

Proposed

Constitution of the State of New Mexico.



Preamble.

We, the people of New Mexico, in order that justice may be established, public order maintained, and liberty perpetuated, and in order to secure the enjoyment of the rights of life, liberty and the pursuit of happiness, do hereby establish this constitution for the State of New Mexico.

ARTICLE I.

Distribution of powers.

SECTION 1. The powers of the government shall be distributed in three departments, the legislative, the executive and the judicial.

Departments to be distinct.

SEC. 2 The legislative, the executive and the judicial departments of the government shall be separate and distinct. Neither shall exercise the powers properly belonging to either of the others. No person shall be invested with or exercise the powers of more than one of them at the same time.

ARTICLE II.

Legislature.

SECTION 1. The legislative power and authority of this state shall be vested in a legislature composed of a senate and house of representatives, and the sessions of such legislature shall be held at the seat of government of the state.

Temporary apportionment.

SEC. 2. Until otherwise provided by law, the senate shall consist of _____ members and the house of representatives of _____ members, who shall be apportioned as follows:

* * * * *

Number of Legislature.

SEC. 3. The number of members of the legislature shall be fixed by law, but the members of the senate shall never exceed _____, and the members of the house of representatives shall never exceed _____, and the number of members of the senate shall never _____.

be less than one-fourth nor more than one-third the number of members of the house of representatives.

Apportionment
after each census

SEC. 4. The senators shall be apportioned by law to the several counties as soon as possible after each census taken by the United States, and according to population as ascertained by such census, regard being had in such apportionment to the counties having the largest fractions, and giving to each county at least one senator.

Legislative district

SEC. 5. For the election of representatives, the state shall be divided by law into legislative districts, which shall consist of contiguous adjacent territory in as compact shape as practicable, but no such district shall include more than one county.

Apportionment
of representatives.

SEC. 6. The representatives shall be apportioned by law to the legislative districts after each census taken by the United States as follows:

The basis of representation shall be ascertained by dividing the whole population of the state, excluding Indians not taxed, by the number of which the house is to consist and rejecting any fraction resulting from such division. The number of representatives to which each district is entitled shall be ascertained by dividing its population by the basis of representation aforesaid, excluding the fractional remainder, if any; and the additional representatives necessary to make up the number of which the house is to consist, shall be then assigned to those districts which would otherwise have the largest fractions unrepresented.

If, upon making such apportionment, it shall appear that any district has less than three-fourths of the population ascertained as the basis of representation, it shall be abolished and attached to some other district, or districts, or shall be increased by the addition of adjoining territory taken from some other district or districts.

When apportionment
takes effect.

SEC. 7. The apportionment of members of the legislature shall be made as soon as possible after each United States census, and shall take effect at the next general election held thereafter.

Qualifications

SEC. 8. No person shall be eligible to the legislature who is not a qualified elector, and a property holder and tax-payer in this state, and who has not been a citizen of New Mexico for at least two years prior to the election. Representatives must be not less than twenty-one years of age, and senators not less than twenty-five years of age at the time of the election, and must be residents of the districts or counties from which they are elected.

Compensations.

SEC. 9. Members of the legislature shall receive for their services, such compensation as may be fixed by law, not exceeding _____ dollars per day during the session, but no session of the legislature shall last more than sixty days. They shall also receive ten cents for each mile of necessary travel from their homes to the seat of government and returning, once in each session and no more. When convened in special session by the Governor, they shall receive a like per diem and mileage, but no special session shall last more than twenty days, and at such special session, no business shall be transacted except such as relates to the objects for which the legislature was convened, to be stated in the proclamation of the Governor.

Special sessions.

Regular sessions.

SEC. 10. The legislature shall regularly meet once in two years, on the first Monday in January next after the election in November; but the first legislature elected under this constitution shall meet on the first Monday after the expiration of sixty days from the date of the passage and approval of an act of congress admitting this state into the Union.

Members to hold no other office.

SEC. 11. No member of the legislature shall receive or hold any civil office in the state, or be elected or appointed to the senate of the United States, during the term for which he shall have been elected.

Quorum.

SEC. 12. A majority of either house shall constitute a quorum to do business, but a less number may effect a temporary organization, adjourn from day to day and compel the attendance of absent members. Each house shall determine the rules of its proceedings and be the judge of the elections, returns and qualifications of its own members; and shall choose its own officers, including its presiding officer, who shall be elected from its own members. The presiding officer of the senate shall be styled the president of the senate, and the presiding officer of the house of representatives shall be styled the speaker of the house of representatives.

