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The
Proposed Constitutional
Amendments
Initiated and Referred
Measures

Submitted to the Electors at the General
Election, November 3, 1914



Authorized by Senate Resolution No. 3, of the
Twentieth General Assembly

DENVER, COLORADO
THE SMITH-BROOKS PRINTING CO., STATE PRINTERS
1915

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PROPOSED CONSTITUTIONAL AMENDMENTS, INITIATED
AND REFERRED MEASURES APPROVED AT THE GEN-
ERAL ELECTION, NOVEMBER 3RD, 1914.

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AND REFERRED MEASURES WHICH WERE REJECTED
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CERTIFICATE.

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

I, JNO. E. RAMER, Secretary of State of the State of Colorado, by virtue of the authority vested in me by Senate Resolution No. 3 of the Twentieth General Assembly of the State of Colorado, do hereby certify that the following, being pages number 5 to 11, inclusive, are full, true and complete transcripts of all the Proposed Constitutional Amendments, Initiated and Referred Measures which were submitted to the electors at the General Election held November 3, 1914, and which were approved, as evidenced by the Certificate and Determination of the Board of State Canvassers, filed in this office on December 5, 1914.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Great Seal of the State of Colorado.

Done at Denver, Colorado, this 19th day of January, A. D. 1915.

[SEAL]
Secretary of State.

By.....
Deputy.

AN AMENDMENT TO THE CONSTITUTION OF THE
STATE OF COLORADO BY ADDING THERETO A
NEW ARTICLE TO BE NUMBERED AND DESIGN-
NATED AS "ARTICLE XXII—INTOXICATING
LIQUORS."

Be It Enacted by the People of the State of Colorado:

Section 1. The Constitution of the State of Colorado shall be and hereby is amended by adding thereto a new article to be numbered and designated as "Article XXII—Intoxicating Liquors," which said amendment is in words and figures as follows:

ARTICLE XXII—INTOXICATING LIQUORS.

From and after the first (1st) day of January, 1916, no person, association or corporation shall, within this State, manufacture for sale or gift any intoxicating liquors; and no person, association or corporation shall import into this State any intoxicating liquors for sale or gift; and no person, association or corporation shall, within this State, sell or keep for sale any intoxicating liquors or offer any intoxicating liquors for sale, barter or trade. Provided, however, that the handling of intoxicating liquors for medicinal or sacramental purposes may be provided for by statute.

Section 2. All provisions of the Constitution in conflict herewith are hereby repealed.

Arthur J. Finch, 222 Y. M. C. A. Building, Denver, Colo.; Adrianna Hungerford, 333 14th St., Denver, Colo.; Jessie V. Bond, 508 16th St., Denver, Colo.; J. K. Richardson, 423 Boston Block, Denver, Colo.; and Nella E. Brad-

bury, 4625 W. 35th Ave., Denver, Colo., are designated to represent the signers of this petition.

An amendment to the Constitution of the State of Colorado by adding thereto a new article, to be numbered and designated as "Article XXII—Intoxicating Liquors," prohibiting the sale of intoxicating liquors and the manufacture and importation of intoxicating liquors for purposes of sale or gift.	YES	
	NO	

[Note.—Above amendment approved by 129,589 votes "Yes" to 118,017 votes "No."]

AN ACT TO SECURE BETTER HIGHWAYS BY
INCREASING THE STATE ROAD FUND BY AN
ANNUAL HALF MILL LEVY.

Be It Enacted by the People of the State of Colorado.

Section 1. There is hereby recognized and perpetuated the fund heretofore established for the purpose of state aid in the construction, maintenance and repair of public highways, and known as the State Road Fund; and for the purpose of securing better highways by increasing the said fund, there shall be assessed and levied annually upon all taxable property in this State one-half of one mill on each dollar of assessed valuation thereof, to be assessed and collected at the same time and in the same manner now provided for the assessment and collection of state taxes from other fractional mill levies now established by law.

Section 2. It is hereby expressly declared that this act is supplemental to and amendatory of the State Highway Commission Act, approved March 17, 1913.

The signers of this petition do hereby name and appoint the following persons to act for them in all matters concerning this petition, viz., Robert H. Higgins, Pueblo; Ed. C. Levin, Leadville; E. E. Sommers, Denver; W. P. Harlow, Boulder, and W. H. Emmons, Denver.

The foregoing bill shall be voted upon by the electors of the State of Colorado by answer to the following:

FOR BETTER ROADS.	YES	
	NO	

Those wishing to vote for said bill, shall put a cross (X) in the space opposite the word "Yes," after the words "FOR BETTER ROADS."

Those wishing to vote against said bill, shall put a cross (X) in the space opposite the word "No," after the words "FOR BETTER ROADS."

[Note.—Above measure approved by 117,146 votes "Yes" to 54,844 votes "No."]

SENATE BILL No. 69, LAWS OF 1913.

AN ACT TO RELIEVE EMPLOYEES AND WORKMEN FROM ASSUMING THE RISK OF INJURY OR DEATH FROM DANGERS AND PERILS IN ANY EMPLOYMENT WHICH THE EMPLOYER MIGHT BY ORDINARY CARE AND EFFORT HAVE PROVIDED AND GUARDED AGAINST, AND PERMITTING A RECOVERY OF DAMAGES IN CASE OF INJURY OR DEATH.

The said bill or act, exclusive of the title as above given, being as follows:

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

Section 1. Whenever any agent, servant, or employe while in the performance of his duty for his employer, shall be injured or killed in the employer's service on account of the employer's negligence, or on account of any defect or peril connected with the ways, works, machinery or instrumentalities used in the business of the employer, which could have been remedied or made more safe by the use of ordinary diligence, a recovery for such injury or death may be had, and the fact that such employe had knowledge of the defect or peril, shall not be a bar to the recovery, unless the repairing or remedying of such defect or peril was his principal duty. All stipulations, contracts or agreements between an employe and his employer or between other persons, contrary to the provisions hereof shall be null and void.

[Note.—Above measure approved by 69,006 votes "Yes" to 60,298 votes "No."]

HOUSE BILL NO. 546. BY MESSRS. WRIGHT AND SKINNER.

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO SECTION 15 OF ARTICLE 10 OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING BOARDS OF EQUALIZATION AND THEIR DUTIES.

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

Section 1. There shall be submitted to the qualified electors of the State of Colorado at the next General Election for members of the General Assembly, for their approval or rejection, the following amendment to the Constitution of the State of Colorado, which, when ratified by a majority of those voting thereon, shall be valid as a part of the Constitution.

Section 2. Section 15 of Article 10 of the Constitution of the State of Colorado shall be amended so as to read as follows:

Section 15. There shall be a Board of Equalization for the State, consisting of the Governor, State Auditor, State Treasurer, Secretary of State and Attorney General. The duty of the said Board of Equalization shall be to adjust, equalize, raise or lower the valuation of real and personal property of the several counties of the State, and the valuation of any item or items of the various classes of such property.

There shall be 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 County

Board of Equalization shall be to adjust, equalize, raise or lower the valuation of real and personal property within their respective counties, subject to revision, change and amendment by the State Board of Equalization. The State Board of Equalization and the County Board of Equalization shall equalize to the end that all taxable property in the State shall be assessed at its full cash value and also perform such other duties as may be prescribed by law; Provided, however, that the State Board of Equalization shall have no power of original assessment.

Section 3. Each elector voting at such election and desirous of voting for or against said amendment, shall deposit in the ballot box his ticket whereon shall be printed the words, "For the amendment concerning Boards of Equalization to properly adjust the burdens of taxation," and "Against the amendment concerning Boards of Equalization to properly adjust the burdens of taxation."

Section 4. All votes cast for the adoption or rejection of the said amendment, shall be canvassed and the result be determined by the laws of the State for the canvass of voters for Representatives in Congress.

[Note.—Above amendment approved by 55,987 votes "Yes" to 55,275 votes "No."]

CERTIFICATE.

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

I, JNO. E. RAMER, Secretary of State of the State of Colorado, by virtue of the authority vested in me by Senate Resolution No. 3 of the Twentieth General Assembly of the State of Colorado, do hereby certify that the following, being pages number 13 to 67, inclusive, are full, true and complete transcripts of all the Proposed Constitutional Amendments, Initiated and Referred Measures which were submitted to the electors at the General Election held November 3, 1914, and which were rejected, as evidenced by the Certificate and Determination of the Board of State Canvassers, filed in this office on December 5, 1914.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Great Seal of the State of Colorado.

Done at Denver, Colorado, this 19th day of January, A. D. 1915.

