARD B. FELTON.
JESUS Ma. GARCIA.
DANIEL HURD.
LAFAYETTE HEAD.
WM. H. JAMES.
WILLIAM R. KENNEDY.
WILLIAM LEE.
ALVIN MARSH.
S. J. PLUMB.
GEORGE E. PEASE.
ROBERT A. QUILLIAN.
LEWIS C. ROCKWELL.
WILBUR F. STONE.
WILLIAM C. STOVER.
HENRY C. THATCHER.
AGAPETA VIGIL.
W. W. WEBSTER.
GEORGE G. WHITE.
EBENEZER T. WELLS.
P. P. WILCOX.
JOHN S. WHEELER.
J. W. WIDDERFIELD.
ABRAM KNOX YOUNT.

Attest:

W. W. COULSON,
Secretary.

HERBERT STANLEY,
First Assistant Secretary.

H. A. TERPENING,
Second Assistant Secretary.

Mr. Wells moved that the Constitution be read, which was agreed to.

Mr. Kennedy moved the adoption of the Constitution as reported by the committee.

And, the question being upon the motion of Mr. Kennedy to adopt the Constitution as reported by the committee, and being put, it was decided in the affirmative—ayes, 30; noes, 0.

The ayes and noes being called for, those voting in the affirmative are;

Messrs. Barela, Bromwell, Beck, Carr, Clark, Cooper, Douglas, Ellsworth, Elder, Ebert, Felton, Garcia, Hurd, James, Kennedy, Lee, Marsh, Plumb, Quillian, Rockwell, Stone, Stover, Thatcher, Webster, White, Wells, Wilcox, Wheeler, Yount and Mr. President.

The Constitution was then signed by the members present in the following order:

Messrs. J. C. Wilson, President; Bromwell, Barela, Beck, Carr, Clark, Cooper, Douglas, Ebert, Ellsworth, Elder, Felton, Garcia, Hurd, James, Kennedy, Lee, Marsh, Plumb, Quillian, Stone, Stover, Thatcher, Vigil, Webster, White, Wells, Wilcox, Wheeler, Widderfield and Yount.

Mr. Marsh moved that the Convention do now adjourn until 9 o'clock a. m. to-morrow.

And, the question being upon the motion of Mr. Marsh to adjourn until 9 o'clock a. m. to-morrow, and being put, it was decided in the affirmative—ayes, 16; noes, 6.

The ayes and noes being called for, those voting in the affirmative are:

Messrs. Beck, Clark, Cooper, Douglas, Ellsworth, Ebert, Felton, James, Lee, Marsh, Plumb, Rockwell, Stone, Stover, Yount, Mr. President.

Those voting in the negative are:

Messrs. Carr, Quillian, Thatcher, Webster, White, Wilcox.

So the Convention concurred in the motion of Mr. Marsh to adjourn until 9 o'clock a. m. to-morrow.

WEDNESDAY, MARCH 15TH, 1876, 9 O'CLOCK A. M.

Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Sanders.

Roll called.

Absent—Messrs. Boyles, Crosby, Douglas, Ebert, Garcia, Hough, Head, James, Meyer, Pease, Rockwell, Stover, Vigil, Wilcox and Widderfield.

The Journal of preceding day was read and approved.

Mr. Carr, of the Committee on Revisions and Adjustments, reported the various errors noted in the Constitution yesterday as corrected in the enrolled copies.

Mr. Yount, of the Committee on Accounts and Expenditures, presented the report of that committee on printing of the address and the Constitution in English, Spanish and German:

Denver, March 15th, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Committee on Accounts and Expenditures of Convention, to whom was referred the resolution of Mr. White, have had the same under consideration and have examined the several bids "for the printing of ten thousand (10,000) copies of the Constitution in English and two thousand in Spanish, with the address."

We recommend that the printing of the same be awarded to Herman Beckurts, he offering to print ten thousand (10,000) bound copies in English for four hundred dollars ($400), and two thousand (2,000) copies in Spanish for one hundred and sixty-five dollars ($165), in pamphlet form of 32 pages, and the same proportion a page for all over and above 32 pages, he being the lowest bidder. We also recommend that the printing of one thousand copies in German be awarded to W. Witteborg for the amount of one hundred and twelve dollars ($112), the same to be in pamphlet form of 32 pages. The translation of the same is also awarded to Mr. Witteborg at the rate of one-half dollar per page, he being the only bidder. We also recommend that the translation of the Constitution in Spanish be awarded to C. Dominguez at one dollar and fifty cents per page for (translating) and fifty cents per page for proof reading, he being the only bidder.

A. K. YOUNT,
CASIMIRO BARELA,
F. J. EBERT,
WM. C. STOVER,
A. D. COOPER.

On motion of Mr. White, the report was received and adopted.

Mr. Carr, of the Special Committee appointed to confer with the Auditor of the Territory in reference to the amount of the Territorial appropriation available for the expenses of the Convention, submitted the following report of that committee:

To the Honorable President and Members of the Constitutional Convention:

Gentlemen—Your committee to whom was committed the duty of conferring with the Territorial Auditor and Treasurer upon the matter of payment of the expenses of this Convention, respectfully report that they have discharged the duty and submit the following statement:

First—We are informed by said officers that they have taken counsel in relation to their duties under the law, and find that they are authorized to allow bills to the amount of six thousand dollars only, and that said amount must be in payment of bills contracted for during the first sixty-five days of the session.

Second—We find that the total expenses of the Convention, including per diem and mileage of officers and members for sixty-five days, is $23,930.87. Certificates to the amount of $21,016.00 have already been drawn and issued by the Convention, $20,000.00 of which may be paid out of the Congressional appropriation, and the balance, $1,016.00, must be paid out of the Territorial appropriation, and the total incidental expenses of this Convention, amounting to $2,914.87, may be paid from the same source.

Third—We are informed by the Auditor that it is his wish that the Convention make out a statement showing the amount we desire him to allow, not to exceed the amount of six thousand dollars ($6,000), showing the amounts to be paid to each person, and certified that the labor was performed or the contract entered into during the first sixty-five days of the session, and that upon such statement he will draw his warrants for the amount.

On motion of Mr. Stone, the report was received and adopted.

Mr. Beck offered the following resolution, which, on motion of Mr. Kennedy, was adopted.

Resolved, That the thanks of this Convention are due to the members of the press of Colorado generally, for the interest manifested by them in our proceedings, and particularly to the official reporter of the Denver Tribune for the full and impartial reports furnished by him and daily published in the columns of that journal.

