

PRESENT CONSTITUTION
OF THE
COMMONWEALTH OF KENTUCKY.

PREAMBLE.

We, the people of the Commonwealth of Kentucky, grateful to Almighty God for the civil, political and religious liberties we enjoy, and invoking the continuance of these blessings, do ordain and establish this Constitution.

BILL OF RIGHTS.

That the great and essential principles of liberty and free government may be recognized and established. WE DECLARE Con. 50, s 13. that:

§ 1. **Inherent and Inalienable Rights.** All men are, by nature, free and equal, and have certain inherent and inalienable rights, Con. 50, s 13, s 1 among which may be reckoned:

1. The right of enjoying and defending their lives and liberties.

PREAMBLE.

(1) **Construction of Constitution.** When the words of a particular provision leave the meaning in doubt, the courts will look to its history, etc. Effect to be given to the debates of a Constitutional Convention. *Higgins v. Prater*, 91 Ky., 6. The words of a particular clause of the Old Constitution, having received a well-known construction, and being literally transferred to the New Constitution, the construction given them will be presumed to have been adopted by the Convention. *Com. v. Bush*, 2 Duv., 264. In construing a particular provision of a constitution the construction placed upon it by the Legislature immediately following the adoption of the Constitution is entitled to some weight. *McClure v. Alexander*, 15 R. 732.

(2) **Doubt as to the constitutionality of a law** must be resolved in favor of its validity. *Collins v. Henderson*, 11 Bush, 74.

(3) **Organic law of the State.** The New Constitution as signed and promulgated September 23, 1891, is to be treated in all its parts, as the existing organic law of the State. *Downs v. Com.*, 92 Ky., 605.

(4) **Power of courts in passing upon**

validity. A Constitution formed and promulgated according to the forms of law and recognized as valid by the political department of the Government, will not be declared invalid by the courts. The question then is a political one. When a constitution submitted to and ratified by the people is amended by the Convention which framed it, and then promulgated and acted upon by the people as the organic law, the courts will not inquire into the power to promulgate an instrument different in some parts from that submitted to the people. *Miller v. Johnson*, 92 Ky., 589.

(5) The courts will declare a new amendment to a constitution invalid, if the method provided by the constitution for its amendment has not been followed. *Ib.*

BILL OF RIGHTS.

§ 1. **Carrying weapons concealed.** The Act of 1813, "to prevent persons from wearing concealed arms," was under the Constitution of 1799, article 10, section 23, held to be unconstitutional. *Bliss v. Com.*, 2 Litt., 90. But the Constitution of 1850, as well as the present Constitution, gives the General Assembly the power to enact laws to prevent the carrying of concealed weapons.

2. The right of worshipping Almighty God according to the dictates of their consciences.

3. The right of seeking and pursuing their safety and happiness.

4. The right of freely communicating their thoughts and opinions.

5. The right of acquiring and protecting property.

6. The right of assembling together in a peaceable manner for their common good, and of applying to those invested with the power of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

7. The right to bear arms in defense of themselves and of the State, Con. 50, § 13, § 25 subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.

§ 2. Absolute power does not exist in a Republic. Absolute and arbitrary power Con. 50, § 13, § 2 over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.

§ 2. (1) **Police power of State.** The Legislature can not delegate to the citizen the police power of the State. *O. & N. R. R. Co. v. Todd*, 91 Ky., 175. Legislature may prohibit giving of liquor. *Powers v. Com.*, 90 Ky., 167.

(2) **Taxation—Curative Statutes.** Statute held valid. *Marion County v. L. & N. R. R. Co.*, 91 Ky., 388. Statute held invalid. *Town of Bellevue v. Peacock*, 89 Ky., 495; *Norman v. Boaz*, 85 Ky., 557.