[SEAL]
Secretary of State.

By
Deputy.

AN ACT TO AMEND SECTION 1 OF ARTICLE V OF
THE CONSTITUTION OF THE STATE OF COLO-
RADO RELATIVE TO THE INITIATIVE AND
REFERENDUM.

Be It Enacted by the People of the State of Colorado:

Section 1. That Section 1 of Article V of the Constitution of the State of Colorado be and the same is hereby amended so as to read as follows:

Section 1. The legislative power of the State shall be vested in the General Assembly consisting of a Senate and House of Representatives, both to be elected by the people, but the people reserve to themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls independent of the General Assembly, and also reserve power at their own option to approve or reject at the polls any act, item, section or part of any act of the General Assembly.

The first power hereby reserved by the people is the INITIATIVE, and at least eight per cent. of the legal voters shall be required to propose any measure by petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions for State legislation and amendments to the Constitution, shall be addressed to and filed with the Secretary of State at least four months before the election at which they are to be voted upon; provided, that whenever any measure initiated under the authority of this section, shall be rejected at such election, such measure or any other measure of the same substance, character or purpose, or designed to accomplish the same end, either directly or indirectly, and either by state legislation or by amendment to the Consti-

tution, shall not be initiated nor shall any petition therefor be filed, for submission at any election held within six years from the election at which the rejected measure was submitted.

The second power hereby reserved is the REFERENDUM, and it may be ordered, except as to laws necessary for the immediate preservation of the public peace, health or safety, and appropriations for the support and maintenance of the department of state and state institutions, against any act, section or part of any act of the General Assembly, either by a petition signed by five per cent. of the legal voters or by the General Assembly. Referendum petitions shall be addressed to and filed with the Secretary of State not more than ninety days after the final adjournment of the session of the General Assembly, that passed the bill on which the referendum is demanded. The filing of a referendum petition against any item, section or part of any act, shall not delay the remainder of the act from becoming operative. The veto power of the Governor shall not extend to measures initiated by, or referred to the people. All elections on measures referred to the people of the State shall be held at the biennial regular general election, and all such measures shall become the law or a part of the Constitution, when approved by a majority of the votes cast thereon, and not otherwise, and shall take effect from and after the date of the official declaration of the vote thereon by the proclamation of the Governor, but not later than thirty days after the vote has been canvassed. This section shall not be construed to deprive the General Assembly of the right to enact any measure. The whole number of votes cast for Secretary of State at the regular general election last

preceding the filing of any petition for the initiative or referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted.

Except as hereinabove prohibited, the Secretary of State shall submit all measures initiated by or referred to the people for adoption or rejection at the polls, in compliance herewith. The petition shall consist of sheets having such general form printed or written at the top thereof as shall be designated or prescribed by the Secretary of State; such petition shall be signed by qualified electors in their own proper persons only, to which shall be attached the residence address of such person and the date of signing the same. To each of such petitions, which may consist of one or more sheets, shall be attached an affidavit of some qualified elector, that each signature thereon is the signature of the person whose name it purports to be, and that to the best of the knowledge and belief of the affiant, each of the persons signing said petition was at the time of signing, a qualified elector. Such petition so verified shall be prima facie evidence that the signatures thereon are genuine and true and that the persons signing the same are qualified electors. The text of all measures to be submitted shall be published as constitutional amendments are published, and in submitting the same and in all matters pertaining to the form of all petitions the Secretary of State and all other officers shall be guided by the general laws, and the act submitting this amendment, until legislation shall be especially provided therefor.

The style of all laws adopted by the people through the Initiative shall be, "Be it Enacted by the People of the State of Colorado."

The initiative and referendum powers reserved to the people by this section are hereby further reserved to the legal voters of every city, town and municipality as to all local, special and municipal legislation of every character in or for their respective municipalities. The manner of exercising said powers shall be prescribed by general laws, except that cities, towns and municipalities may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation. Not more than ten per cent. of the legal voters may be required to order the referendum, nor more than fifteen per cent. to propose any measure by the initiative in any city, town or municipality.

If two or more legislative measures or amendments to the Constitution, as the case may be, shall be adopted at the same election, the measure or amendment receiving the greatest number of affirmative votes shall prevail in all particulars as to which there is a conflict.

This section of the Constitution shall be in all respects self-executing.

We, the petitioners, hereby designate the following named persons, whose addresses are set opposite their respective names, who shall represent the signers hereof in all matters affecting this petition: C. B. Hamilton, Denver, Oxford Hotel; E. R. Conaway, Denver, 1746 California Street; Harry N. Burhans, Denver, 221 McPhee Bldg.

The BALLOT-TITLE under which the aforesaid initiative amendment to the Constitution of the State of Col-

orado shall appear on the official ballot at said election, shall be as follows:

For the Amendment to Section 1 of Article V of the Constitution, relative to the Initiative and Referendum.	YES	
	NO	

[Note.—Above amendment rejected by 112,537 votes "No" to 55,667 votes "Yes."]

AN AMENDMENT TO SECTION 23, OF ARTICLE 2,
OF THE CONSTITUTION OF THE STATE OF
COLORADO.

Be It Enacted by the People of the State of Colorado:

Section 1. Section twenty-three (23), Article two (2) of the Constitution of the State of Colorado, shall be and the same is hereby amended to read as follows:

“Section 23. The right of trial by jury shall remain inviolate, subject to the following conditions:

A jury in all cases may consist of less than twelve persons, as may be prescribed by law. When, in the opinion of the court, not to exceed any one juror, during the progress of any jury trial, has become incapacitated to continue to serve as a juror in the trial of such case, the trial thereof may continue and the verdict be returned by the remaining jurors with like force and effect as though tried and the verdict rendered by the entire number of jurors. In any criminal case the accused may waive the right of trial by jury. In civil cases three-fourths of the number of jurors sworn to try the case may find a verdict. No person shall be disqualified for jury service on account of sex; provided, any woman summoned as a juror may refuse to serve without assigning cause therefor, if such excuse is made on the return day of the summons to serve as a juror. Under the direction of the court, it shall be lawful to separate temporarily the sexes in cases tried by mixed juries. The jury, or, if the case be tried without a jury, the Court, at the time of the trial of any criminal case, shall determine any issue raised by or on behalf of the accused concerning his or her sanity, or mental competency. If found not guilty, because mentally incompe-

tent or insane, the accused shall not for such reason be discharged, but may be confined in a department of the State Insane Asylum or other institution, provided by the State for the detention and care of the criminal insane or mental incompetents until such time as they shall be restored to competency and sanity. In criminal cases where the defense of insanity is made by or on behalf of the accused, a method of trial, different from that of trial by jury, may be provided by law.

“Hereafter a grand jury shall consist of twelve persons, any nine of whom may find an indictment; provided, the General Assembly may change, regulate or abolish the grand jury system, until which time at least once each calendar year the District Courts shall call a grand jury in each county having a population of over 20,000.

“Legislation may be enacted to facilitate the operation of this Article, but in no way limiting or restricting its provisions.”

The signers of this petition do hereby name and appoint the following persons to act for them in all matters concerning this petition, viz.: James Randolph Walker, Denver; Morrison Shafroth, Denver; Lillian H. Kerr, Colorado Springs; Wayne C. Williams, Denver, and Ira M. De Long, Boulder.

The ballot title of the foregoing amendment shall be as follows:

For the Better and Less Expensive Administration of Justice by amending Article 2 of the Constitution; providing a three-fourths jury Verdict in Civil Cases and Permitting Women, Where Willing, to Serve on Juries.	YES	
	NO	

The Secretary of State is hereby authorized to prepare said ballot accordingly.

[Note.—Above amendment rejected by 77,488 votes "No" to 67,130 votes "Yes."]

AN AMENDMENT TO SECTION 1, ARTICLE 5, TO BE
KNOWN AS SECTION 1-A, OF ARTICLE 5 OF
THE CONSTITUTION OF THE STATE OF COLO-
RADO.