Mr. Carr offered the following resolution, which, on his own motion, was adopted:

Resolved, That the President and Secretary of this Convention are hereby instructed to issue certificates to the officers and members of this Convention for the time occupied in excess of the sixty-five days allowed by the General Assembly, which certificates shall express upon the face thereof that the same are

payable only out of such future appropriations as may be made either by the State or Territorial Legislature or by the National Congress.

Mr. White offered the following resolution, which, on his own motion, was adopted:

Resolved, That all members of this Convention whose signatures have not been obtained to the Constitution be authorized to sign the same at any time prior to the first day of July, A. D. 1876, and that the same may be signed either in person or by proxy in the presence of the Secretary of the Territory.

The Ordinances, as adopted by the Convention and reported by the Committee on Enrollment as correctly enrolled, were read by the Secretary as follows:

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 formed 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 the 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 this 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.

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 3, A. D. 1875, on behalf and by the authority 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 the 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.

On motion of Mr. Ellsworth, the Ordinances just read were ordered printed in the pamphlet with the Constitution.

Mr. Yount, Chairman of the Committee on Accounts and Expenditures of Convention, presented a report of that committee, as follows:

Denver, March 15, 1876.

To the Honorable President and Constitutional Convention of Colorado:

Gentlemen—Your Standing Committee on Accounts and Expenditures of Convention respectfully present the following report, with a statement and schedule, herewith.

A. K. YOUNT,
WM. C. STOVER,
F. J. EBERT,
CASIMIRO BARELA,
A. D. COOPER.

STATEMENT.

Audited Accounts and Incidental Expenses of the Constitutional Convention of Colorado, Denver, March 15, 1876.

Jan. 22	Denver Tribune, acct. rendered to date.....	$ 252.75
Jan. 25	Denver Tribune, for C. C. R. No. 18.....	6.75
Jan. 28	Denver Tribune, for C. C. R. No. 20.....	13.50
Feb. 3	Denver Tribune, for C. C. R. No. 24.....	27.00
Feb. 3	Denver Tribune, for C. C. R. No. 25.....	20.25
Feb. 4	Denver Tribune, for C. C. R. No. 27.....	33.75
Feb. 4	Denver Tribune, for C. C. R. No. 28.....	6.75
Feb. 8	Denver Tribune, for C. C. R. No. 33 and 34...	60.75
Feb. 15	Denver Tribune, for C. C. R. No. 38.....	27.00
Feb. 17	Denver Tribune, for C. C. R. No. 39.....	6.75
Feb. 18	Denver Tribune, for C. C. R. No. 40.....	27.00
Feb. 20	Denver Tribune, for C. C. R. No. 44, 45,46,47	68.25
Feb. 23	Denver Tribune, for C. C. R. No. 50.....	35.00
Feb. 24	Denver Tribune, for C. C. R. No. 52.....	21.00

Feb. 28	Denver Tribune, for C. C. R. No. 54.....	6.75
Mch. 1	Denver Tribune, for C. C. R. No. 57.....	40.50
Mch. 1	Denver Tribune, for C. C. R. No. 60.....	13.50
Mch. 6	Denver Tribune, for C. C. R. No. 62, 63, 64, 65	138.25
Mch. 10	Denver Tribune, for C. C. R. No. 67 and 66..	40.50
Mch. 10	Denver Tribune, for C. C. R. No. 73, etc.....	6.75
Mch. 15	Denver Tribune, Enlarging Journal.....	15.00
	Denver Tribune, Acct. of Printing as rendered.....$	867.75
	Denver Tribune, Less overcharges of 25 per cent.....	216.93
	Denver Tribune, acct. audited with corrections.....$	650.82
	Twelve Dailies, 8 books, postage, etc. .....$	945.90
	Total account to date.....$	1,596.72
	Bill for certificates.....$	8.00
	$	1,604.72
1876		
Jan. 10	Daily Times, for C. C. R. No. 7.....$	27.23
Jan. 8	Daily Times, for C. R. R. No. 8.....	5.96
Jan. 20	Daily Times, for C. C. R. No. 17.....	37.23
Jan. 25	Daily Times, for C. C. R. No. 19.....	24.57
Jan. 29	Daily Times, for C. C. R. No. 21.....	56.61
Feb. 2	Daily Times, for C. C. R. No. 26.....	8.14
Feb. 7	Daily Times, for C. C. R. No. 29.....	4.98
Feb. 7	Daily Times, for C. C. R. No. 30.....	4.79
Feb. 9	Daily Times, for C. C. R, No. 36.....	17.24
Feb. 9	Daily Times, for C. C. R. No. 37.....	12.76
Feb. 17	Daily Times, for C. C. R. No. 41.....	6.85
Feb. 17	Daily Times, for C. C. R. No. 42.....	4.35
Feb. 22	Daily Times, for C. C. R. No. 48.....	32.41
Feb. 23	Daily Times, for C. C. R. No. 51.....	23.23
Feb. 26	Daily Times, for C. C. R. No. 53.....	12.89
Mch. 2	Daily Times, for C. C. R. No. 59 and 61.....	71.10
Mch. 9	Daily Times, for C. C. R. No. 67 and 69.....	26.96
Mch. 13	Daily Times, for C. C. R., and presswork....	82.38
Jan. 8	Daily Times, Rules, etc.....	100.00
		559.68
Jan. 8	Daily Times, acct. for Printing as rendered, $559.68, less overcharges of 25 per cent. $139.92; amount awarded, with corrections	419.76
	Amount forward..... .....$	2,016.48

Jan. 22	Rocky Mountain News, for C. C. R.'s and Printing Letter Heads	$ 130.69
Feb. 5	Rocky Mountain News, for 1 copy of Revised Statutes	10.00
Feb. 7	Rocky Mountain News, for paper, press work, composition	34.38
Feb. 8	Rocky Mountain News, for paper, press work, composition	30.09
Feb. 9	Rocky Mountain News, for paper, press work, composition	20.46
Feb. 23	Rocky Mountain News, for C. C. R. 43 and 49	35.08
Feb. 28	Rocky Mountain News, for 200 Certificates of services of members	8.00
Feb. 29	Rocky Mountain News, for C. C. R. No. 59, composition	42.62
Mch. 2	Rocky Mountain News, for C. C. R. 58, press work, etc.	52.95
Mch. 6	Rocky Mountain News, for 250 sheets Parchment	20.00
Mch. 8	Rocky Mountain News, for C. C. R. and composition	10.35
Mch. 10	Rocky Mountain News, for C. C. R. No. 70, composition	23.69
		418.31
	Rocky Mountain News, account of Printing as rendered, $418.31, less overcharges of 25 per cent., $104.57; account awarded with corrections	313.74
	Total expense of printing	$ 2,330.22

MISCELLANEOUS ACCOUNTS.