(3) **Taxation—equality and uniformity in.** There may be discrimination in the subjects of taxation, but there must be uniformity in the tax upon the selected subjects. Street improvements. *City of Lexington v. McQuillan*, 9 Dana, 513; *Malchus v. District of Highlands*, 4 Bush, 547; *Howell v. Bristol*, 8 Bush, 493; *Broadway Baptist Church v. McAtee*, 8 Bush, 508; *Preston v. Roberts*, 12 Bush, 570. For common school purposes. *Marshall v. Donovan*, 10 Bush, 681. License and tax of vehicles by city. *Livingston v. City of Paducah*, 80 Ky., 656. Taxation of railroads. *C., N. O. & T. P. R. R. Co. v. Com.*, 81 Ky., 492; *Spalding v. Hill*, 86 Ky., 656. Power of city to tax insurance agents. *Simrall v. City of Covington*, 90 Ky., 444. State may require a license for selling in particular places, even though revenue as well as local policy is one of the objects. *Mork v. Com.*, 6 Bush, 397.

(4) **Taxation — purposes for which taxes may be imposed.** Agricultural and Mechanical College of Kentucky. *Higgins v. Prater*, 91 Ky., 6. Taxation by cities and towns for governmental purposes. *Cheaney v. Hooser*, 9 B. M., 330. Taxation to pay city's subscription to stock in rail-

road corporation. *Talbot v. Dent*, 9 B. M., 526; *Slack v. M. & L. R. R. Co.*, 13 B. M., 1. Taxation to pay county's subscription to Turnpike Company. *Justices Clark Co. v. P., W. & Ky. R. T. P. Co.*, 11 B. M., 143. Act to authorize a tax to pay for the draining or for fencing of land in specified boundary held invalid as to persons not instrumental in procuring the passage of the act. *Cypress Pond Draining Co. v. Hooper*, 2 Met., 350. *Scuffletown Fence Co. v. McAllister*, 12 Bush, 312. Act authorizing tax to raise substitutes for persons drafted in the U. S. Army unconstitutional as to persons not instrumental in procuring its passage. *Ferguson v. Landrum*, 1 Bush, 548.

(5) **Taxation—remedies for collection.** *Mandamus. Justices of Clark County v. P. W. & Ky. R. T. Co.*, 11 B. M., 143. Power to levy and collect taxes not one of the inherent judicial powers. *McLean County Precinct v. Deposit Bank of Owensboro*, 81 Ky., 254. In absence of express legislative authority taxes can not be recovered by suit. *Baldwin v. Hewitt*, 88 Ky., 673. Legislature may authorize a city to collect taxes by suit. *Greer v. City of Covington*, 83 Ky., 410. Forfeiture without judicial inquiry not allowed. *Marshall v. McDaniel*, 12 Bush, 378. Lien for taxes not lost by conveyance of land, but if a sale is attempted to enforce the lien, the purchaser must have notice. *Quinlan v. Callahan*, 81 Ky., 618.

(6) **Taxation by municipal corporations.** Bridge spanning Ohio river, what part taxable by city. *Louisville Bridge Co. v. City of Louisville*, 81 Ky., 189.

(7) **Extending town limits.** When held to

§ 3. Equality—exclusive privileges—Amendment of Charters. All men, when they form a social compact, are equal; and no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consideration of public services; ^{con. 50, § 13.} but no property shall be exempt from taxation except as provided in this Constitution; and every grant of a franchise, privilege or exemption, shall remain subject to revocation, alteration or amendment.

§ 4. Power inherent in people—right of revolution. All power is inherent in

be legal, taxation of land used for agricultural purposes. *Cheaney v. Hooser*, 9 B. M., 330; *Sharp v. Dunavan*, 17 B. M., 223; *Maltus v. Shields*, 2 Met., 553; *Arbegust v. City of Louisville*, 2 Bush, 271. Taxation of other kinds of land and personal property. *Swift v. City of Newport*, 7 Bush, 37. When property not liable to taxation. *City of Covington v. Southgate*, 15 B. M., 491; *Courtney v. Louisville*, 12 Bush, 419; *Town of Parkland v. Gaines*, 88 Ky., 562.

(8) **Farming land.** Land used as, when taxable. *Maltus v. Shields*, 2 Met., 553. (See preceding notes.)

(9) **Improvement of streets.** Mode of assessment—Squares—Abutting property. *City of Lexington v. McQuillan*, 9 Dana, 513; *City of Louisville v. Hyatt*, 2 B. M., 177; *Broadway Baptist Church v. McAtee*, 8 Bush, 508; *Preston v. Roberts*, 12 Bush, 570; *Preston v. Rudd*, 84 Ky., 150; *City of Covington v. Worthington*, 88 Ky., 206; *Stengel v. Preston*, 89 Ky., 616; *Town of Bellevue v. Peacock*, 89 Ky., 495; *Cooper v. Nevin*, 90 Ky., 85. Gross inequality—Extravagant cost. *Howell v. Bristol*, 8 Bush, 493.