Be It Enacted by the People of the State of Colorado:

Section 1. The Constitution of the State of Colorado is hereby amended by adding the following as Section 1-A, to Article 5 of the Constitution, to read as follows:

“Section 1-A. The people of this State shall have the right to require the Governor to call a special election for the purpose of submitting to the electors of the State any measures or amendments to the Constitution under the initiative and referendum provisions of the Constitution and laws of the State, whenever a petition signed by not less than twenty-five (25) per cent. of the qualified electors, addressed to the Governor and filed with the Secretary of State, demands that such special election be held. Such petitions shall be prepared and circulated in the same manner as petitions are prepared and circulated under the initiative and referendum provisions of the Constitution and laws of this State. The Secretary of State shall forthwith notify the Governor of the filing of such petition, addressed to the Governor. The Governor is also vested with power to call such special election of his own volition for the purpose of submitting to the electors of the State any measures or proposed amendments to the Constitution under the initiative and referendum provision of the Constitution and the laws of the State. Such special election shall be held at a date which shall be at least four months before a general election is held in this State. At least six months in advance of such special

election a public proclamation of the date thereof, briefly stating the reason therefor, shall be filed by the Governor with the Secretary of State. It shall thereupon be the duty of the Secretary of State to transmit a copy of such proclamation for public record, to each County Clerk and Recorder of the State, who shall record the same without charge. Any measures or Constitutional amendments initiated or referred under the initiative and referendum provisions of the Constitution and laws of the State at least four months before such special election shall also be submitted to the qualified electors of the State for their approval or rejection at such special election, in the same manner, as far as practicable, as initiated and referred measures or constitutional amendments are submitted under the Constitution and laws of this State."

"In submitting such measures and amendments at such special election, the Secretary of State and all other officials shall proceed as directed by the initiative and referendum provisions of the Constitution and laws of this State. The whole number of votes cast for the Secretary of State, and in case the Secretary of State is not an elective officer, the Governor, at the regular general election last preceding such special election, shall be the basis on which the number of qualified electors necessary to sign such petition for the calling of such special election shall be counted."

"This Section of the Constitution shall be in all respects self executing; but legislation may be enacted when deemed necessary to facilitate its enforcement; provided, such legislation shall in no way impair the power hereby given to the people of this State."

The signers of this petition do hereby name and appoint the following persons to act for them in all matters concerning this petition, viz.: William H. Malone, Denver; Benjamin Griffith, Grand Junction; and E. E. McLaughlin, Denver; Franklin H. Rall, Denver and Harry B. Tedrow, Boulder.

The ballot title of the foregoing amendment shall be as follows:

For Extending the People's Power Under the Initiative and Referendum by Adding an Amendment to Article 5 of the Constitution, to be known as Section 1-A.	YES	
	NO	

The Secretary of State is hereby authorized to prepare said ballot accordingly.

[Note.—Above amendment rejected by 80,977 votes "No" to 40,643 votes "Yes."]

AN ACT TO PROVIDE FOR A COMMISSION TO PREPARE A CODE OF LAWS RELATING TO WOMEN AND CHILDREN AND TO MAKE A REPORT TO THE LEGISLATURE CONCERNING THE SAME.

Be It Enacted by the People of the State of Colorado:

Section 1. There is hereby established a Child Welfare Commission, to prepare a Code of Laws of this State relating to women and children. Such Code shall consist of a systematic and well arranged compilation of the present laws of this State relating to women and children, with such suggestions as to amendments, alterations and additions of new laws or otherwise as the Commission may deem necessary to give Colorado the most perfect system of laws possible for the protection of women and children. The Commission is authorized to publish such Code, either in a single pamphlet or separate pamphlets, for general distribution. Such pamphlets may also contain commentaries upon such laws and an explanation of the practice and work thereunder. The Commission shall consist of a chairman and two other members, at least two of whom shall be women. The members of the Commission shall be known as "Commissioners of Child Welfare for the State of Colorado." Ben B. Lindsey, Judge of the Juvenile Court of Denver, Colorado, is hereby selected by the people as the chairman of said Commission, and Lillian H. Kerr, of Colorado Springs, and Josephine A. Roche, of Denver, are also hereby selected as the two other members of said Commission. The Commissioners shall serve without pay, and are authorized at their own expense, either individually or as a Commission, as the rep-

representatives of the State of Colorado, to visit other States or foreign countries, to make investigations concerning such laws and the administration thereof. The Commission shall make a report to the Governor and the General Assembly convening in 1917. The report shall contain the proposed Code or Codes provided for herein with recommendations of the Commission. The tenure of office of the Commission shall expire at the time in 1917 when the Legislature shall have passed and the Governor shall have signed a Women's and Children's Code; otherwise, the Commission shall be continued for not to exceed four years from the adjournment of the Legislature convening in 1917, unless such Women's and Children's Code in the meantime shall have been placed upon the statute books of this State, at which time it shall cease to exist, and until which time it shall make further reports to the Legislature and continue its endeavors to secure the final adoption of a Women's and Children's Code as contemplated by this Act. The members of such Commission shall file their acceptance of their appointment in writing with the Secretary of State within thirty days from the date this Act is declared to have been adopted by the people, in default of which a vacancy shall exist. Any vacancy in the chairmanship of the Commission shall be filled by appointment by the Governor. Any other vacancy upon said Commission shall be filled by appointment by the chairman of the Commission, to be filed with the Secretary of State.

The signers of this petition do hereby name and appoint the following persons to act for them in all matters concerning this petition, viz: Mabel C. Costigan, Denver; William H. Malone, Denver; Josephine A. Roche,

Denver; E. E. McLaughlin, Denver; and Thomas J. Tynan, Canon City.

The ballot title of the foregoing law shall be as follows:

For a Child Welfare Commission, to Serve Without Pay or Personal Expenses from the State, to Codify the Laws of the State	YES	
Relating to Women and Children.	NO	

The Secretary of State is hereby authorized to prepare said ballot accordingly.

[Note.—Above measure rejected by 72,122 votes "No" to 68,242 votes "Yes."]

AN ACT CONCERNING PROBATION OF PERSONS
PROCEEDED AGAINST FOR CRIME, AND PRO-
VIDING FOR THE APPOINTMENT OF PROBA-
TION OFFICERS.

Be It Enacted by the People of the State of Colorado:

Section 1. This Act shall be construed to be in the interest of justice and for the general welfare of the State. The provisions of this Act shall extend to minors and to all persons who are proceeded against for misdemeanors. They shall also extend to any person accused of a felony, but not to one accused of a crime punishable by death or life imprisonment or accused of rape accompanied by force or violence or of highway robbery or arson; Provided, probation shall not be extended to any person who theretofore shall have been convicted of a felony.

All such persons shall have the rights now existing under the constitution and laws of this state to the same kind of hearing and trial as now or may hereafter be provided by law, and no person shall be subject to the terms of probation imposed by the Court under the provisions of this act, without his consent. Any person shall be presumed to have consented unless objections to the action of the Court shall be made in writing at the time it is taken.

Section 2. All Courts of Record of this State before which any case coming within the provisions of this Act is pending shall have the power to adjudicate that the same is a proper one for the application of the provisions hereof. They shall have the right to continue or adjourn the case from time to time or to suspend the sentence or execution thereof and place the accused on probation, and

commit him to the custody, care or oversight of a probation officer. Any order in any case coming under this Act may be entered either in open court or chambers before or after the adjournment of any Court term or at a time most convenient to the Court. The jurisdiction of the Court shall not be ended or interfered with on account of any continuance or order entered hereunder, but shall continue throughout the entire period of probation or time during which such cause is continued, with the same force and effect as that existing during the term when such cause is filed or at any other time when the same is heard or considered under the provisions of this Act or the laws of this State. The Court may, in applying the provisions of this Act, make such order and impose such conditions of probation in each case as shall seem best calculated to do justice and secure the reformation of the accused. Where, in the opinion of the Court and the District Attorney, the case is a proper one for the application of the provisions of the law of this State providing for the redemption of offenders, through a proceeding under the chancery jurisdiction of the court, the cause may be dismissed at any time before trial and re-filed under such law.

Section 3. The term of probation under this Act in cases where persons have been convicted shall not exceed four years from the date of entry of the order suspending sentence or execution thereof and committing the defendant to probation; Provided, that such term may be extended by the Court to a period equal to the time of any sentence imposed. At the expiration of such term, or at any time prior thereto, when the Court shall so order, any such person on probation shall be dismissed from the

jurisdiction of the Court in such case and from the right of the State to proceed further against such person for or on account of such particular offense.

Section 4. In counties of over one hundred thousand population, the District Court may appoint one probation officer for adults, and the Juvenile Court one probation officer for adults, and in any judicial district having a county of over twenty thousand population, where, in the opinion of the District Court, the necessity exists, such Court may appoint one probation officer for such judicial district. Such officers shall serve during the pleasure and act under the direction of the Court appointing such officer. Any probation officers additional to those provided for by this Act shall be appointed only in case any District Court, and in counties of over one hundred thousand population, also the Juvenile Court, shall certify to the county commissioners of their respective counties that it is necessary to carry out the provisions of this Act, and in case the majority of said commissioners of at least half of such counties shall concur with the Court as to such necessity. Each Court shall make rules governing the conduct of its probation officers. The term "County Commissioners" employed herein, in any cities and counties or cities acting under Article XX of the Constitution of this State, shall refer to that body in such city, or city and county, performing the functions of county commissioners.