Power to punish.

SEC. 13. Each house may punish its members for disorderly behavior, or for absence without permission of the house, and by a vote of two-thirds of all its members expel any member, but not a second time for the same offense; and may punish, by imprisonment, not exceeding _____ days, any person not a member, for disrespectful or disorderly behavior in its presence, obstructing any of its proceedings or any of its members or officers in the discharge of his or their duties; or for any assault, threatening or abuse of a member for words spoken in debate. And no member for any speech or debate in either house, shall ever be questioned in any other place.

Freedom of debate.

Journals. SEC. 14. Each house shall keep a journal of its proceedings and shall publish the same. Neither house shall, without the consent of the other, adjourn for more than two days, and on the day of final adjournment they shall adjourn at twelve o'clock noon.

Adjournment.

Enacting clause. SEC. 15. The enacting clause of all bills shall be, "Be it enacted by the Legislature of the State of New Mexico," and no law shall be enacted except by bill. Any bill may originate in either house of the legislature.

One subject in law. SEC. 16. Each law shall embrace but one subject, which shall be expressed in the title.

Manner of amendment. SEC. 17. No law or section of a law shall be revised or amended by reference only to its title or number, but such law or section shall be set forth at full length as revised or amended.

Special laws. SEC. 18. The legislature shall not pass special or local laws on any of the following subjects, that is to say:

Assessment and collection of taxes,

Exemptions from taxation,

Laying out, opening and working roads, highways or public squares,

Changing the names of persons,

Incorporation of cities and towns,

Vacating roads, highways or public squares,

Locating or changing county seats,

Appointment or election, jurisdiction or duties of city, town or precinct officers,

Changing the venue in civil or criminal cases,

Granting divorces,

Summoning and impaneling jurors,

Common schools,

Sale of real estate of minors or other persons under legal disability,

Claims or accounts against the state or any municipality existing therein,

Refunding money paid into the treasury,

Releasing persons from their debts or obligations to the state,

Granting charters to corporations,

County, city, town, precinct or district indebtedness,

Legitimizing children;

But upon all these subjects above mentioned, and in all other cases where a general law can be applicable, all laws shall be general; and no special law

shall be enacted in any case which is provided for by an existing general law, or where the relief sought can be had in any court of the state.

Territorial statutes continued.

SEC. 19. All statutes of the territory of New Mexico, consistent with the provisions of this constitution, shall continue in force until repealed or changed by law, subject to judicial decision as to their validity when enacted, and as to their meaning, to be ascertained from their own terms.

Special grants forbidden.

SEC. 20. The legislature shall not grant to any corporation or corporations, nor to any person or persons, or class of persons, any rights, privileges, immunities or exemptions which shall not upon the same terms, belong equally to all persons.

When acts to take effect

SEC. 21. No public act shall take effect until the expiration of sixty days from the end of the session at which the same may be passed, unless, in case of public emergency, the legislature shall otherwise direct.

Public printing.

SEC. 22. All public printing for the state shall be let on contract, to the lowest responsible bidder, by such executive officers, and in such manner, as shall be prescribed by law.

Legislators and officers not to be counsel against state.

SEC. 23. No member of the legislature nor any officer of the state, nor any district, or other attorney, whose duty it is to prosecute or defend in the name of the state, shall receive a fee, or act as counsel, agent or attorney, in any claim against the state, under penalty of forfeiting his office, and under such other penalties as may be fixed by law.

U. S. senators.

SEC. 24. Members of the senate of the United States from this state shall be elected by the two houses in joint convention, at such times and in such manner as shall be provided by law. In case of vacancy in the senatorial representation, it shall be the duty of the legislature, if then in session, to immediately proceed to an election to fill such vacancy; and if the legislature be not in session, it shall be the duty of the governor to appoint some suitable person to fill such vacancy until an election can be held by the legislature at its next session; but no person shall be elected or appointed to represent this state in either house of congress, who holds any office under the government of this state.

Impeachment.

SEC. 25. The power of impeachment shall be vested in the house of representatives, but a majority of all the members of the house must concur. All impeachments shall be tried by the senate, and when organized for the purpose of such trial, the chief justice of the supreme court of the state shall pre-

side, and no person shall be convicted except upon the vote of two-thirds of the senators present. Any person convicted shall be removed from office, and may, in addition, be forever disqualified from holding any office or voting in this state.