(10) **License tax.** Town may be authorized to impose license tax on taverns. *Mason v. Trustees of Lancaster*, 4 Bush, 406; and upon lottery offices. *Wendover v. City of Lexington*, 15 B. M., 258. Taxing foreign express companies. *Crutcher v. Com.*, 89 Ky., 6. This case was reversed by Supreme Court U. S., 141 U. S., 47.

(11) **Taxation in aid of railroads.** Local districts. County Judge of Shelby County v. *Shelby R. R. Co.*, 5 Bush, 225; *McFerran v. Alloway*, 14 Bush, 580.

(12) **Taxation of railroad property.** *By the State.* The Legislature may authorize an assessment by Commissioners and may say whether such assessment shall be final or not. A railroad is a unit and must be taxed as such. *C. N. O. & Texas Pacific R. R. Co. v. Com.*, 81 Ky., 492.

(13) *By municipal corporation.* The fact that the property of a company is used for

railroad purposes, is no reason for exemption. *City of Ludlow v. Trustees of Cincinnati Southern Ry. Co.*, 78 Ky., 357.

(14) **Taxation of private corporations.** Taxation of property of corporation no violation of the contract or privilege given by the charter, unless the right to tax is expressly surrendered by the charter. *L. & P. Canal Co. v. Com.*, 7 B. M., 160. Exemption a personal privilege not transferable. *Com. v. O. & N. R. R. Co.*, 81 Ky., 572.

(15) **Taxation—local tax districts.** Districts for taxation may be created, without reference to existing civil or political districts. County Judge of Shelby County v. *Shelby R. R. Co.*, 5 Bush, 225. Whether lands of particular individuals, in the defined district, receive benefits is not a question to be inquired into by the Courts. *McFerran v. Alloway*, 14 Bush, 580. *City of Ludlow v. Trustees of Cincinnati Ry. Co.*, 78 Ky., 357.

§ 3. (1) **Election of chancery commissioners.** Act conferring power on the bar of Louisville Chancery Court, to elect the Commissioners is not incompatible with the bill of rights. *Smith v. Cochran*, 7 Bush, 147.

(2) **Exclusive privilege of selling liquor.** Statute conferring exclusive right on physicians in certain locality, held constitutional. *Sarrls v. Com.*, 83 Ky., 327.

(3) **Exclusive right to supply gas to city.** Opinion of Court of Appeals in *Citizens' Gas Light Co. v. Louisville Gas Co.*, 81 Ky., 263; holding invalid an act giving a company the exclusive right to manufacture and supply gas to a city, was reversed by the Supreme Court of the United States. *Louisville Gas Co. v. Citizens' Gas Light Co.*, 115 U. S., 683.

(4) **Exemption from taxation.** Acts held unconstitutional, *Barbour v. Louisville Board of Trade*, 82 Ky., 645. *Com. v. Masonic Temple Co.*, 87 Ky., 349. *Clark v. Louisville Water Co.*, 90 Ky., 515. *Com. v. Makibben*, 90 Ky., 384. Act exempting an Orphans' Home from taxation held to be valid. *Zable v. Louisville Baptist Orphans' Home*, 92

the people, and all free governments are founded on their authority and instituted for their peace, safety, happiness and the protection of property. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may deem proper.

§ 5. Freedom of conscience—church and State—education. No preference shall ever be given by law to any religious sect, society or denomination; nor to any particular creed, mode of worship or system of ecclesiastical polity; nor shall any person be compelled to attend any place of worship, to contribute to the erection or maintenance of any such place, or to the salary or support of any minister of religion; nor shall any man be compelled to send his child to any school to which he may be conscientiously

Ky., 89. Statute exempting property of institution so long as occupied for the purposes of its organization, does not exempt property rented out, although rents may be applied to such purposes. *City of Louisville v. Board of Trade*, 90 Ky., 409.

(5) **Lease of river line of navigation to private corporation.** Act of March 9, 1868, leasing Green & Barren river line of navigation to the Green & Barren River Navigation Company for thirty years, with the right to collect tolls, etc., held constitutional. *McReynolds v. Smallhouse*, 8 Bush, 447.