Londoner & Bro., buckets, December 23	$ 1.00
Chas. Kussig, locks, etc., December 23	3.55
Miller and Hyat, locks and latcher, December 23	4.25
Daniels and Co., lamps, chimneys, etc., February 5	20.80
Holliday and Hemirack, oils, etc., February 7	12.75
A. H. Barker, Sergeant-at-Arms, February 10	1.40
W. H. Pierce, coal account, February 29	30.50
John Stewart, coal, March 1	8.50
Griffin Coal Company, wood, March 2	6.00
Daniels, Fisher & Co., towels, muslin, etc.	3.00
W. H. Stone, removing ashes	2.00
Chain & Hardy, stationery, etc.	8.10
R. A. Kirker, for Postoffice rent	2.00
Total incidental expenses	$ 103.85

Richards & Co., stationery acct. as rendered, $601.00; less overcharges, 20 per cent., $120.00	$ 480.80
Total printing account brought forward	2,330.22
Rocky Mountain News for bill L. C. Rockwell, March 15	14.20
See recapitulated statement	$ 2,929.07

Per diem of members and officers of the Constitutional Convention of Colorado, inclusive, from 23d day of February to 15th day of March, A. D. 1876:

Casimiro Barela, by 21 days' service as member, at $6.00	$126.00
George Boyles, by 21 days' service as member, at $6.00	126.00
H. P. H. Bromwell, by 21 days' service as member, at $6.00	126.00
W. E. Beck, by 21 days' service as member, at $6.00	126.00
Byron L. Carr, by 21 days' service as member, at $6.00	126.00
Wm. H. Cushman, by 21 days' service as member, at $6.00	126.00
Wm. M. Clark, by 21 days' service as member, at $6.00	126.00
A. D. Cooper, by 21 days' service as member, at $6.00	126.00
H. B. Crosby, by 21 days' service as member, at $6.00	126.00
Robert Douglas, by 21 days' service as member, at $6.00	126.00
L. C. Ellsworth, by 21 days' service as member, at $6.00	126.00
E. P. Elder, by 21 days' service as member, at $6.00	126.00
T. J. Ebert, by 21 days, service as member, at $6.00	126.00
W. B. Felton, by 21 days' service as member, at $6.00	126.00
J. M. Garcia, by 21 days' service as member, at $6.00	126.00
Daniel Hurd, by 21 days' service as member, at $6.00	126.00
J. S. Hough, by 21 days' service as member, at $6.00	126.00
Lafayette Head, by 0 days' service as member, at $6.00	000.00
Wm. H. James, by 21 days' service as member, at $6.00	126.00
Wm. R. Kennedy, by 21 days' service as member, at $6.00	126.00
Wm. Lee, by 21 days' service as member, at $6.00	126.00
Alvin Marsh, by 21 days' service as member, at $6.00	126.00
Wm. H. Meyer, by 00 days' service as member, at $6.00	000
S. J. Plumb, by 21 days' service as member, at $6.00	126.00
George E. Pease, by 21 days' service as member, at $6.00	126.00
Robert A. Quillian, by 21 days' service as member, at $6.00	126.00
L. C. Rockwell, by 0 days' services as member, at $6.00	000.00
H. C. Thatcher, by 21 days' service as member, at $6.00	126.00
Agipeto Vigil, by 21 days' service as member, at $6.00	126.00
W. W. Webster, by 21 days' service as member, at $6.00	126.00
G. G. White, by 21 days' service as member, at $6.00	126.00
E. T. Wells, by 21 days' service as member, at $6.00	126.00
P. P. Wilcox, by 21 days' service as member, at $6.00	126.00
J. S. Wheeler, by 21 days' service as member, at $6.00	126.00
J. W. Widderfield, by 21 days' service as member, at $6.00	126.00
A. K. Yount, by 21 days' service as member, at $6.00	126.00

J. C. Wilson, by 21 days' service as member, at $10.00..	210.00
W. W. Coulson, by 21 days' service as officer, at $8.00..	168.00
Herbert Stanley, First Asst. Sec., by 36 days' service, at $5.00	180.00
H. A. Terpening, Second Asst. and Reading Clerk, 36 days' service, at $5.00.....	180.00
Fred K. Stanton, Engrossing and Enrolling Clerk, by 21 days' service, at $5.00.....	105.00
R. A. H. Barker, Sergeant-at-Arms, by 25 days' service at $5.00	125.00
R. A. Kirker, Postmaster and Convention Clerk, by 21 days' service, at $5.00.....	105.00
W. H. Saulsbury, Engrossing Clerk, by 16 days' service, at $5.00	80.00
C. Dominquez, Interpreter, by 21 days' service, at $7.00.	147.00
Andrew Schmidt, Door-keeper, by 21 days' service, at $5.00	105.00
G. Pando, Fireman, by 21 days' service, at $5.00.....	105.00
Clay Forbes, Janitor, by 21 days' service, at $5.00.....	105.00
Willie McCord, Page, by 21 days' service, at $5.00.....	105.00
Robert Frreaz, Page, by 21 days' service, at $5.00.....	105.00
W. F. Stone, by 21 days as member, at $6.00.....	126.00
W. C. Stover, by 21 days' service, at $6.00.....	126.00
	$6,165.00

RECAPITULATED STATEMENT.

Debits.

Certificates issued for per diem for 65 days.	$19,622.00	
Mileage of members due from Auditor.....	1,394.00	
Awarded accounts, printing, stationery, etc.	2,929.07	
Total expense for session of 65 days...	$29,945.07	

Credit.

Congressional appropriation		$20,000.00
Territorial appropriation		6,000.00
Credit balance 65 days' session.....	$ 2.054.93	
	$26,000.00	$26,000.00
By balance		2,054.93

Debits.

To schedule of per diem of members and officers for 21 days to date, March 15, 1876.	$ 6.165.00	
Debit balance		4,110.07
	$ 6,165.00	$ 6.165.00
To balance amount not provided for...	$ 4.110.07	

In the above statement the amount of the bill presented by the city of Denver, of $781.75, is not awarded and is respectfully referred to the Convention for consideration.

On motion of Mr. Kennedy, the report was received.

Mr. Stone offered the following resolutions, which, on his own motion, were adopted:

Resolved, That the President of the Convention be instructed to request the Hon. John Taffe, Secretary of Colorado Territory, to pay out of the Congressional appropriation of $20,000, for such purpose, the several amounts certified to be due to members of the Convention for per diem and mileage for the first sixty-five days of the session; and also the per diem of the clerks, to be allowed pay by the provisions of the act of Congress relating thereto during the time aforesaid; such payment to include the certificates for seventy-five dollars each to members first issued and now held by the various banks of the city of Denver.