ARTICLE III.

Executive power.

SECTION 1. The executive power shall be vested in a governor, who shall hold his office for two years, and until his successor is duly qualified, and whose title shall be "The Governor of the State of New Mexico."

Qualifications of governor.

SEC. 2. No person shall be eligible to the office of governor who has not been a citizen of the United States for ten years, or who has not attained the age of thirty years, or who has not been a resident of New Mexico for five years next preceding his election, or who is a member of either house of congress, or who holds any office under the United States.

Governor to hold no other office.

SEC. 3. The governor shall not be elected or appointed to any other office in this state during the term for which he shall have been elected; nor shall he hold or exercise any office under the United States or under any other state or government, during such term, under penalty of forfeiting and vacating the office of governor.

General powers of governor.

SEC. 4. The governor shall be commander-in-chief of the military forces of the state. He shall have power to convene the legislature or the senate, only on extraordinary occasions. He shall communicate to the legislature at each session, the condition of the state, and make such recommendations to them as he shall deem expedient. He shall transact all necessary business with officers of the government, or with other states or with the United States, and may require information or opinions in writing from the officers of the executive department on any subject relating to the duties of their respective offices; and upon any question of law connected with his official duties, he may require also the opinion in writing of the attorney general. He shall take care that the laws are faithfully executed and the public peace preserved. He shall, at stated times, receive for his services, a compensation to be fixed by law, which shall not be increased nor diminished after his election or during his continuance in office, and which shall not exceed ——— thousand dollars per annum, and he shall also reside, during his term of office, at the seat of government.

Compensation.

Appointing power of governor.

SEC. 5. The governor shall nominate, and, by and with the advice and consent of the senate, a majority of all the senators concurring, appoint all of-

fficers whose offices are created by this constitution, or which may be created by law, and whose appointments are not herein otherwise provided for, and no such officer shall be appointed or elected by the legislature or either branch thereof. Each officer so appointed shall hold his office until the beginning of the next regular session of the senate, and until his successor is qualified; but he shall not hold over beyond the expiration of such session, nor shall he be then, during the recess, appointed to fill a vacancy in his office, arising from the failure of the governor to nominate, or of the senate to confirm, any person in his stead. A person once rejected by the senate, shall not be re-nominated by the governor for the same office during the same session, (except at the request of the senate), nor appointed to such office during the recess thereafter. Any vacancy in any office which is to be filled by appointment by and with the advice and consent of the senate, which may exist during the recess of the senate, shall be filled by the governor, by appointment to expire with the termination of the next session of the senate; but no person so appointed to fill a vacancy, shall be appointed a second time to fill such a vacancy in the same office. In acting upon executive nominations, the senate shall sit with open doors. It shall be the duty of the governor to remove from office for gross neglect of duty, or for corrupt conduct in office, any officer of the state, except legislative and judicial officers.

Pardoning power.

SEC. 6. The governor shall have power to remit fines, and to grant reprieves, commutations and pardons, after conviction, except in cases of impeachment, or in cases of persons punished by the legislature or by either house thereof, under the provisions of Article II of this constitution; but he shall set forth in writing fully, the grounds of all remissions, reprieves, commutations and pardons, and report the same to the legislature at the next session.

Vacancy in office of governor.

SEC. 7. In case of a vacancy in the office of governor, or of inability on the part of the governor to discharge the duties of his office, the secretary of state shall exercise the powers and discharge the duties of governor, until the vacancy is filled, or the inability removed. Such inability is to be ascertained and declared by the judges of the supreme court, or a majority of them, upon the petition of any citizen. If, during the vacancy in the office of governor, the office of secretary of state should become vacant, or that officer be unable to act as governor, the attorney general of the state shall exercise the powers and discharge the duties of the governor; and the inability of the secretary of state to act shall be ascertained in the same manner as in the case of the inability of the governor to discharge the duties of his office.

Veto power.