(6) **Legal remedies.** Act authorizing officer to distrain for fees after the time at which officers generally can distrain, is invalid. *Smith v. Warden*, 80 Ky., 608. Act authorizing a company to sell mortgaged land, without the intervention of a court, is void. *Ky. Trust Co. v. Lewis*, 82 Ky., 579. Act giving landlords prior lien and right to distrain, valid. *Burket v. Boude*, 3 Dana, 209.

(7) **License to sell goods by sample.** Act making it penal for non-residents to sell by sample in this State without license, is constitutional. *Mork v. Com.*, 6 Bush, 397.

(8) **Lottery privilege.** Act giving an individual the right to dispose of his property by lottery, is valid. The word "privilege" means a public privilege, not a private right. *Com. v. Whipps*, 80 Ky., 269. (But all lotteries are now prohibited.)

(9) **Municipal corporations—special privileges.** A statute enacted for benefit of a municipal corporation, if it relates to the exercise of governmental power, is not unconstitutional because it does not apply to other persons or municipal corporations. *Preston v. City of Louisville*, 84 Ky., 118. The Legislature may confer the taxing

power upon municipalities, but can not confer any greater power than the State itself possesses. *Lancaster v. Clayton*, 86 Ky., 373. Power of city to tax insurance agents. *Simrall v. City of Covington*, 90 Ky., 444.

(10) **Privilege of common schools.** The benefits growing out of the common school fund and system are not privileges or immunities of citizens of the United States. *Marshall v. Donovan*, 10 Bush, 681. The Act of 1874, for establishing a separate common school fund for colored children, is unconstitutional. *Dawson v. Lee*, 83 Ky., 49.

(11) **Right to exercise one's trade.** Neither a corporation or individual can be delegated with power to determine who shall exercise a particular trade, and to provide penalties for neglect of duties. *Franke v. Paducah Water Supply Co.*, 88 Ky., 467.

(12) **Right to take greater rate of interest** than allowed by general law, can not be conferred on a corporation. *Gordon v. Winchester B. & A. F. Ass'n*, 12 Bush, 110.

(13) **Taxation of foreign express companies.** Statute requiring agents of foreign express companies doing business in this State, to obtain a license from the State Auditor, and pay the fee therefor, was held not to be an interference with State commerce. *Crutcher v. Com.*, 89 Ky., 6. This ruling was reversed by the Supreme Court of United States. 141 U. S., 47.

(14) **Trust companies.** The Act empowering a trust company to act as guardian upon the execution of its own bond, without other security than its capital stock, is valid. *Johnson v. Johnson*, 88 Ky., 275.

§ 5. Witness—competency. Exclusion of witness on account of his religious belief, or his disbelief in any system of religion, is in violation of the Constitution. *Bush v. Com.*, 80 Ky., 244.

opposed; and the civil rights, privileges or capacities of no person shall be taken away, or in anywise diminished or enlarged, on account of his belief or disbelief of any religious tenet, dogma or teaching. No human authority shall, in any case whatever control or interfere with the rights of conscience. Con. 50, a 13,
s 5

§ 6. **Elections free and equal.** All elections shall be free and equal. Con. 50, a 13,
s 7

§ 7. **Trial by jury inviolate.** The ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this Constitution. Con. 50, a 13,
s 8
(See § 248.)

§ 8. **Liberty of speech—freedom of the press.** Printing presses shall be free to every person who undertakes to examine the proceedings of the General Assembly or any branch of government, and no law shall ever be made to restrain the right thereof. Every person may freely and fully speak, write and print on any subject, being responsible for the abuse of that liberty. Con. 50, a 13,
s 9

§ 9. **Libel—truth justification—jury judges of law and facts.** In prosecutions for the publication of papers investigating the official conduct of officers or

§ 6. **Election laws.** Must conform to the Constitution. *City of Owensboro v. Hickman*, 90 Ky., 629.