Resolved, further, That the President of the Convention be further directed to issue certificates based upon the report of the Committee on Accounts and Expenditures of the Convention, in favor of the several persons entitled to pay for services, and for materials furnished the Convention, and contingent expenses; and setting forth in such certificates, directed to the Auditor of the Territory of Colorado, that the said several sums in said certificates are due for expenses accruing within the first sixty-five days of the session of the Convention and to be paid out of the Legislative fund appropriated therefor.

Mr. Beck offered the following resolution, which, on his own motion, was adopted:

Resolved, That T. J. Stanton, Esq., Engrossing and Enrolling Clerk of this Convention, be allowed for extra services rendered by him in the performance of night labor in the engrossment and enrollment of the Constitution, the sum of twenty-five dollars.

W. E. BECK.

On motion of Mr. Crosby, the Convention adjourned until 2 o'clock p. m.

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2 O'CLOCK P. M.

Convention met pursuant to adjournment.

Roll called.

Absent—Messrs. Boyles, Beck, Cushman, Crosby, Douglas, Ebert, Garcia, Hurd, Hough, Head, James, Kennedy, Meyer, Pease, Rockwell, Stone, Stover, Thatcher, Vigil, White, Wilcox, Wheeler and Widderfield.

On motion of Mr. Carr, a call of the Convention was ordered.

The Secretary having called the roll, Messrs. Cushman, Ebert, Garcia, Hurd, Kennedy, Stone, Thatcher, White and Wheeler having appeared and taken their seats, on motion of Mr. Felton, further proceedings under the call of the Convention were dispensed with.

Mr. Felton offered the following resolution and moved its adoption:

Whereas, Twelve days' proceedings of this Convention are as yet unrecorded in the Journal; and,

Whereas, After those proceedings have been recorded, it will be the duty of the Secretary to record the Constitution in full in the Journal; therefore, be it

Resolved, That the Secretary of this Convention be instructed to complete the Journal, and when completed to deposit it, together with such other records or papers belonging to this Convention as he may have in his possession, with the Secretary of the Territory; and,

Resolved, That as compensation for the above mentioned labor, W. W. Coulson, Secretary of this Convention, shall be entitled to receive pay for twenty (20) days at the rate allowed by law.

Mr. Yount moved to amend the resolution offered by Mr. Felton by striking out the words "pay for twenty (20) days, at the rate allowed by law," and inserting in lieu thereof the words "the sum of one hundred dollars," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Yount.

And the question being upon the motion of Mr. Felton to adopt the resolution as amended, it was decided in the affirmative.

So the Convention adopted the resolution offered by Mr. Felton as amended.

On motion of Mr. Plumb, the report of the Committee on Accounts and Expenditures of Convention was adopted.

Mr. Carr moved that Mr. Charles, Territorial Auditor, be permitted to explain to the Convention the manner in which he will audit the accounts and expenditures incurred by the Convention, which was agreed to. And Mr. Charles then made said explanation.

On motion of Mr. Carr, the President and Secretary were instructed to certify to the Territorial Auditor the amounts of the various expenditures incurred by the Convention for printing and other expenses, before the expiration of the first sixty-five days of the session of the Convention.

Mr. Stone offered the following resolution, which, on his own motion, was adopted:

Resolved, That in addition to the three clerks mentioned in the resolution directing to be paid out of the Congressional fund, one other clerk be paid out of the same fund, in accordance with

the number of clerks allowed pay in the General Asesmbly by Congress; that the said four clerks so directed to be paid out of the Congressional fund include Chief Clerk Coulson and Assistant Clerk Stanley, Engrossing Clerk Terpening and Enrolling Clerk Stanton.

Mr. White offered the following resolution, which, on his own motion, was adopted:

Resolved, That the first assistant and second assistant clerks each receive seventy-five dollars for extra services.

Mr. Bromwell offered the following resolution, which, on his own motion, was adopted:

Resolved, That any contract made for printing the Constitution and Address be payable out of the appropriation made by the Legislature of this Territory and not from the fund appropriated by Congress; and that all proposals for such printing must be understood as being payable from the Legislative fund.

On motion of Mr. Quillian, that part of the report of the Committee on Accounts and Expenditures referring to the account of the city of Denver was taken from the table.

Mr. White moved that the Convention audit the account by allowing one-half the amount charged for the purchase of new articles; said articles being allowed to remain as the property of the city council, and the remaining charges being paid in full.

Mr. Yount offered the following as a substitute for the motion of Mr. White:

"That the city council of the city of Denver be allowed $500 for the use of the hall and committee rooms, etc., and that the articles procured by the city council remain in their possession as the property of the city of Denver."

Mr. Felton moved to amend the substitute offered by Mr. Yount, by striking out "$500" and inserting in lieu "$600," which was agreed to.

So the Convention concurred in the amendment offered by Mr. Felton to the substitute offered by Mr. Yount.

Mr. Cooper moved to amend the motion of Mr. White by allowing the whole of the account presented by the city council of the city of Denver, which was not agreed to.

So the Convention refused to concur in the motion of Mr. Cooper.

The question then recurring on the motion of Mr. Yount to adopt the substitute offered by him as amended by Mr. Felton, and being put, it was decided in the affirmative.

So the Convention adopted the substitute offered by Mr. Yount, as amended by Mr. Felton.

Mr. Felton offered the following resolution, which, on his own motion, was adopted:

Resolved, That the Secretary, forthwith on the adjournment of the Convention, make a full inventory of the furniture and other property on hand which was purchased by the city of Denver for the use of the Convention, and deliver one copy thereof to the city clerk of the city of Denver and one copy thereof to the Sergeant-at-Arms; and that the Sergeant-at-Arms, immediately after the completion of the inventory, take charge of such property, and, as soon as possible, turn the same over to the proper authorities of the city of Denver.

Mr. Wells offered the following resolution, which, on his own motion, was adopted:

Resolved, That the Secretary make a complete inventory of the stationery and other property remaining on hand pertaining to this Convention and deliver one copy of said inventory to the Treasurer of the Territory and the other to the Sergeant-at-Arms; that the Sergeant-at-Arms be instructed to sell and dispose of said property at the best price which can be obtained, and turn over the proceeds, with accounts of sales, to the Treasurer of the Territory.

On motion of Mr. Felton, the Sergeant-at-Arms was allowed four days' extra pay for his trouble in carrying out the instructions contained in the two last resolutions.