SEC. 8. Every bill which shall have passed the senate and house of representatives shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; but if not, he shall return it with his objections to that house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider it. If, after such consideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, it shall become a law, notwithstanding the objections of the governor. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within three days, Sundays excepted, after it shall be presented to him the same shall be a law in like manner as if he had signed it, unless the legislature shall by adjournment prevent its return, in which case it shall not be a law unless the governor shall sign and file it with the secretary of state within three days after such adjournment; but any bill presented to the governor upon either of the two days next preceding the day of adjournment, shall be returned by him with his objections thereto, if he does not sign it, to the house in which it originated, at least four hours before the time fixed for the final adjournment, otherwise it shall be a law in like manner as if he had signed it. And when any bill appropriating money from the public treasury shall have passed both houses and be presented to the governor, he shall have power to approve the same in whole or in part, and in the manner hereinbefore set out, may return to the house in which it originated, any part of such a bill which he may disapprove, with his objections thereto, when like proceedings shall be had with like effect, as in the case of any bill returned by the governor as a whole.

Other executive officers.

SEC. 9. There shall be a secretary of state, an auditor of public accounts, an adjutant general, a superintendent of public instruction, a treasurer, and attorney general, each of whom shall perform such duties as may be required of him by law, and shall receive a fixed compensation therefor, which shall not be increased or diminished during his term of office, and he shall not receive, to his use, any fees or other compensation.

ARTICLE IV.

Judicial power.

SECTION 1. The judicial power of this state shall be vested in a supreme court, district courts, probate courts and justices of the peace. Municipal

courts of limited jurisdiction, in incorporated cities and towns, may be established by law.

Supreme court.

SEC. 2. The supreme court shall consist of three justices, one of whom shall be styled the chief justice; but after ten years from the time when this constitution goes into effect, the number may be increased to five by law. Their terms of office shall be twelve years, except those of the first three justices, of whom one shall hold office for four, one for eight and one for twelve years. A majority of the members of the court shall constitute a quorum.

Jurisdiction of
supreme court.

SEC. 3. The supreme court shall have appellate jurisdiction only, except in cases of mandamus, prohibition and proceedings necessary to the exercise of its appellate jurisdiction, and to the enforcement of its own judgments and decrees; and its jurisdiction, and the exercise thereof, shall be regulated by law; but in no case removed into said court, shall trial by jury, or the taking of evidence on any question raised by the record, ever be allowed. Said court shall hold two terms in each year, at the seat of government, at such times as shall be fixed by law. The justices of the court shall appoint their own clerk.

Cases pending in
territorial supreme
court.

SEC. 4. All cases pending in the supreme court of the territory of New Mexico, except cases arising under the constitution and laws of the United States, shall be removed into the supreme court hereby created, to be there heard and determined as though originally brought up to that court from the district court of the state; and if any such case is remanded for further or other proceedings, it shall be sent back to the district court of the state for the county in the district court for which, under the territorial form of government, the original judgment or decree was entered.

District court.

SEC. 5. There shall be a district court for each county. The district courts shall have general unlimited chancery and common law jurisdiction, which shall be kept distinct, and shall have an appellate jurisdiction in all cases and matters decided in the probate courts and in courts of justices of the peace, under such regulations as may be prescribed by law, and shall have a general control over all inferior courts.

Judges of district
courts.

SEC. 6. There shall be six judges of the district courts, who shall hold office each for eight years. The number of such judges may be increased by law, after six years from the time when this constitution goes into effect. The state shall be divided by law into as many districts as there may be judges, and each of the judges shall be assigned to one of said districts, and shall hold terms of the district court at the county seat in each county in his district, at such

times as may be prescribed by law. The style of said courts shall be "District Court for the County of _____." The judges shall appoint the clerks of their courts. In all cases tried by jury in said courts, the jury shall be the exclusive judges of the facts, and only questions of fact shall be submitted to them. In no case shall the jury pass upon the law.

SEC. 7. The district court for each county is declared to be a successor to, and a continuation of, the district court established in such county by the territorial legislature, and all pending suits, matters and proceedings, both civil and criminal, shall be tried, heard and determined by the new court hereby established, and the files, dockets and other records shall be continuous and unbroken.

Jury trial.
SEC. 8. In all criminal cases and in suits at common law where the value in controversy shall exceed _____ dollars, the right of trial by jury shall be preserved.

Compensation of judges.
SEC. 9. The justices of the supreme court shall receive a fixed compensation for their services, to be ascertained by law, which shall not be less than four nor more than six thousand dollars each per annum; and the judges of the district courts shall receive a like compensation, to be ascertained by law, which shall not be less than three nor more than five thousand dollars per annum.

Judges to hold no other office.
SEC. 10. No justice of the supreme court nor judge of a district court, shall hold any other office under this state or the United States, during his term of office, nor shall he be eligible to any non-judicial office under this state, within one year after the expiration of his term of office.