Section 5. The duties of such probation officer shall be:

To investigate and report upon any case within the provisions hereof; to take charge of any person placed on probation; to collect any fines, costs or other penalties

that may be imposed or ordered by the Court and pay the same into the registry of the Court, taking proper receipts therefor; to keep a record, including descriptions sufficient for identification of all persons committed to them on probation, and a subsequent history of the probation, in such form as may be prescribed under this Act or directed by the court; and to perform such other probationary services as may be directed by the Court. Paid probation officers provided for herein shall, in the execution of their official duties and for the proper performance thereof, have all the powers of sheriffs and police officers. The records kept by a probation officer of probationers shall not be open to the public for inspection, but may at all times be inspected by the chief of police, district attorney, sheriff, or by any person when ordered by the Court.

Section 6. Probation officers shall receive a salary of not to exceed fifteen hundred dollars (\$1,500.00) per annum, to be fixed by the Court appointing such officer provided by this Act. Such salaries shall be paid out of the county treasury of such county in monthly installments in the same manner as the salaries of probation officers in juvenile or county courts are paid; provided, where a probation officer is appointed in a judicial district consisting of more than one county, the judges of such respective district courts shall ascertain the number of criminal cases filed in said court in each county of such district for the calendar year last preceding, and shall make a pro rata estimate based upon such number of criminal cases filed from each county, as it relates to the full annual compensation allowed such probation officer, and certify such estimate to the Chairman of the Board of County Commissioners of each county, whereupon it shall

be the duty of the County Commissioners to pay or cause to be paid to such probation officer the pro rata sum so estimated for such county on account of such annual salary; said sum to be paid in equal monthly installments. Probation officers shall give a bond to be approved by the court, in the sum of three thousand (\$3,000.00) dollars in the same manner as clerks of courts, conditioned for the faithful performance of their duties.

Section 7. Any of such courts may also appoint discreet persons as volunteer probation officers, without compensation, who shall have the powers and perform the duties of probation officers in particular cases committed to them with their consent, which they are willing to undertake to aid and assist. Such volunteer probation officers shall report to and as far as practicable work in conjunction with the regular probation officer and report to the Court when required. Probation officers caring for juveniles in any County Court may be directed by the District Courts also to perform services of probation officers under this Act. It shall also be the duty of probation officers when required by the Court, on written petition respectively of the Warden of the State Reformatory or State Penitentiary, to act as parole officers for paroled convicts.

Section 8. The probation officers provided for herein shall make annual reports at a date to be fixed by the State Board of Charities and Corrections, with such detail as may be required by the board, provided the State Board of Charities and Corrections shall prepare and furnish to such officers the necessary blanks for said reports. Such reports shall be filed with the Court and with the Secretary of the State Board of Charities and Correc-

tions. Reports shall not disclose the identity of the individuals on probation. The authority furnishing supplies to the Court shall furnish to the probation officers such office room, record books, blanks, stationery and stamps as may be necessary to properly perform their duties and carry out the provisions of this Act. The clerk of every Court appointing a probation officer under this Act shall forthwith notify the State Board of Charities and Corrections of the name, residence and business address of the officer so appointed. The said State Board of Charities and Corrections shall have the right, when it deems there is sufficient cause therefor, to investigate the conduct and work of any probation officer appointed under the provisions of this Act. In all cases where such board deems such investigation necessary, it shall serve a written copy of any charges against any such probation officer and the time for the hearing, at which time, not less than ten days from the time of serving the copy of said charges, such officer shall have the right to be present in person to present evidence and defend against such charges, and to be represented by counsel. If, after such hearing, the said Board of Charities and Corrections shall be of the opinion that such probation officer is for any reason incompetent to discharge the duties of a probation officer, such officer shall be no longer qualified to serve, and upon the filing of such report with the Clerk of the Court making the appointment, such officer shall thereupon be removed. The Court may appoint a successor as in the first instance.

Section 9. Every person placed in charge of a probation officer under any law of this State, may be considered a ward of the State under the direction of the Court through its said probation officers within the provisions

of the probation laws of this State during the term prescribed by this Act, if an adult, and during the period of minority if a minor, provided such period in any case of a minor may be at least four years.

Section 10. Nothing herein shall be construed to repeal the Chancery Court Act of 1909, Page 478, Session Laws 1909, or any act or part of acts concerning the care of neglected, dependent or delinquent children or persons contributing to such dependency of delinquency, or the probationary laws relating to minors, or the laws concerning persons who refuse to support their wives or children but nothing in such acts shall prevent the application of the probationary provisions of this Act so directed by the Court.

The signers of this petition do hereby name and appoint the following persons to act for them in all matters concerning this petition, viz.: Wayne C. Williams, Denver; Joseph D. Pender, Denver; David H. Fouse, Denver; C. W. Bigelow, Denver, and W. E. Collett, Denver.

The ballot title of the foregoing law shall be as follows:

For the law permitting probation in certain criminal cases of minors and first offenders only.	YES	
	NO	

The Secretary of State is hereby authorized to prepare said ballot accordingly.

[Note.—Above measure rejected by 68,512 votes "No" to 62,561 votes "Yes."]

AN ACT TO AMEND ARTICLE XV OF THE CONSTITUTION OF THE STATE OF COLORADO, BY ADDING THERETO A NEW SECTION, TO BE KNOWN AS SECTION 16, MAKING NEWSPAPERS PUBLIC UTILITIES.

Be It Enacted by the People of the State of Colorado:

That Article XV of the Constitution of the State of Colorado be amended by adding thereto a new section to be known as section 16, which section shall read as follows:

Section 16. Every newspaper printed, published and circulated in the State of Colorado is hereby declared to be a public utility. The business of printing, publishing or circulating such newspaper in the State of Colorado is hereby declared to be a public service and affected with a public interest. All persons, association of persons, co-partnerships, joint stock companies and corporations engaged in printing, publishing or circulating such newspaper or newspapers are hereby declared to be engaged in a public service and affected with a public interest. Each and every such newspaper (including all rates for subscriptions, advertising and other charges for services), and each and every such business, such person, such association of persons, such co-partnership, such joint stock company and such corporation is hereby declared to be subject to all the laws of the State of Colorado relating to the regulation or control of public utilities or those engaged in a public service or affected with a public interest, whether such laws are now or shall hereafter be enacted or are now or shall hereafter become effective. Each and

all of the provisions of this section shall be in all respects self-executing.

[Note.—Above amendment rejected by 91,426 votes "No" to 35,752 votes "Yes."]

Senate Bill No. 1, Laws 1913.

Sections Referred—Nos. 36 and 37.

AN ACT CONCERNING PUBLIC UTILITIES, CREATING A PUBLIC UTILITIES COMMISSION, PRESCRIBING ITS POWERS AND DUTIES AND REPEALING CERTAIN ACTS AND PARTS OF ACTS IN CONFLICT THEREWITH.

Said Sections 36 and 37 being as follows, to wit:

Section 36. (a) No railroad corporation, street railroad corporation, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, or person subject to the provisions of this act, shall henceforth sell, lease, assign, mortgage or otherwise dispose of or encumber the whole or any part of its railroad, street railroad, line, plant or system, necessary or useful in the performance of its duties to the public, or any franchise or permit or any right thereunder, or by any means whatsoever, direct or indirect, merge or consolidate its railroad, street railroad, line, plant or system, or franchises or permits or any part thereof, with any other public utility, without having first secured from the commission an order authorizing it so to do. Every such sale, lease, assignment, mortgage, disposition, encumbrance, merger or consolidation made other than in accordance with the order of the commission authorizing the same shall be void. The permission and approval of the commission to the exercise of a franchise or permit under section thirty-five (a) of this act, or the sale, lease, assignment, mortgage or other disposi-

tion or encumbrance or a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit, or to waive any forfeiture. Nothing in this subsection contained shall be construed to prevent the sale, lease or other disposition by any public utility of a class designated in this subsection of property which is not necessary or useful in the performance of its duties to the public, and any sale of its property by such public utility shall be conclusively presumed to have been of property which is not useful or necessary in the performance of its duties to the public, as to any purchaser of such property in good faith for value.