Mr. Cooper moved that the Secretary be allowed two days' extra pay as compensation for carrying out the instructions contained in the two last resolutions, which was not agreed to.

So the Convention refused to concur in the motion of Mr. Cooper.

On motion of Mr. Yount, a bill of $800, presented by the proprietors of the Denver Tribune for printing certificates, was allowed and a certificate for the amount ordered to be issued for the amount.

The business of the Convention being disposed of, the President addressed the Convention.

Prayer was offered by the Reverend Mr. Sturtevant.

The Journal of this day was then approved, and the President declared the Convention adjourned without day.

So the Convention adjourned at 4:15 p. m.

W. W. COULSON,
Secretary.

ADDRESS TO THE PEOPLE.

GENERAL SURVEY.

Your Representatives, in convention assembled, under the provisions of an Act of Congress, approved March 3, A. D. 1875, for the purpose of framing a Constitution for the State of Colorado, have completed the work, and herewith submit the result of their labors for your adoption or rejection. The task was an arduous one, requiring a session of eighty-six days, during which time the Convention labored assiduously to frame a fundamental law, wise and wholesome in itself, and which would be adapted to the general wants of the people.

In a work of such magnitude, where the interests are so varied and extensive, it is to be expected that errors would creep in, and omissions pass unnoticed; but, upon the whole, we believe it contains not only all of the primitive rights guaranteed in our National Constitution, but most of those reformatory measures which the experience of the past century has proven to be wise and judicious.

The end sought to be accomplished was to secure a just and economical administration of the Departments of State, and, with this purpose in view, especial effort was made to restrict the powers of the Legislative Department, by making all laws general and of uniform operation; to establish uniformity in the judicial department—thereby furthering the ends of justice; to prevent the corruption of public officials; to provide for the safe keeping of all public funds, and to protect the people from unjust monopolies, and the oppression consequent upon the voting of bonds and other kinds of indebtedness to corporations.

But, believing that your interest in the instrument now submitted for your consideration will lead you to give it a personal examination, and that you may be able to form a clear and correct opinion regarding its merits, your careful attention is invited to some of the prominent features of the different articles, which we think must meet your approval.

BILL OF RIGHTS.

In this article the usual guaranties of national and civil rights have been retained, and to the end that more power should be reserved to the people, it is further declared that the General Assembly shall make no irrevocable grants of special privileges or immunities; that private property shall not be taken or damaged for public or private use without just compensation previously made to the owner thereof, or paid into

court for his use; that no preference shall be given by law to religious denominations; that right and justice shall be administered without sale, denial or delay; that aliens, who are *bona fide* residents of the State, shall acquire, inherit, possess and enjoy property to the full extent as if native born citizens. The grand jury system has been so modified as to make a grand jury consist of twelve men instead of twenty-three—any nine of whom concurring may find a bill, and the question whether it may not be abolished altogether is left to the Legislature. The petit jury system has been so modified as to permit the organization of a jury of less than twelve men in civil cases, thereby materially reducing the expenses of our courts. The right of trial by jury in all criminal cases has been preserved, and for the purpose of protecting witnesses in criminal prosecutions, and that the accused may always meet the witnesses against him face to face, we have provided for the taking of depositions before some Judge of the Supreme, District or County Court, which can be used upon trial of the cause when the personal attendance of the witness can not be obtained.

EXECUTIVE DEPARTMENT.

The term of office of the Governor and other State officers is fixed at two years, thereby giving the people frequent opportunities to correct the administration of affairs in this department.

It is made the duty of all the State officers to keep an account of all moneys received or disbursed by them, while the Treasurer is required to furnish the Governor a quarterly statement under oath, of all moneys in his hands and the place where kept or deposited, which statement is to be published for the information of the people. The Governor is required to transmit these statements to the General Assembly when called for, thus enabling the representatives of the people to expose, or by suitable laws prevent extravagance and frauds; and that the people may always have a proper understanding of the financial condition of the State, the Governor, upon the meeting of the General Assembly, is required to furnish to that body a full and correct statement of the expenses of the State, as well as an estimate of the revenue derived from all sources.

The Governor is given the power to remove all officers by him appointed, for misconduct or malfeasance in office; he is also empowered to grant pardons, subject, however, to such regulations for the application of the same as may be provided by law, and in all cases when a pardon is granted, he is required to send the reason for granting the same to the General Assembly.

As an additional check upon ill-advised legislation, a majority of two-thirds of all the members of each House is required to pass a bill over the veto of the Governor.

The office of Lieutenant Governor is created, thereby giving the state the benefit of an officer elected by the people to fill any vacancy that might occur in the office of Governor; he is also

made the presiding officer in the State Senate, and has the majority vote in that body in case of a tie.

All the State officers are paid by salaries for their services, and are required to pay into the treasury all fees by them collected in their respective offices.

LEGISLATIVE DEPARTMENT.

The General Assembly is required to meet once in two years, and is limited to a session of forty days, after the first Legislature under the State. The term of office of the Senators is fixed at four years; that of the Representative at two. For the first session the compensation of the members of the General Assembly is fixed at four dollars per day, and thereafter as may be provided by law. No member of the General Assembly shall, during his term of office, receive any increase of salary, or mileage, above that allowed at the time of his election.

The evils of local and special legislation being enormous, the passage of any law not general in its provisions is prohibited—thus saving the State from expenses usually incurred in passing and publishing laws secured by combinations to advance private interests, and to create dangerous monopolies.

To afford protection from hasty legislation, it is required that all bills shall be printed; that only one subject shall be embraced in each bill, which shall be clearly expressed in its title; that it shall be read on three different days in each house before being passed, and that no bill shall be introduced, except for the general expenses of the government, after the first twenty-five days of the session.

We invite your special attention to Section Twenty-five of the article on legislation, wherein are enumerated the many cases in which the General Assembly is prohibited from passing any local or special laws.

To provide against extravagance we have prohibited the passing of any law giving extra compensation to any public officer, servant, agent or employe, after services rendered, without previous authority of law; nor is any officer of the State to be in any way interested in any contracts or awards by which the legislative and other departments of government are furnished with stationery, printing, paper and fuel.

It is further provided that no appropriation shall be made to any denominational, sectarian or any other institution not under the absolute control of the State.

Attention is also directed to sections Twenty-seven and Twenty-eight, providing against the corruptions heretofore complained of in legislative bodies, and prescribing punishments therefor.

JUDICIARY.