Qualifications of judges.
SEC. 11. No person who is less than thirty, or more than seventy years of age, shall hold the office of justice of the supreme court or judge of a district court, nor unless he has been a member of the bar for eight years, and a citizen of the United States and a resident of New Mexico, for five years. Any such justice or judge may be removed from office only after impeachment and conviction thereon, for corruption, official malfeasance or non-feasance, willful neglect of duty, or incompetency; but pending such impeachment, he shall exercise none of the duties of his office.

Duties of judges only judicial.
SEC. 12. No duties, power or jurisdiction shall be given to any such justice or judge, except those of a judicial character.

Judges to act for one another.
SEC. 13. The district judges may be, by law, authorized to act for one another in the discharge of their official duties, in such manner, and under such circumstances as may be fixed by law.

Jurisdiction of
courts generally.

SEC. 14. The jurisdiction of all courts herein provided for, both appellate and original, shall be prescribed by law, subject to the provisions of this constitution; and all laws of the territory of New Mexico, relative to the jurisdiction, procedure and practice of courts shall continue in full force until repealed or changed by express statute.

Judge interested
in cases.

SEC. 15. Provision shall be made by law for the disposition of cases in any of said courts, wherein the justices or any of them, or the judge may be, or may have been interested in any way, or may be in any other way disqualified or incapacitated from hearing such cases.

Probate court.

SEC. 16. There shall be a probate court in each county which shall have exclusive original jurisdiction in the following cases, to-wit: The probate of last wills and testaments; the granting letters testamentary and of administration and the repealing or the revocation of the same; the appointment and removal of administrators; the appointment and removal of guardians of orphans and persons of unsound mind; the binding out of apprentices; the settlement and allowance of accounts of executors, administrators and guardians; the hearing and determination of all controversies respecting wills, the right of executorship, administration and guardianship; the hearing and determination of all controversies respecting the duties, accounts and settlements of executors, administrator and guardians; the hearing and determination of all controversies between master and those bound to him; the hearing and determination of all controversies respecting any order, judgment or decree in such probate courts with reference to any of the foregoing matters of which the probate courts are herein given exclusive original jurisdiction; and no suit shall be prosecuted or begun in any other court to review or in any manner inquire into or reopen or set aside any such order, judgment or decree, and no such order, judgment or decree shall be reviewed or examined in any other court except upon an appeal taken in the manner provided by law.

Compensation of
probate judges.

SEC. 17. The judge of the probate court shall receive a fixed compensation to be ascertained by law, payable out of the treasury of the county, which in no case shall exceed _____ dollars per annum. His tenure of office shall be fixed by law.

Justices of the
peace.

SEC. 18. The tenure of office and jurisdiction of justices of the peace shall be regulated by law, but they shall not have jurisdiction of cases involving the title to land, or of cases where the amount involved, exclusive of costs, is over one hundred dollars.

ARTICLE V.

Hereditary titles,
etc., forbidden.

SECTION 1. No hereditary distinction shall be granted, nor any office created, the tenure of which shall be for a longer term than during good behavior; and no person holding any office under this state, shall accept any office, title, emolument or present from any king, prince or foreign state.

Supremacy of the
United States.

SEC. 2. As the paramount allegiance of every citizen is due to the constitution and government of the United States, no law of this state shall ever be enacted in contravention or subversion thereof.

Only citizens to
hold office.

SEC. 3. None but citizens of the United States shall hold any office in this state.

Personal rights.

SEC. 4. No person shall be deprived of life, liberty or property, except by due process of law; nor shall private property be taken for public use without just compensation; and no person shall be punished for any offense, except by virtue of a law established prior to the commission of the offense.

Rights of accused
in criminal cases.

SEC. 5. In every criminal prosecution the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel; he shall not be compelled to give evidence against himself, nor shall any person be put twice in jeopardy for the same offense, but this shall not be held to apply to cases where there has been a mistrial, or where a new trial is granted upon the application of the defendant.

Laws forbidden.

SEC. 6. No *ex post facto* law, law impairing the obligation of contracts, or retroactive law injuriously affecting any right of the citizen, shall be enacted.

Habeas corpus.

SEC. 7. The privilege of the writ of *habeas corpus* shall not be suspended, except when, in cases of rebellion or invasion, the public safety may require such suspension.

Bail.