§ 7. (1) **Acts held to be violative of this section.** An act which deprives a defendant of the right of trial by jury, where before the Constitution, he was entitled to it. *Stidger v. Rogers*, Sneed, 52. *Enderman v. Ashby*, *Id.*, 53; *Gullion v. Boulware*, *Id.*, 76; *Hughes v. Hughes*, 4 Mon., 42; *Carson v. Com.*, 1 Mar., 290. An act providing that for failure to list land for taxation, the title should be forfeited, and *ipso facto*, without trial, vest in the Commonwealth. *Marshall v. McDaniel*, 12 Bush, 378. Act of 1824, amending the champerty law, and which declares that the lands of proprietors and claimants shall be forfeited to the Commonwealth, unless certain improvements are made thereon. *Gaines v. Buford*, 1 Dana, 481.

(2) **Acts held not to be violative of this section.** Law giving sureties right to recover of principal by motion. *McChord v. Johnson*, 4 Bibb., 531. A law authorizing judgment on motion for breach of a contract thereafter made for the payment of money. *Ewing v. Directors of the Penitentiary*, Hard., 6. Law authorizing Court to punish Sheriff for contempt for failing to return execution. *Wells v. Caldwell*, 1 Mar., 441. An act authorizing Circuit Judges to quash fee bills and fine officer. *Harrison v. Chiles*, 3 Litt., 194. An act authorizing the

recovery of subscriptions for the public buildings of a new county, by motion. *Harris v. Wood*, 6 Mon., 641. Statute authorizing judgment against the sureties of a Sheriff without a jury. *Murry v. Askew*, 6 J. J. M., 27. Statute authorizing Appellate Court to try will cases, upon the law and facts. *Wills v. Lochnane*, 9 Bush, 547. Statute authorizing new indictments to be found by the grand jury of the county to which the case was removed by change of venue. *Parker v. Com.*, 12 Bush, 191.

(3) **Chancery jurisdiction.** When jury may be dispensed with. *Watts v. Griffin*, Litt., S. C., 244; *Head v. Head*, 3 Mar., 112; *Baltzell v. Hall*, 1 Litt., 97.

(4) **Mode of selecting jury and trial.** A law providing for the selection of jurymen by a different officer from the one who was required to select them at the time of the adoption of our Constitution does not impair the ancient mode of trial by jury. *Beatty v. Com.*, 91 Ky., 313. The code providing that "the jury shall be bound to take the decisions of the court on points of law as the law of the case" does not conflict with the Constitution. *Com. v. Van-Tuyl*, 1 Met., 1. The Legislature may prescribe what shall be the mode of trial for a misdemeanor created by statute, which was not indictable at common law, and for which no infamous punishment is provided. *Com. v. Avery*, 14 Bush, 625.

men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; ^{Con. 50, a 13,} _{a 20} and in all indictments for libel the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

§ 10. **Search Warrants—seizure of person—provision concerning.** The people shall be secure in their persons, houses, papers and possessions, ^{Con. 50, a 13,} _{a 11} from unreasonable search and seizure; and no warrant shall issue to search any place, or seize any person or thing, without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

§ 11. **Rights of accused in criminal cases—change of venue.** In all criminal prosecutions the accused has the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor. He can not be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the

§ 10. **Description in search warrant.** The thing, person and place should all be described in a search warrant. *Reed v. Rice*, 2 J. J. M., 44 Com. v. *Watts*, 84 Ky., 537.

§ 11. (1) **Change of venue.** Statute authorizing new indictment by Grand Jury of county to which cause removed is valid. *Parker v. Com.*, 12 Bush, 191. As the right to a change of venue is a creature of the statute, the extent of its exercise may be limited by statute. Statute providing that but one change shall be allowed to the same person in the same case is valid. *Dilger v. Com.*, 88 Ky., 550. Act '89-90, providing for change of venue in felony cases on the application of the Commonwealth when such a state of lawlessness exists in the county where the indictment is found, and in the adjoining counties, that a fair trial can not be had is constitutional. *Com. v. Davidson*, 91 Ky., 162.

(2) **Dying declarations against accused.** Constitution makes no change in the rule. *Walston v. Com.*, 16 B. M., 15.

(3) **Evidence in criminal cases.** Depositions—Legislative authority. *Kaelin v. Com.*, 84 Ky., 354.