Radical changes have been made in the judicial system, to meet the imperative demands of our rapidly increasing

population. As at present constituted our courts are wholly inadequate to the transaction of the business brought before them. The consequence is, causes accumulate on the dockets, and are continued from term to term both in the District Courts and in the Supreme Court, causing expensive and ruinous delays to parties litigant, and when reached for disposal sufficient time and attention can not be devoted to their consideration to render the same satisfactory to either courts or litigants. To correct these evils an additional judicial district is provided, with an additional district judge, making four instead of three judicial districts. This will enable the District Courts to dispose of business with proper consideration and dispatch for several years, and the General Assembly is permitted to increase the number of judicial districts and the number of judges after the year 1880.

The District Courts are invested with original jurisdiction to hear and determine all controversies in behalf of the people, concerning the rights, duties and liabilities of railroad, telegraph and toll road companies or corporations. A Supreme Court, composed of different judges from those of the District Courts, is created. This court will have three judges, and as constituted will obviate the objections long entertained and frequently expressed against our present system, by which the same judge who presides over the trial of a cause in the District Court, sits in review of his own decision in the Supreme Court. The Supreme Court will now be better enabled to fully and impartially investigate and properly decide all causes brought before it, and to write out carefully prepared and creditable opinions in all causes heard and determined by it.

Experience having shown frequent changes of the judiciary to be unwise and detrimental to the public interest, long terms are prescribed for the judges of these courts. The judges of the District Courts will be elected for six, and those of the Supreme Court for nine years.

Instead of Probate Courts, County Courts are created for every county, with probate jurisdiction, and such civil and criminal jurisdiction as may be prescribed by law, their civil jurisdiction being limited to controversses in which the amount involved does not exceed the sum of two thousand dollars. The judges of these courts will be elected for three years.

The General Assembly is empowered to create Criminal Courts for counties having a population exceeding fifteen thousand, and Police Magistrates for cities and towns.

Justices of the Peace have jurisdiction to the amount of three hundred dollars.

Provision is made for the settlement of differences by arbitration for those who prefer that summary mode of adjustment to the more tedious and expensive litigation in other courts.

All laws relating to courts are required to be of uniform operation throughout the State, and the organization, jurisdiction,

powers, proceedings and practice of all the courts of the same class or grade, and the force and effect of their proceedings, are required to be uniform. All judicial officers will be elected by the people, and after the first election they may be elected on a different day from that on which an election is held for any other purpose, thus taking judicial elections out of the arena of party politics.

EDUCATION.

By the provisions of this article the general supervision of the public schools is vested in a Board of Education.

The maintenance of free public schools, and the gratuitous instruction therein for all children between the ages of six and twenty-one years, is forever guaranteed.

It is declared that the public school fund shall forever remain inviolate and intact; that neither the State, nor any county, city, town or school district shall ever make any appropriation, nor pay from any public fund any thing in aid of, or to help support, any school or institution of learning of any kind controlled by any church or sectarian denomination whatsoever; that no religious test shall ever be required as a condition for admission into any of the public schools, either as pupil or teacher; that no religious or sectarian dogmas shall ever be taught in any of the schools under the patronage of the State.

The General Assembly is required to pass suitable laws to husband, to the fullest extent, the several grants of land donated by the General Government to this State for school purposes. It is provided that the several institutions of learning and charity now fostered by the Territory shall be perpetuated and cared for by the State.

LEGISLATIVE APPORTIONMENT.

To guard against the undue influences to which small bodies are exposed, and in order that every portion of our extensive State, with its numerous and diversified interests, may be fairly represented, the Senate is made to consist of twenty-six and the House of Representatives of forty-nine, members—these members not to be increased until 1890.

A State census is provided to be taken in the year 1885, and every ten years thereafter, which, with the federal census of 1880, decennially thereafter, will enable the General Assembly to revise and correct the apportionment, on the basis of population, every five years. By these revisions the portions of the State which most rapidly increase in population will receive additional representation.

In view of the provisions against special legislation, already adverted to, and other measures adopted to secure economy in legislation, it is estimated that the additional expense of a Legislature composed of this number over a smaller body will not be great, and that the benefits to be derived from a larger representa-

tion will more than compensate the increased expenditure. By this apportionment, every county will have a member in the House of Representatives, without regard to population.

Such a provision in a State where many of its counties are larger than whole States further east is a necessity, and must commend itself to general approval.

CORPORATIONS.

Probably no subject has come before the Convention causing more anxiety and concern than the troublesome and vexed question pertaining to corporations. The Legislatures of other States have, in most cases, been found unequal to the task of preventing abuses and protecting the people from the grasping and monopolizing tendencies of railroads and other corporations. Experience has shown that positive restrictions on the powers of the Legislature in relation to these matters are necessary.

To this end we have provided for the wiping out of all dormant and sham corporations claiming special and exclusive privileges. We have denied the General Assembly the power to create corporations, or to extend or enlarge their chartered rights by special legislation, or to make such rights and privileges irrevocable; but in case it shall be found that the exercise of such rights and privileges proves injurious to the people, then the General Assembly shall have power to alter, revoke or annul such charters, when that can be done without injustice to the corporators. We have declared that railroad corporations shall be liable as common carriers, and that to avail themselves of the benefits of future legislation, they must subject themselves to all the provisions and requirements of this Constitution. We have forbidden the consolidation of parallel and competing lines, and of all unjust and unreasonable discriminations between individuals in their business with such corporations. We have carefully guarded the right of eminent domain, requiring a just compensation to be paid in cash when private property is taken, and have required all foreign corporations, as a condition of their doing business here, to have one or more known places of business, and an agent or representative within the State, upon whom the process of our courts can be served at any and all times. We have also retained the jurisdiction of our courts in case of consolidation of a corporation within the State with any foreign corporation, over that part of the corporate property within the limits of this State. We are aware that these provisions do not cover the whole ground, but it must be remembered that while some of our sister States have not gone far enough in placing restrictions on the legislative power, others have gone too far, and have had to recede. We have endeavored to take a middle ground, believing it to be more safe, and in the end that it will give more general satisfaction.

REVENUE AND FINANCE.

In framing this article, much labor was bestowed with the view of securing sufficient revenue to defray the expenses of the State government, without imposing onerous taxation upon any class of property or industry of the State. A uniform system of taxation upon the same class of subjects has been established. Mines and mining claims have been exempted for a period of ten years, except the net proceeds and surface improvements thereof, and ditches, canals and flumes owned and used by individuals and corporations for the purpose of irrigating their own lands are not to be separately taxed. The property of the State, counties, cities, towns and other Municipalities, and Public Libraries, are exempted from taxation, and unless otherwise provided by law, lots and buildings thereon situate, used exclusively for religious worship, for schools and strictly charitable purposes, and places of burial of the dead, are exempted.