(b) No public utility shall hereafter purchase or acquire, take or hold, any part of the capital stock of any other public utility, operating under and by virtue of the laws of this State, without having been first authorized to do so by the commission. Every assignment, transfer, contract or agreement for assignment or transfer or any stock by or through any person or corporation to any corporation, or otherwise, in violation of any of the provisions of this section shall be void and of no effect, and no such transfer shall be made on the books of any public utility. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired.

Section 37. (a) The power of public utilities to issue stocks and stock certificates, and bonds, notes and other evidences of indebtedness and to create liens on their property situated within this State is a special privilege, the right of supervision, regulation, restriction and control of which is and shall continue to be vested in the

State, and such power shall be exercised as provided by law and under such rules and regulations as the commission may prescribe.

(b) A public utility may issue stocks and stock certificates, and bonds, notes and other evidences of indebtedness payable at periods of more than twelve months after the date thereof, for the following purposes and no others, namely: For the acquisition of such property as is necessary for the proper conduct of its business, or for the construction, completion, extension or improvement of its facilities, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the public utility not secured by or obtained from the issue of stocks or stock certificates, or bonds, notes or other evidences of indebtedness of such public utility, within five years next prior to the filing of an application with the commission for the required authorization, for any of the aforesaid purposes except maintenance of service and replacements, in cases where the applicant shall have kept its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of moneys so expended and the purposes for which such expenditures were made; provided, that such public utility, in addition to the other requirements of law, shall first have secured from the commission an order authorizing such issue and stating the amount thereof and the purpose or purposes to which the issue or the proceeds thereof are to be applied, and that, in the opinion of the commission, the money, property or labor to be procured or paid for by such issue is reasonably required

for the purpose or purposes specified in the order, and that, except as otherwise permitted in the order in the case of bonds, notes or other evidences of indebtedness, such purpose or purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. To enable it to determine whether it will issue such order, the commission shall hold a hearing and may make such additional inquiry or investigation, and examine such witnesses, books, papers, documents and contracts and require the filing of such data as it may deem of assistance. The commission may by its order grant permission for the issue of such stocks or stock certificates, or bonds, notes or other evidences of indebtedness in the amount applied for, or in lesser amount, or not at all, and may attach to the exercise of its permission such condition or conditions as it may deem reasonable and necessary. The commission may authorize issues of bonds, notes or other evidences of indebtedness, less than, equivalent to or greater than the authorized or subscribed capital stock of a public utility corporation, and the provisions of the statutes of this State, in so far as they contain inhibitions against the creation by corporations of indebtedness, evidenced by bonds, notes or otherwise, in excess of their total authorized or subscribed capital stock shall have no application to public utilities. No public utility shall, without the consent of the commission, apply the issue of any stock or stock certificate, or bond, note or other evidence of indebtedness, or any part thereof, or any proceeds thereof, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or issue or dispose of the same on any terms less favorable

than those specified in such order, or a modification thereof. A public utility may issue notes, for proper purposes and not in violation of any provision of this act or any other act, payable at periods of not more than twelve months after the date of issuance of the same, without the consent of the commission, but no such note shall, in whole or in part, be refunded by any issue of stocks or stock certificates, or of bonds, notes of any term or character or any other evidence of indebtedness, without the consent of the commission. No public utility shall have power to capitalize any contract for consolidation, lease or merger, or issue any bonds, notes or other evidences of indebtedness as a lien thereon without the consent of the commission. The commission shall have no power to authorize the capitalization of the right to be a corporation, or to authorize the capitalization of any franchise or permit whatsoever or the right to own, operate or enjoy any such franchise or permit, in excess of the amount (exclusive of any tax or annual charge) actually paid to the State or to a political subdivision thereof as the consideration for the grant of such franchise, permit or right.

(c) The commission shall have the power to require public utilities to account for the disposition of the proceeds of all sales of stock and stock certificates, and bonds, notes and other evidences of indebtedness, in such form and detail as it may deem advisable, and to establish such rules and regulations as it may deem reasonable and necessary to insure the disposition of such proceeds for the purpose or purposes specified in the order.

(d) All stock and every stock certificate, and every bond, note, or other evidence of indebtedness, of a public

utility, issued without an order of the commission authorizing the same then in effect shall be void, and likewise all stock and every stock certificate, and every bond, note or other evidence of indebtedness, of a public utility, issued with the authorization of the commission but not conforming in its provisions to the provisions, if any, which it is required by the order of authorization of the commission to contain, shall be void; but no failure in any other respect to comply with the terms or conditions of the order of authorization of the commission shall render void any stock or stock certificate, or any bond, note or other evidence of indebtedness, except as to a corporation or person taking the same otherwise than in good faith and for value and without actual notice.

(e) Every public utility which, directly or indirectly, issues or causes to be issued, any stock or stock certificate, or bond, note or other evidence of indebtedness, in non-conformity with the order of the commission authorizing the same, or contrary to the provisions of this act, or of the constitution of this State, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes specified in the commission's order, as herein provided, or to any purpose specified in the commission's order in excess of the amount in said order authorized for such purposes, is subject to a penalty of not more than twenty thousand dollars for each offense.

(f) Every officer, agent or employee of a public utility, and every other person who knowingly authorizes, directs, aids in issuing or executes, or causes to be issued or executed, any stock or stock certificate, or bond, note or other evidence of indebtedness, in non-conformity with

the order of the commission authorizing the same, or contrary to the provisions of this act, or of the constitution of this State, or who, in any proceeding before the commission, knowingly makes any false statement or representation or with knowledge of its falsity files or causes to be filed with the commission any false statement or representation, which said statement or representation so made, filed or caused to be filed may tend in any way to influence the commission to make an order authorizing the issue of any stock or stock certificate, or any bond, note or other evidence of indebtedness, or which results in procuring from the commission the making of any such order, or who, with knowledge that any false statement or representation was made to the commission, in any proceeding, tending in any way to influence the commission to make such an order, issues or executes or negotiates or causes to be issued, executed or negotiated any such stock or stock certificates, or bond, note or other evidence of indebtedness, or who, directly or indirectly, knowingly applies, or causes or assists to be applied the proceeds or any part thereof, from the sale of any stock or stock certificate, or bond, note or other evidence of indebtedness, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or who, with knowledge that any stock or stock certificate, or bond, note or other evidence of indebtedness, has been issued or executed in violation of any of the provisions of this act, negotiates, or causes the same to be negotiated, shall be guilty of a felony, and punished accordingly.

(g) No provision of this act, and no deed or act done or performed under or in connection therewith shall

be held or construed to obligate the State of Colorado to pay or guarantee, in any manner whatsoever, any stock or stock certificate, or bond, note or other evidence of indebtedness, authorized, issued or executed under the provisions of this act.

(h) All stocks and stock certificates, and bonds, notes and other evidences of indebtedness issued by any public utility after this act takes effect, upon the authority of any articles of incorporation or amendments thereto or vote of the stockholders or directors filed, taken or had, or other proceedings taken or had, previous to the taking effect of this act, shall be void, unless an order of the commission authorizing the issue of such stocks or stock certificates, or bonds, notes or other evidences of indebtedness shall have been obtained from the commission prior to such issue. The commission may by its order impose such condition or conditions as it may deem reasonable and necessary.

[Note.—Above measure rejected by 65,182 votes "No" to 39,703 votes "Yes."]

House Bill No. 135, Laws of 1913, by Messrs. Hawkins and P. B. Gates.

AN ACT TO DEFINE COMMISSION MERCHANTS;
PROVIDE FOR LICENSING AND BONDING
COMMISSION MERCHANTS; REGULATE THE
BUSINESS OF COMMISSION MERCHANTS;
AND PROVIDE FOR VIOLATION THEREOF.

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

Section 1. Any person, firm or corporation pursuing or who shall pursue the business of selling farm, dairy, orchard or garden produce (except live stock), of any kind upon consignment for a commission shall be deemed to be a commission merchant within the meaning of this act; Provided, That this definition shall not be construed to include any retail dealer who receives goods from producers to be sold, in broken lots, to consumers, for which no commission is charged or collected.

Section 2. It shall be unlawful for any such commission merchant to do business, as such, in the State of Colorado without first obtaining a license from the Secretary of State to conduct and carry on the business of commission merchant.