(4) **Forfeiture without trial.** Act of 1825, providing that for failure to list lands for taxation the title should be forfeited and vest *ipso facto* in the Commonwealth without a trial, is unconstitutional. *Marshall v. McDaniel*, 12 Bush, 378. Deprivation of right to hold office—Provisions against dueling. *Com. v. Jones*, 10 Bush, 725. Ordinance

authorizing town marshal to take up and sell hogs running at large without notice to the owner is unconstitutional. *Varden v. Mount*, 78 Ky., 86. See *McKee v. McKee*, 8 B. M., 433.

(5) **Indictment—allegation and proof.** Under an indictment for murder a conviction can not be had for killing by willfully striking, etc. (§ 2, a 4, c 29, G. S.) To so construe § 263 Criminal Code would render it unconstitutional. *Conner v. Com.*, 13 Bush, 714.

(6) **Penal laws.** Act of 1808, which compelled persons of color emigrating to this State to depart, was a penal law, and as it dispensed with the trial by jury, was unconstitutional. *Doram v. Com.*, 1 Dana, 331. Prosecutions for failing to list taxable property partakes of the nature of a criminal prosecution, and the accused has the right to be heard. *Olds v. Com.*, 3 Mar., 465.

(7) **Plea of former acquittal.** Burglary and larceny—Practice. *Triplett v. Com.*, 84 Ky., 193.

(8) **Remedial and curative statutes.** Statute shifting the burden of proof is valid provided it disturbs no vested right. The Legislature may cure a mere irregularity in a proceeding; but a statute which limits the defendant to certain defenses and cuts off others is unconstitutional. *Maguiar v. Henry*, 84 Ky., 1. Acts adopted pending litigation: *Gaines v. Gaines*, 9 B. M., 295; *Allison v. L., H. C. & W. Ry. Co.*, 9 Bush, 247. Subsequent to judgment rendered.

law of the land; and in prosecutions by indictment or information, he shall have a speedy public trial by an impartial jury of the vicinage; but the General Assembly may provide by a general law for a change of venue in such prosecutions for both the defendant and the Commonwealth, the change to be made to the most convenient county in which a fair trial can be obtained.

§ 12. **Charge of crime—how preferred.** No person, for an indictable offense, shall be proceeded against criminally by information, ^{Con. 50, a 13,} except in cases arising in the land or naval forces, or in the ^{s 13} militia, when in actual service in time of war or public danger, or by leave of court for oppression or misdemeanor in office.

§ 13. **Jeopardy—property not to be taken without compensation.** No person shall, for the same offense, be twice put in jeopardy ^{Con 50, a 13,} of his life or limb, nor shall any man's property be taken or ^{s 14} applied to public use without the consent of his representatives, and without just compensation being previously made to him.

Louisville v. McKegney, 7 Bush, 651. Statute giving right of appeal. H. & N. R. R. Co. v. Dickerson, 17 B. M., 173. The act of 1878 to amend § 337 of the Code, in so far as it applies to appeals then pending or thereafter prosecuted from judgments rendered before it was passed, is unconstitutional as an attempt to deprive the party affected by it of his property without due process of law. Yeatman v. Day, 79 Ky., 186. Acts curing irregularities in proceedings for sale of infants' lands. Thornton v. McGrath, 1 Duv., 349; Boyce v. Sinclair, 3 Bush, 261; Marshall v. Marshall, 4 Bush, 248.

(9) **Remedies—change of rules of evidence.** An act authorizing recovery by city of back taxes held unconstitutional in so far as it prescribes the form of the petition, restricts the defense and changes the rules of evidence. City of Louisville v. Cochran, 82 Ky., 15.

(10) **Right of appeal** in felony cases is not a constitutional right. Accused must conform to the rules adopted. Turner v. Com., 89 Ky., 78.

(11) **Wills—probating by order of Appellate Court.** Order directing will to be probated contrary to the finding of the jury. Wells v. Lochrane, 9 Bush, 547.

§ 12. (1) **Application of section.** This section applies to crimes and misdemeanors prosecuted by the Government, for public redress, and not to any proceeding for the benefit of the party injured by the illegal act. Harrison v. Chiles, 3 Litt., 194.

(2) **Betting on elections** was never a crime or an indictable offense at the com-

mon law, and does not come within the meaning of this section. Com. v. Avery, 14 Bush, 625.