For the purpose of defraying the expenses of the State, a tax is provided for, not in any case to exceed six mills on the dollar, with restrictions that when the valuation of property within the State shall amount to one hundred million dollars, the rate shall not exceed four mills, and when the valuation shall amount to three hundred million dollars, the rate shall never thereafter exceed two mills on each dollar of valuation. Corporations and corporate property, real and personal, are required to share the burden of taxation, and the power to tax the same is never to be relinquished or suspended. The State Treasurer is required to keep a separate account of each fund in his hands, to render quarterly statements specifying the amount of each fund on hand, and where the same is deposited. Stringent provisions have been adopted to prevent the speculation in public moneys so generally engaged in by the custodians of these funds, which so often result in defalcations and loss to the people. A State Board of Equalization is created, consisting of the Governor, State Auditor, Treasurer and Secretary of State, whose duties are to equalize and adjust the valuation of real and personal property among the several counties, and the Boards of County Commissioners in the respective counties are constituted County Boards of Equalization, whose duties are to equalize and adjust such valuations within their respective counties.

PUBLIC INDEBTEDNESS.

By the provisions of this article we have prohibited the Legislature from lending the credit of the State in aid of any corporation, either by loan or becoming a subscriber to any stock, or a joint owner with any party, except in case of forfeitures and escheats; also, from assuming any debt or liability of any party, and have also required appropriations to be kept within the limits of our resources, and that no appropriations be made unless as-

sessments are also made sufficient to meet them, and at the same session of the Legislature.

The same principles are applied to counties, cities, towns and school districts, as far as applicable, with the additional safeguard that to increase the indebtedness in excess of the rates fixed in this Constitution a vote of the people must be had thereon. In limiting the amount of indebtedness which may be contracted by counties, we have endeavored to make a classification that would not cripple counties having small resources, and at the same time restricting those of larger resources to prevent extravagance.

SUFFRAGE AND ELECTIONS.

By this article we have given the right of suffrage to every male person over the age of twenty-one years, imposing such restrictions only as are required by the Constitution of the United States, and upon questions pertaining to schools in the several districts of the State no person is denied the right to vote on account of sex. The question of female suffrage having been strongly urged upon the convention by petitions numerously signed and otherwise, and the Convention thinking it unwise to hazard the adoption of the Constitution upon the decision of this question, but recognizing the right of the people to express their will thereon, have required the General Assembly, at their first session, to submit the question to a direct vote of the people at the next general election thereafter. It is provided that an educational qualification for electors may be prescribed after the year of our Lord one thousand eight hundred and ninety. For the purpose of preventing frauds and of protecting the purity of the ballot box, the system of numbering ballots has been adopted. The working of this plan has been abundantly tested, and the benefits resulting therefrom are so numerous that to have omitted it would have been to have rejected that which the experience of the older States teaches to be wise and judicious; by this plan the secrecy of the ballot is not invaded, while frauds can be easily detected and the guilty party reached, without disfranchising a whole community, as frequently results under our present system.

COUNTIES.

By this article we have provided that the General Assembly shall not by special law remove the county seat of any county, but that the location of county seats shall always remain a question to be voted on by the qualified electors in the several counties. We have provided that no portion of any county shall be stricken off, or any new county formed, without submitting the question to the electors of such county; and that when any portion of a county is added to another, or a new county created, the inhabitants thereof shall pay their proportion of the indebtedness of the county from which they were taken.

We have provided for the usual county and precinct officers, leaving the compensation to be received by them for their services to be fixed by law, as provided in Section Fifteen of this article. That no inconvenience may arise by reason of the change from a Territorial form of government to that of a State, it is provided that all county and precinct officers shall hold their respective offices for the full term for which they may have been elected.

MISCELLANEOUS.

We have provided that all laws upon our statute books at the adoption of this Constitution shall remain in full force and effect until altered or repealed by the Legislature of the State.

We have declared that all persons who are qualified electors at the adoption of the Constitution, shall be eligible to the several State offices, to the General Assembly, and to the various county offices.

We have prohibited under very stringent provisions the importation, manufacture and sale of all spurious or adulterated liquors. We have provided for the passing of laws to prevent the destruction of, and to keep in good preservation, the forests upon the public domain. We have provided for the printing of this Constitution in Spanish as well as laws passed by the General Assembly until the year 1890, thus giving the Spanish speaking population of the State an equal opportunity of being fully informed of the provisions of the fundamental law, as well as all laws passed in compliance therewith.

We have provided liberally for the amending of the Constitution, thus giving to the people frequent opportunities of changing the organic law when experience and public policy may require it.

In this hasty review of the several articles contained in this Constitution, we have endeavored to call your attention to those provisions in which we presumed you would be most interested. We do not think it necessary to enter into an elaborate argument to show why they should meet your approval; believing that you fully appreciate the inestimable prize secured by entering the sisterhood of States, whereby you gain those privileges that flow only from that form of government, which is the offspring of your choice, completely free in its principles, uniting in its powers, security, happiness and prosperity of the whole people. But it is easy to foresee that from different causes, and from different sources, an effort will be made, and many artifices employed, to weaken in your minds the conviction of this truth, and we may reasonably assume that the chief objection made to a State government will not be founded upon the character of the instrument we have framed, but upon the alleged and supposed increase of expenses and consequent taxation. This is the old cry, and

however potent it may have been heretofore, it certainly has lost its force in the facts of the present. We meet this objection directly, by conceding that a State government will, of course, involve an increased expense over that of our present form, but we assert that this expense will be more than balanced by the pecuniary gain alone which we will receive by becoming a State. We will suppose that if we are not admitted now, we will not have another opportunity of admission for at least five years. The increase in our expenses under a State government will be about $50,000 per annum, which, in five years, will amount to $250,000. This would be saved to us, or, more properly, be delayed in payment, by remaining out of the Union five years longer.

Now, let us see what we would lose in that time: The Act of Congress granting Sections Sixteen and Thirty-six for school purposes allows the State to select an amount of public land equal to that which has been sold out of said Sections to settlers prior to survey. Under this arrangement we will be entitled to select about fifty sections of land.

The Enabling Act grants fifty other sections for public buildings, fifty sections for the penitentiary, and seventy-two sections for general purposes—making a total of two hundred and twenty-two sections, or one hundred and forty-two thousand and eighty acres of land, which, at $2.50 per acre, amounts, in value, to $385,200.

It will also be remembered that, upon becoming a State, Colorado will be entitled to five hundred thousand acres of public land within her borders, by virtue of a grant heretofore made by Congress. This amount, if selected now, would be worth to us at least $500,000.