SEC. 8. All persons before conviction shall be bailable by sufficient securities, except for capital offenses where the proof is positive or the presumption great; and after conviction, pending an appeal, or writ of error, may be bailable in such manner as may be directed by law.

Imprisonment for
debt.

SEC. 9. Imprisonment for debt shall not be allowed in this state, except for fines or penalties imposed for violation of law.

Property taken
by law.

SEC. 10. No private property shall be taken under authority of law, un-

less just compensation therefor is first made or secured, except in the case of property taken for the use of the state.

Suits against state.

SEC. 11. Suits may be brought against the state in such manner and in such courts and in such cases as may be prescribed by law.

Divorce.

SEC. 12. No divorce shall be granted, otherwise than by due judiciary proceedings in accordance with law.

SEC. 13. All lotteries, or sales of lottery tickets, in this state, shall be prohibited by law.

SEC. 14. Provision shall be made by law for enrolling, organizing and arming the militia.

SEC. 15. All rights vested and liabilities incurred, shall remain the same as if this constitution had not been adopted.

SEC. 16. Offenses against the territory of New Mexico shall be punished by the state as they might have been punished by the territory if the change of government had not been made.

ARTICLE VI.

Qualifications of voters.

SECTION. 1. The qualifications of voters shall be ascertained and declared by law; but no person shall have the right to vote at any election, who is not a citizen of the United States and has not lived within the state at least six months before the day of the election.

Bribers not to vote.

SEC. 2. No person shall be permitted to vote at any election in the state, nor to hold a seat in the legislature or any office of trust or importance under this government, who shall, in due course of law, have been convicted of bribery or corruption in connection with the election or appointment of any person to office.

Officers not to vote or hold office.

SEC. 3. No person who may be a collector or holder of public money, shall be permitted to vote at any election in the state, or be eligible to any office of honor, trust or profit within the state, until he shall have accounted for and paid over according to law all sums for which he may be liable.

Duelists not to vote or hold office.

SEC. 4. Any person who may hereafter be engaged in a duel, either as principal or as accessory before the fact, shall not be permitted to vote at any election, and shall be disqualified from holding any office within the state.

Residence.

SEC. 5. For the purpose of voting, no person shall be deemed to have gained or lost residence, by reason of presence or absence, while employed in the

service of the United States, nor while a student at any school, nor while kept or confined in any public institution or prison at public expense.

Regulation of elections.

SEC. 6. The legislature shall have power to regulate by law, not inconsistent with this constitution, all matters relating to officers of elections, the manner of conducting and making returns of elections, and shall pass laws to prevent intimidation, disorder or violence at the polls, and all corruption, fraud or bribery in connection with elections or voting.

Qualifications for county offices.

SEC. 7. No person shall be elected or appointed to any office within any county who shall have not been a citizen and an inhabitant therein for at least one year next before such election or appointment, if the county shall have been so long erected; but if it shall not have been so erected, then within the limits of the county or counties from which it shall have been taken.

No person to hold more than one office.

SEC. 8. No person shall hold more than one lucrative office at the same time; but no appointment in the militia, nor the office of notary public, shall be considered as a lucrative office.

Members of congress and U. S. officers not to hold office.

SEC. 9. No member of either house of congress, nor person holding any office under the United States, except postmasters below the second class, and commissioners of United States courts, shall hold any office in this state, or be eligible as a member of the legislature.

ARTICLE VII.

Minor offices, terms of offices, etc.

SECTION. 1. All district, county, city, town and precinct officers and their terms of office, shall be prescribed by law; but until otherwise prescribed by law such officers shall be as provided in the existing laws of the territory of New Mexico, and the present incumbents shall continue to hold their offices until their successors may be regularly elected or appointed; and vacancies in any of such offices shall be filled in such manner as shall be prescribed by law. Any of said officers may be removed from office in such manner and for such causes as may be prescribed by law.

Elections, time of

SEC. 2. No election of city, town or precinct officers shall be held at the same time as the election of the governor, members of the legislature and members of congress.

Elected or appointed.

SEC. 3. All of the officers referred to in this article shall be elected or appointed to office in such manner as may be prescribed by law; but until otherwise provided by law, they shall continue to be elected or appointed in the manner designated by the existing laws of the territory of New Mexico.

Second terms for-
bidden.

SEC. 4. No sheriff, collector of taxes, assessor or county commissioner shall hold office for two consecutive terms.