Section 3. Such commission merchant shall make application in writing under oath to the Secretary of State, giving his full name if an individual, the full name of all the partners if a partnership, and the date of incorporation, the names of its officers and directors, the state where incorporated and the amount of the capital stock actually paid in if a corporation, stating the name of the

city or town where he intends to carry on such business, giving the street and number of the building if practicable, and the character of the produce for which a license to sell on commission is wanted. The applicant shall also deliver to the Secretary of State the bond hereinafter required, together with a fee of five dollars. Upon approval of said bond and receipt of the filing fee, the Secretary of State shall issue to said applicant a license to carry on the business of commission merchant until the 31st day of December of the year in which such license is issued; Provided, That all statements made under the provision of this act shall be for the exclusive information of the Secretary of State, and no other person or persons shall be permitted to examine the same unless the same be required for use in court.

Section 4. Every commission merchant desiring to do business in the State of Colorado shall file with the Secretary of State as a bond executed by such commission merchant as principal, and a surety company licensed to carry on business in the State of Colorado, as surety, conditioned in the sum of ten thousand dollars, for the payment and proper accounting to each and every consignor of such farm, dairy, orchard or garden produce, and for the payment to such consignor of the full amount of the selling price of such produce, less advances for freight and storage, if any, and such commission as may be agreed upon between the consignor and such commission merchant. Such bond shall be approved by the Secretary of State.

Section 5. In case such commission merchant shall fail or neglect to account and report for a sale or to pay over the moneys due on account of a sale, as required in

this act, an action may be had against the principal and sureties on said bond by such consignor in the name of the people of the State of Colorado for the use of such consignor, to recover the amount due such consignor from said commission merchant and it shall be lawful for two or more consignors for the purpose of suit hereunder to join actions, but the judgment shall specify the amount due to each consignor. Such suit shall be brought in the county where said commission merchant has his principal place of business; Provided, That said bond shall not become void upon the first recovery thereon, but may be sued upon until the amount thereof is exhausted. That upon the impairment of said bond by recoveries thereon, said commission merchant shall be required to make and file a new bond in an amount equal to such impairment conditioned as herein before provided.

Section 6. Every commission merchant doing business under the provisions of this act shall keep an accurate and complete set of books, in which shall be truly recorded the amount and character of every consignment received by said commission merchant, from any resident of the State of Colorado, with the date of receipt and the name of the consignor and the condition of the shipment when received; and when the same or any part thereof shall be sold. The name of the person, firm or corporation to whom sold, together with the amount and date of sale shall be entered. The books of the commission merchant shall be open to inspection during all reasonable business hours, by the Secretary of State or any of his deputies.

Section 7. Any commission merchant who shall receive from any person, firm or corporation, farm, dairy,

orchard or garden produce to sell on commission, shall as soon as practicable send to the consignor or consignors a statement in writing showing what property has been received, and the condition thereof. If any such produce or any considerable portion thereof so received shall be or become damaged to such an extent that it is entirely unfit for sale, it shall be the duty of such commission merchant to notify the person designated by the Secretary of State at the point nearest where such goods are received, and take from him a certificate that said produce is not salable and that it is necessary to destroy the same. Said certificate shall be made in duplicate and one copy sent to the consignor affected.

Section 8. Whenever any commission merchant sells all or a portion of any such produce consigned to him from any point in Colorado, to be sold on commission, he shall make out his bill therefor in triplicate, one copy to be kept on file in the office of the commission merchant for at least one year after such sale, one copy to be sent to the buyer of the produce, and one copy to be sent to the consignor of said goods within two days if practicable after such sale. Such bills shall be bound in permanent form so that the original and one carbon copy may be detached, leaving one carbon copy for the office files. All bills shall be numbered consecutively and such commission merchant shall retain with the office files all spoiled bills. Such bills shall be complete in every respect showing the amount, and kind of goods sold, the price received therefor, the date of sale, and the name and address of the purchaser. In case such commission merchant fails to properly furnish such statement to the consignor the fact of such failure shall be prima facie evidence that such

property was not sold in a legitimate manner, provided, however, that the provisions of this section shall not apply to consignments made by one licensed commission merchant to another licensed commission merchant.

Section 9. It shall be the duty of every commission merchant to pay to the consignor of such farm, dairy, orchard or garden produce within thirty days after said sale, the full amount of money due upon the sale, unless consignor extend time of payment of any such consignment, after deducting therefrom the amount deducted for transportation and storage, if any, and the commission.

Section 10. The Secretary of State of the State of Colorado is hereby empowered, upon a verified complaint in writing made to him by any consignor that any such commission merchant licensed under the provisions of this act has failed, neglected or refused, after demand, to render a full, correct and complete statement of the person, firm or corporation to whom farm produce has been sold as aforesaid, together with the prices at which said produce has been sold, and the true and correct amount of deductions to be made therefrom on account of freight or storage, if any, and commission thereon, or do any other thing required by this act, to summon such commission merchant, so licensed by him as aforesaid, to appear before him on ten days' notice and shall require such commission merchant to produce his or their books whereon the original entries of such transaction may appear, and all other documents or papers in the possession or control of such commission merchant concerning such sale or sales of the produce in question, and in the event that upon a full hearing before such Secretary of State, such commission merchant shall be found to have failed or neglected to

properly account for the sale of such produce as aforesaid, or to give correctly the information required to be rendered to the consignor by this act, it shall be the duty of the Secretary of State to revoke the license of said commission merchant and shall not reissue the same within less than thirty days after such revocation. In the event that such commission merchant fails to appear at such hearing when duly summoned, he shall be deemed to have violated the provisions of this act in accordance with the verified complaint of the consignor and the Secretary of State shall then revoke the license of said commission merchant as herein provided.

Section 11. It shall be unlawful for any commission merchant to make a false or fictitious sale of such produce consigned to him, or to make a sale of such produce to any person connected with such firm or corporation licensed as a commission merchant, connected either directly or indirectly, or to any unreal or fictitious person or straw man, or for any commission merchant to whom any consignment is made to re-consign or make a sale of such consignment to another commission merchant for the purpose of receiving or to collect or charge by such means more than one commission for making the sale therefor for the consignor, unless by consent of such consignor.

Section 12. It shall be unlawful for any commission merchants as defined in this act to enter into any combination, conspiracy, pool or gentlemen's agreement for the purpose of artificially raising or depressing the market price of any farm, dairy, orchard or garden produce, or of excluding from market the produce of any particular locality grown or manufactured by any person within the

State of Colorado, or to make any unfair, unreasonable, or unjust discrimination in any of these respects.

Section 13. Any person, firm or corporation who shall engage in the sale of any farm, dairy, orchard or garden produce (except live stock) on commission, for which a license is required as aforesaid, without a license, or having such license, who shall fail or neglect to comply with any of the provisions of this act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail of the county wherein such misdemeanor is committed for not more than one year, or by both such fine and imprisonment in the discretion of the court.

Section 14. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

[Note.—Above measure rejected by 67,454 votes "No" to 39,448 votes "Yes."]

SENATE BILL No. 214, LAWS OF 1913.

AN ACT RELATING TO THE APPOINTMENT OF DEPUTY SHERIFFS, CONSTABLES AND OTHER PEACE OFFICERS IN COUNTIES, CITIES AND TOWNS OF THIS STATE AND TO FIX A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT AND TO REPEAL SECTION 1278 OF THE REVISED STATUTES OF COLORADO OF 1908 AND ALL OTHER ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

The said bill or act, exclusive of the title as above given, being as follows:

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

Section 1. Every appointment of an under sheriff or of a deputy sheriff and every revocation of such appointment shall be in writing under the hand of the sheriff and shall be filed in the offices of the Clerk of the county; but this section shall not extend to any person who may be deputized by any sheriff or under sheriff to do a particular duty; provided, that no person shall be appointed as a deputy sheriff for any purpose unless the person so appointed shall have been a citizen of the State of Colorado for at least one year prior to such appointment, and of the county six months and a qualified voter in such county.

Section 2. That any person, persons, firm or corporation or agent or any of them that shall procure the appointment of any deputy by the sheriff of a county, for the purpose of hiring such deputies at the expense of such

person, persons, firm or corporation under pretense of guarding private property, or any persons who shall procure an appointment as a deputy officer for the purpose of hiring himself or who shall, after procuring an appointment as a deputy officer, hire himself to any person, firm or corporation, or the agent of any of them, to guard private property, shall be deemed guilty of a felony and on conviction thereof shall be punished by confinement in the state penitentiary for a term of not less than one year nor more than five years. And any person injured in his property or person or deprived of his liberty by the private employment of any deputy by any person, persons, firm or corporation or any agent of them shall have a right of action for damages against said person, persons, firm or corporation or any agent of them and on any judgment so recovered remaining unpaid for a period of ten days such party shall be entitled to a body execution in his favor and against the defendants in said judgment as provided in Section 3025 of the Revised Statutes of the State of Colorado of 1908.