The Enabling Act also grants the State five per cent. of the proceeds from the sale of the public agricultural lands after the adoption of this Constitution. The amount to be derived from this source for the next five years would exceed one hundred thousand dollars, which, added to the value of the land above mentioned, would make a total of about $1,000,000, which is four times the estimated amount of the increased expenses of the State for this period, so that we would really gain over three-quarters of a million dollars in five years by becoming a State. More than this, the revenues from sections sixteen and thirty-six will save the whole State, in our school taxes, from ten to twenty-five thousand dollars yearly, making a saving in five years of from fifty to one hundred thousand dollars in addition to that already estimated. Should we not be admitted, and remain in a Territorial condition five years longer, most, if not all, the public agricultural and nonmineral lands in Colorado, which are worth anything, will have been sold by that time, so that there being none left for selection, we would lose all this, even if a like grant should be renewed at the end of that time. No one

will doubt this statement who reflects upon the small amount of public agricultural lands now left within our territorial limits, and considers the probable immigration for the next five years. The five per cent. alluded to would, from the same cause, like the lands granted in the Enabling Act, be forever lost to Colorado, and we would, therefore, at the end of that time be obliged to commence our statehood with increased expenses, and at a dead loss of over a million of dollars at the lowest possible estimate. In addition to these several benefits to be derived by our admission into the Union at this time, we would also call your attention to the fact that, by cutting off special legislation, we have lessened the expenses of that department almost one-half; by reducing the number of petit and grand jurors the expenses of the judiciary department are greatly reduced, while the provisions guarding against hasty legislation at the close of the sessions of the General Assembly, will prevent great squandering of public money, and in many cases save more to the State than sufficient to pay the per diem and mileage of the members of that body.

This much for the pecuniary balance of gains and losses. Let us now look at the political and substantial advantages of Statehood as contrasted with our present condition of Territorial vassalage. By becoming a State, we elect our officers from our own people and are permitted to join in the election of the Chief Magistrate of the Nation, thus enjoying for the first time, while in Colorado, the sweets of self government.

Our privileges will then be enlarged, we will no longer be suppliants for the rights and immunities belonging to freemen—we will have gained them. Then we will be able to assume our proper station among the States of the Union. With two Senators and a Representative in the National Congress, we will be enabled to command respect, and to secure additional appropriations for the fostering of our industries, as well as of extending our political privileges; then we will have a voice in the matter of Indian treaties, in the establishment of military posts and roads, in the location of mail routes, in the passing of laws concerning the title to mineral veins, and providing for the disposal of the mineral and pastoral lands of the State as suited to peculiar wants; also upon many other questions which at present interest us, but upon which we can not now be heard. Who is there among you that would not rather be a citizen of an independent sovereign State, than a mere settler upon the public lands of the Territory, governed by satraps appointed and removed at pleasure, as best serves the whims and purposes of political rings and cliques—beggars, asking pittance at the gate of the nation; poor wards dependent upon the charity of Congress, living in a sort of penal colony, the Botany Bay of political servitude? Now that the golden opportunity is afforded, shall this state of things longer exist? We confidently believe it will not. Let us cherish, then, this occasion with more than ordinary zeal, actuated by the mem-

ories of the past, and inspired by the rewards for us in the future; let us arouse ourselves to the responsibilities of the hour, and, as citizens of a free republic, become, in fact, as well as in name, citizens of the American Union of Sovereign States.

WILLIAM M. CLARK,
Chairman.
WILBUR F. STONE.
JOHN S. WHEELER.
E. T. WELLS.
GEORGE E. PEASE.
WILLIAM E. BECK.
JESUS Ma. GARCIA.
ROBERT DOUGLAS.
WILLIAM R. KENNEDY.
CASIMIRO BARELA.

STATE ADMITTED.

United States of America,
Department of State.

VERIFICATION OF PROCLAMATION.

To all to whom these presents shall come, greeting: I certify, that hereto annexed is a true copy of a proclamation made by the President of the United States on the first of August, 1876, declaring that the admission of the State of Colorado into the union is now complete.

In testimony whereof, I, John L. Cadwalader, acting Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed. Done at the city of Washington, this twenty-fourth day of August, A. D. 1876, and of the independence of the United States of America the one hundred and first.

JOHN L. CADWALADER.

[Seal.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, The Congress of the United States did, by an act approved on the third day of March, one thousand eight hundred and seventy-five, authorize the inhabitants of the Territory of Colorado to form for themselves out of said Territory a state government, with the name of the State of Colorado, and for the admission of such State into the Union on an equal footing with the original States upon certain conditions in said act specified. And

Whereas, It was provided by said act of Congress that the convention elected by the people of said Territory to frame a state constitution should, when assembled for that purpose and after organization, declare on behalf of the people that they adopt the Constitution of the United States, and should also provide by an ordinance, irrevocable without the consent of the United States and the people of said State, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship, and that the people inhabiting said Territory do agree and de-

clare 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 disposition of the United States, and that the lands belonging to citizens of the United States residing without the 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. And

Whereas, It was further provided by said act that the constitution thus formed for the people of the Territory of Colorado should, by an ordinance of the convention forming the same, be submitted to the people of said Territory for ratification or rejection at an election to be held in the month of July, eighteen hundred and seventy-six, at which election the lawful voters of said new State should vote directly for or against the proposed constitution, and the returns of said election should be made to the acting Governor of the Territory, who, with the Chief Justice and United States attorney of said Territory, or any two of them, should canvass the same, and if a majority of legal votes should be cast for said constitution in said proposed State, the said acting Governor should certify the same to the President of the United States, together with a copy of said constitution and ordinances; whereupon it should be the duty of the President of the United States to issue his proclamation declaring the State admitted into the union on equal footing with the original States, without any further action whatever on the part of Congress. And

Whereas, It has been certified to me by the acting Governor of said Territory of Colorado that within the time prescribed by said act of Congress, a constitution for said proposed State has been adopted, and the same ratified by a majority of the legal voters of said proposed new State in accordance with the conditions prescribed by said act of Congress. And

Whereas, A duly authenticated copy of said constitution and of the declaration and ordinance required by said act has been received by me.

Now, therefore, I, Ulysses S. Grant, President of the United States of America, do, in accordance with the provisions of the act of Congress aforesaid, declare and proclaim the fact that the fundamental conditions imposed by Congress on the State of Colorado to entitle that State to admission to the Union have been ratified and accepted, and that the admission of the said State into the Union is now complete.

In testimony whereof, I have hereunto set my hand and have caused the seal of the United States to be affixed. Done at

the city of Washington this first day of August, in the year of our Lord one thousand eight hundred and seventy-six, and of the independence of the United States of America the one hundred and first.

[Seal.] U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

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