ARTICLE VIII.

Congressional re-
quirements.

SECTION 1. Perfect toleration of religious sentiment shall be secured and no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship; nor shall any preference be given by law to any religious establishment. No religious test shall be required for any office or for any vote at any election; nor shall any person be incompetent to testify on account of his opinions on matters of religious belief, nor be questioned in any court touching such opinions so as to affect the weight of his testimony.

SEC. 2. The people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated lands lying within the boundaries thereof and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States; that the lands or other property belonging to citizens of the United States residing without the state shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the state on lands or property therein belonging to, or which may hereafter be purchased by, the United States or reserved for its use. But nothing herein shall preclude the state from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of congress containing a provision exempting the lands thus granted from taxation; but all such lands shall be exempt from taxation by this state so long and to such extent as such act of congress may prescribe.

SEC. 3. The debts and liabilities of the said territory of New Mexico shall be assumed and paid by this state.

SEC. 4. Provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said state, and free from sectarian control; and no other or different schools shall receive any aid or support from the public treasury.

SEC. 5. The ordinances and provisions in this article contained, are hereby declared to be irrevocable without the consent of the United States and the people of this state.

ARTICLE IX.

State to assume
no debts.

SECTION 1. The credit of the state shall not be granted to, or in aid of any person, association or corporation, nor shall the state assume the debts or liabilities of any county, city, town, township, school district, or other municipality or subdivision of the state.

Limit to state and
municipal debt.

SEC. 2. The state shall incur no debt for any purpose whatever in excess of the amount of _____ dollars; and no municipal corporation, or *quasi* municipal corporation in the state shall incur any debt, for any purpose whatever, in excess of five per centum on the taxable property within the limits, of such corporation as shown by the last regular assessment made for the purposes of taxation.

Appropriation
bills.

SEC. 3. No money shall be drawn from the treasury except in pursuance of specific appropriation made by law; and laws making appropriation shall contain provisions on no other subject; but if such provisions are inserted in any such law, the whole law shall not be thereby rendered void, but only so much thereof as is hereby forbidden shall be considered of no effect.

Educational
funds.

SEC. 4. The principal of all funds arising from the sale or other disposition of lands or other property granted, donated or entrusted to this state for educational purposes, shall forever be preserved inviolate and undiminished, and the income arising therefrom shall be faithfully applied to the objects of the original grants, donations or trusts.

ARTICLE X.

SECTION 1. All officers holding office under the territory of New Mexico at the time of the passage by congress of an act admitting New Mexico into the union, whether territorial, district, county, city, town or precinct officers, shall continue in the discharge of their duties under the state government until their successors shall be elected or appointed, and qualified; and those officers appointed by the president of the United States to office in New Mexico, who are directly connected with the operations of the territorial government, including judges of courts, shall continue as corresponding officers of the state government until the election, or appointment, and qualification of persons to succeed them; and at the first session of the state legislature, provision shall be

made for the compensation, at the same salaries which they now receive, of such territorial officers and presidential appointees who have so served during the period between the admission of the state and the election or appointment of state officers.

SEC. 2. Within _____ after days the passage of an act by congress admitting the state into the union, the then governor shall by proclamation call an election to be held not less than _____ nor more than _____ days after said proclamation, at which there shall be elected a governor, members of the legislature and a member of congress. No other officers shall be elected at such election; but if congress does not pass an act for the admission of New Mexico as a state before June, 1890, then no special election shall be called, but all officers, state and county, who are to be elected by the people, shall be elected at the regular bi-ennial election, which shall be held on the first Tuesday after the first Monday in November, 1890.

SEC. 3. The general elections shall be held once in two years, on the first Tuesday after the first Monday in November in the even numbered years; and all terms of office of officers elected at such elections shall begin on the 1st of January next following.

ARTICLE XI.

SECTION 1. The legislature whenever two-thirds of both houses shall deem it necessary, may propose amendments to this constitution. Public notice thereof shall then be given by the secretary of state in such manner as may be directed by law, at least _____ months preceding the next general election, at which election the qualified electors of the state shall vote for or against any such amendment or amendments in such manner and form as may be prescribed by law; and if it shall appear that a majority of such qualified electors voting on the question have voted in favor of the proposed amendment or amendments, then it shall become a part of this constitution.

SEC. 2. If two or more amendments are submitted at the same time, they shall be submitted in such manner that the electors shall vote upon each of such amendments separately.