Provided, that nothing in this act shall be construed as preventing the sheriff, subject to the approval of the Board of County Commissioners, of any county from appointing and employing at the expense of such county to be paid as now provided by law as many deputies as in his judgment may be necessary for the protection of life and private and public property in such county.

Section 3. Section 1278 of the Revised Statutes of Colorado of 1908 and all other acts and parts of acts in conflict herewith are hereby repealed.

[Note.—Above measure rejected by 66,836 votes "No" to 49,116 votes "Yes."]

SENATE BILL NO. 1, LAWS 1913.

Section referred—Nos. 35, 36 and 37

Section 35. (a) No street railroad corporation, gas corporation, electric corporation, telephone corporation, telegraph corporation, water corporation, or person shall henceforth begin the construction of a street railroad or of a line, plant or system, or of any extension of such street railroad, or line, plant or system, without first having obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction; provided, that this section shall not be construed to require any such corporation to secure such certificate for an extension within any city and county or city or town within which it shall have theretofore lawfully commenced operations, or for an extension into territory, either within or without a city and county or city or town, contiguous to its street railroad, or line, plant or system, and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business; and provided, further, that if any such public utility, in constructing or extending its line, plant or system, shall interfere or be about to interfere with the operation of the line, plant or system, of any other such public utility already constructed, the commission, on complaint of the public utility claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants or systems affected as to it may seem just and reasonable.

(b) No public utility of a class specified in Section 35 (a) hereof shall henceforth exercise any right or privilege under any franchise or permit hereafter granted, or under any franchise or permit heretofore granted but not heretofore actually exercised, or the exercise of which has been suspended for more than one year, without first having obtained from the commission a certificate that public convenience and necessity require the exercise of such right or privilege; provided, that when the commission shall find, after hearing, that a public utility has heretofore begun actual construction work and is prosecuting such work, in good faith, uninterruptedly and with reasonable diligence in proportion to the magnitude of the undertaking, under any franchise or permit heretofore granted but not heretofore actually exercised, such public utility may proceed, under such rules and regulations as the commission may prescribe, to the completion of such work, and may, after such completion, exercise such right or privilege; and provided, further, that this section shall not be construed to validate any right or privilege now invalid or hereafter becoming invalid under any law of this State.

(c) Before any certificate may issue, under this section, a certified copy of its articles of incorporation or charter, if the applicant be a corporation, shall be filed in the office of the commission. Every applicant for a certificate shall file in the office of the commission such evidence as shall be required by the commission to show that such applicant has received the required consent, franchise or permit of the proper county, city and county, municipal or other public authority. The commission shall have power, after hearing, to issue said certificate as prayed for, or to

refuse to issue the same, or to issue it for the construction of a portion only of the contemplated street railroad, line, plant or system, or extension thereof, or for the partial exercise only of said right or privilege, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require. If such public utility desires to exercise a right or privilege under a franchise or permit which it contemplates securing, but which has not as yet been granted to it, such public utility may apply to the commission for an order preliminary to the issue of the certificate. The commission may thereupon make an order declaring that it will thereafter, upon application, under such rules and regulations as it may prescribe, issue the desired certificate, upon such terms and conditions as it may designate, after such public utility has obtained the contemplated franchise or permit. Upon the presentation to the commission of evidence satisfactory to it that such franchise or permit has been secured by such public utility, the commission shall thereupon issue such certificate. The commission shall charge a reasonable fee not exceeding fifty cents on each one thousand dollars of capital to be invested, for issuing said public convenience and necessity certificate.

Section 36. (a) No railroad corporation, street railroad corporation, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, or person subject to the provisions of this act, shall henceforth sell, lease, assign, mortgage or otherwise dispose of or encumber the whole or any part of its railroad, street railroad, line, plant or system, necessary or useful in the performance of its

duties to the public, or any franchise or permit or any right thereunder, or by any means whatsoever, direct or indirect, merge or consolidate its railroad, street railroad, line, plant or system, or franchises or permits or any part thereof, with any other public utility, without having first secured from the commission an order authorizing it so to do. Every such sale, lease, assignment, mortgage, disposition, encumbrance, merger or consolidation made other than in accordance with the order of the commission authorizing the same shall be void. The permission and approval of the commission to the exercise of a franchise or permit under section thirty-five (a) of this act, or the sale, lease, assignment, mortgage or other disposition or encumbrance or a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit, or to waive any forfeiture. Nothing in this subsection contained shall be construed to prevent the sale, lease or other disposition by any public utility of a class designated in this subsection of property which is not necessary or useful in the performance of its duties to the public, and any sale of its property by such public utility shall be conclusively presumed to have been of property which is not useful or necessary in the performance of its duties to the public, as to any purchaser of such property in good faith for value.

(b) No public utility shall hereafter purchase or acquire, take or hold, any part of the capital stock of any other public utility, operating under and by virtue of the laws of this State, without having been first authorized to do so by the commission. Every assignment, transfer,

contract or agreement for assignment or transfer or any stock by or through any person or corporation to any corporation, or otherwise, in violation of any of the provisions of this section shall be void and of no effect, and no such transfer shall be made on the books of any public utility. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired.

Section 37. (a) The power of public utilities to issue stocks and stock certificates, and bonds, notes and other evidences of indebtedness and to create liens on their property situated within this State is a special privilege, the right of supervision, regulation, restriction and control of which is and shall continue to be vested in the State, and such power shall be exercised as provided by law and under such rules and regulations as the commission may prescribe.

(b) A public utility may issue stocks and stock certificates, and bonds, notes and other evidences of indebtedness payable at periods of more than twelve months after the date thereof, for the following purposes and no others, namely: for the acquisition of such property as is necessary for the proper conduct of its business, or for the construction, completion, extension or improvement of its facilities, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the public utility not secured by or obtained from the issue of stocks or stock certificates, or bonds, notes or other evidences of indebtedness of such public utility, within five years next prior to the filing of an application with the commission for the required authori-

zation, for any of the aforesaid purposes except maintenance of service and replacements, in cases where the applicant shall have kept its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of moneys so expended and the purposes for which such expenditures were made; provided, that such public utility, in addition to the other requirements of law, shall first have secured from the commission an order authorizing such issue and stating the amount thereof and the purpose or purposes to which the issue or the proceeds thereof are to be applied, and that, in the opinion of the commission, the money, property or labor to be procured or paid for by such issue is reasonably required for the purpose or purposes specified in the order, and that, except as otherwise permitted in the order in the case of bonds, notes or other evidences of indebtedness, such purpose or purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. To enable it to determine whether it will issue such order, the commission shall hold a hearing and may make such additional inquiry or investigation, and examine such witnesses, books, papers, documents and contracts and require the filing of such data as it may deem of assistance. The commission may by its order grant permission for the issue of such stocks or stock certificates, or bonds, notes or other evidences of indebtedness in the amount applied for, or in lesser amount, or not at all, and may attach to the exercise of its permission such condition or conditions as it may deem reasonable and necessary. The commission may authorize issues of bonds, notes or other evidences of indebtedness, less than, equivalent to or greater than the authorized or subscribed cap-

ital stock of a public utility corporation, and the provisions of the statutes of this State, in so far as they contain inhibitions against the creation by corporations of indebtedness, evidenced by bonds, notes or otherwise, in excess of their total authorized or subscribed capital stock shall have no application to public utilities. No public utility shall, without the consent of the commission, apply the issue of any stock or stock certificate, or bond, note or other evidence of indebtedness, or any part thereof, or any proceeds thereof, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or issue or dispose of the same on any terms less favorable than those specified in such order, or a modification thereof. A public utility may issue notes, for proper purposes and not in violation of any provision of this act or any other act, payable at periods of not more than twelve months after the date of issuance of the same, without the consent of the commission, but no such note shall, in whole or in part, be refunded by any issue of stocks or stock certificates, or of bonds, notes of any term or character or any other evidence of indebtedness, without the consent of the commission. No public utility shall have power to capitalize any contract for consolidation, lease or merger, or issue any bonds, notes or other evidences of indebtedness as a lien thereon without the consent of the commission. The commission shall have no power to authorize the capitalization of the right to be a corporation, or to authorize the capitalization of any franchise or permit whatsoever or the right to own, operate or enjoy any such franchise or permit, in excess of the amount (exclusive of any tax or annual charge) actually

paid to the State or to a political subdivision thereof as the consideration for the grant of such franchise, permit or right.

(c) The commission shall have the power to require public utilities to account for the disposition of the proceeds of all sales of stock and stock certificates, and bonds, notes and other evidences of indebtedness, in such form and detail as it may deem advisable, and to establish such rules and regulations as it may deem reasonable and necessary to insure the disposition of such proceeds for the purpose or purposes specified in the order.

(d) All stock and every stock certificate, and every bond, note, or other evidence of indebtedness, of a public utility, issued without an order of the commission authorizing the same then in effect shall be void, and likewise all stock and every stock certificate, and every bond, note or other evidence of indebtedness, of a public utility, issued with the authorization of the commission but not conforming in its provisions to the provisions, if any, which it is required by the order of authorization of the commission to contain, shall be void; but no failure in any other respect to comply with the terms or conditions of the order of authorization of the commission shall render void any stock or stock certificate, or any bond, note or other evidence of indebtedness, except as to a corporation or person taking the same otherwise than in good faith and for value and without actual notice.

(e) Every public utility which, directly or indirectly, issues or causes to be issued, any stock or stock certificate, or bond, note or other evidence of indebtedness, in nonconformity with the order of the commission authorizing the same, or contrary to the provisions of this act, or of the

constitution of this State, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes specified in the commission's order, as herein provided, or to any purpose specified in the commission's order in excess of the amount in said order authorized for such purposes, is subject to a penalty of not more than twenty thousand dollars for each offense.

(f) Every officer, agent or employee of a public utility, and every other person who knowingly authorizes, directs, aids in issuing or executes, or causes to be issued or executed, any stock or stock certificate, or bond, note or other evidence of indebtedness, in non-conformity with the order of the commission authorizing the same, or contrary to the provisions of this act, or of the constitution of this State, or who, in any proceeding before the commission, knowingly makes any false statement or representation or with knowledge of its falsity files or causes to be filed with the commission any false statement or representation, which said statement or representation so made, filed or caused to be filed may tend in any way to influence the commission to make an order authorizing the issue of any stock or stock certificate, or any bond, note or other evidence of indebtedness, or which results in procuring from the commission the making of any such order, or who, with knowledge that any false statement or representation was made to the commission, in any proceeding, tending in any way to influence the commission to make such an order, issues or executes or negotiates, or causes to be issued, executed or negotiated any such stock or stock certificates, or bond, note or other evidence of indebtedness, or who, directly or indirectly, knowingly

applies, or causes or assists to be applied the proceeds or any part thereof, from the sale of any stock or stock certificate, or bond, note or other evidence of indebtedness, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or who, with knowledge that any stock or stock certificate, or bond, note or other evidence of indebtedness, has been issued or executed in violation of any of the provisions of this act, negotiates, or causes the same to be negotiated, shall be guilty of a felony, and punished accordingly.

(g) No provision of this act, and no deed or act done or performed under or in connection therewith shall be held or construed to obligate the State of Colorado to pay or guarantee, in any manner whatsoever, any stock or stock certificate, or bond, note or other evidence of indebtedness, authorized, issued or executed under the provisions of this act.

(h) All stocks and stock certificates, and bonds, notes and other evidences of indebtedness issued by any public utility after this act takes effect, upon the authority of any articles of incorporation or amendments thereto or vote of the stockholders or directors filed, taken or had, or other proceedings taken or had, previous to the taking effect of this act, shall be void, unless an order of the commission authorizing the issue of such stocks or stock certificates, or bonds, notes or other evidences of indebtedness shall have been obtained from the commission prior to such issue. The commission may by its order impose such condition or conditions as it may deem reasonable and necessary.

[Note.—Above measure rejected by 63,603 votes "No" to 37,663 votes "Yes."]

HOUSE BILL No. 453. BY MR. WRIGHT & CUNNINGHAM.

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO ARTICLE XI OF THE CONSTITUTION OF THE STATE OF COLORADO.

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

Section 1. That there shall be submitted to the qualified electors of the State of Colorado at the next General Election for members of the General Assembly, for their approval or rejection, the following amendment to the Constitution of the State of Colorado, which, when ratified by a majority of those voting thereon, shall be valid as a part of the Constitution.

Section 2. Section 8 of Article XI of the Constitution of the State of Colorado shall be amended to read as follows:

“Section 8. No city or town shall contract any debt by loan in any form except by means of an ordinance, which shall be irrevocable until the indebtedness therein provided for shall have been fully paid or discharged, specifying the purposes to which the funds to be raised shall be applied, and providing for the levy of a tax, not exceeding twelve (12) mills on each dollar of valuation of taxable property within such city or town sufficient to pay the annual interest and extinguish the principal of such debt within sixty, 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 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 ten 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 3. Each elector voting at such election and desirous of voting for or against such amendment, shall deposit in the ballot-box his ticket whereon shall be printed the words: "For the amendment concerning city or town indebtedness" and "Against the amendment concerning city or town indebtedness."

Section 4. All votes cast for the adoption or rejection of said amendment shall be canvassed and the result be determined by the laws of the State of Colorado for the canvass of votes for Representatives in Congress.

[Note.—Above amendment rejected by 65,206 votes "No" to 38,589 votes "Yes."]

HOUSE BILL No. 23.

BY MR. SKINNER.

AN ACT TO SUBMIT THE QUALIFIED ELECTORS OF THE STATE OF COLORADO, AN AMENDMENT TO SECTION 2, OF ARTICLE XIX, OF THE CONSTITUTION OF THE STATE OF COLORADO, AND TO PERMIT OF CHANGE IN MANNER AND COST OF PUBLISHING CONSTITUTIONAL AMENDMENTS AND INITIATED AND REFERRED MEASURES.

By It Enacted by the General Assembly of the State of Colorado:

Section 1. There shall be submitted to the qualified electors of the State of Colorado, at the next General Election for members of the General Assembly, for their approval or rejection, the following amendment to the Constitution of the State of Colorado, which, when ratified by a majority of those voting thereon, shall be valid as a part of the Constitution; that is to say;

Section 2 of Article XIX of the Constitution of the State of Colorado shall be amended to read as follows:

“Section 2. Any amendment or amendments of this Constitution may be proposed in either house of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each house, such proposed amendment or amendments, together with the ayes and noes of each house thereon, shall be entered in full on their respective journals; or, any amendment or amendments to this Constitution may be proposed and adopted by the people as provided in this Constitution.

“Each amendment proposed by the General Assembly shall be published with the laws of that session of the General Assembly; each amendment to the Constitution and each measure initiated and adopted by or referred to the people shall be published with the laws of the General Assembly published next after such amendment to the Constitution or measure is adopted; all proposed amendments and initiated and referred measures may be further published in such manner, at such cost, and such time or times prior to the election at which they are to be voted upon as may be provided by law. Provided, That the manner of publication provided by law shall be uniform for all constitutional amendments and initiated and referred measures submitted at any one election.

“At the first election held more than four months after the adjournment of the session of the General Assembly proposing any amendment to the Constitution or referring any measure to the people or more than four months after the filing with the Secretary of State of any petition for a proposed constitutional amendment or other measure initiated by or referred to the people, each such proposed amendments or measure shall be submitted to the qualified electors of the State for their approval or rejection and such proposed amendments as are approved by a majority of those voting thereon shall become a part of this Constitution; and such proposed measures as are approved by a majority of those voting thereon shall become laws; provided, that if more than one such amendment or measure be submitted at any election, each of said amendments of measures shall be voted upon separately, and the votes thereon cast shall be separately counted. Each amendment or measure shall be numbered on the

ballot in the order of their submission or filing with the Secretary of State.

The General Assembly shall have no power to propose amendments to more than six articles of this Constitution at the same session.

If two or more conflicting amendments or measures shall be approved by the people at the same election, including the election at which this amendment is voted upon, the amendment or measure receiving the greatest number of affirmative votes shall be the one adopted in all those particulars as to which there is a conflict.

Section 2. Each elector voting at said election, and desirous of voting for or against this amendment shall deposit in the ballot box, a ballot whereon shall be printed or written the words "For amendment to Section 2, of Article XIX, of the Constitution, and permitting change in the manner and cost of publishing constitutional amendments and initiated and referred measures" and "Against amendment to Section 2, of Article XIX of the Constitution and permitting change in the manner and cost of publishing constitutional amendments and initiated and referred measures," and shall indicate his or her approval or rejection of the proposition by placing a cross (X) after one of such sentences.

Section 3. The votes cast for the adoption or rejection of said amendments shall be canvassed and the result declared in the manner provided by the laws of the State of Colorado, for the canvassing of votes for representatives in Congress.

[Note.—Above amendment rejected by 56,259 votes "No" to 48,301 votes "Yes."]

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