(3) **Municipal corporations—violation of ordinances.** The Legislature may give to a city the power to proceed by warrant against violators of its ordinances, which are punishable by fine. Such proceedings are penal rather than criminal. Williamson v. Com., 4 B. M., 146.

(4) **Proceedings for contempt.** No indictment necessary. Arnold v. Com., 80 Ky., 300.

TWICE IN JEOPARDY.

§ 13. (1) **Discharge of jury** when failure to find a verdict, does not prevent another trial. Com. v. Olds, 5 Litt., 137. Discharge of a juror against prisoner's objection, after the jury was sworn, operates as a discharge of the entire jury, and as an acquittal. O'Brian v. Com., 9 Bush, 333.

(2) **Dismissal of indictment**, with the consent of the court, even after a jury was sworn to try the case, is no bar to another indictment. Wilson v. Com., 3 Bush, 105. But in Williams v. Com., 78 Ky., 93, the dismissal of an indictment against the defendant's protest, after the jury had been sworn, and the defendant had pleaded and part of the evidence heard, was held to bar a prosecution under a new indictment.

(3) **Double punishment.** The Legislature has the power to inflict more than one penalty for the same offense, provided the penalty does not affect life or limb. Com. v. Gilbert, 6 J. J. M., 184. This power seems to have been questioned in Chiles v. Drake, 2 Met., 146, where it was held that a law

§ 14. Courts to be open and speedy trial guaranteed. All courts shall be open
Con. 50, a 13,
 15 and every person for an injury done him in his lands, goods,

authorizing a civil action by the representative of one killed by the willful neglect of another, was not liable to condemnation, though the defendant be liable to an indictment for the same offense. In *Com. v. Avery*, 14 Bush, 625, it was held that punishing a defendant for betting on an election, and also in a civil action, is not punishing him twice.

(4) **Insufficient indictment.** A conviction on an insufficient indictment, and therefore set aside, is not a bar to another prosecution. *Mount v. Com.*, 2 Duv., 93.

(5) **Larceny of several articles.** F, by the same act, took H's horse, wagon and harness. An acquittal under an indictment for stealing the horse barred a prosecution for stealing the wagon and harness. *Fisher v. Com.*, 1 Bush, 211. Stealing at same time several articles, each belonging to different persons, is but one offense. Two articles taken from places two hundred yards apart, although taken the same night by the same person; *Held*, each act is a separate offense. *Nichols v. Com.*, 78 Ky., 180.

(6) **Offenses consisting of several degrees.** Judgment on warrant for breach of peace, committed by assault and battery, a bar to an indictment for same assault and battery. *Com. v. Miller*, 5 Dana, 320.

TAKING PRIVATE PROPERTY.

§ 13. (1) **Compensation—what is just.** Rule in cases of railroads—consequential damages. *H. & N. R. R. Co. v. Dickerson*, 17 B. M., 173; *L. & N. R. R. Co. v. Glazebrook*, 1 Bush, 325; *E. & P. R. R. Co. v. Helm*, 8 Bush, 681; *Covington Short Route Transfer Co. v. Piel*, 87 Ky., 267; *Asher v. L. & N. R. R. Co.*, 87 Ky., 391. In cases of turnpike roads—consequential damages. *Rice v. D.*, *L. & N. T. R. R. Co.*, 7 Dana, 81; *Robb v. M. & Mt. S. T. P. Co.*, 3 Met., 117. In condemnation for streets by city—consequential damages. *Sutton v. City of Louisville*, 5 Dana, 28; *Jacob v. City of Louisville*, 9 Dana, 114; *City of Covington v. Worthington*, 88 Ky., 206. As the owner is entitled to the ground until paid its value, the value at the time of the trial of the appeal is the measure of assessment. *Arnold v. C. & C. Bridge Co.*, 1 Duv., 372.

(2) **Compensation—when to be paid.** In case of condemning land for a public road, those to whom damages are assessed, although not actually paid, are by the law which makes it the imperative duty of the

levy court to provide for payment, secured in the payment. *Gashweller v. McIlvoy*, 1 Mar., 84. But see *Carrico v. Colvin*, 92 Ky., 342. If compensation for property appropriated for public use, is secured before the property is taken, it was held sufficient. *Jackson v. Winn*, 4 Litt., 322; and to the same effect is *Arnold v. C. & C. Bridge Co.*, 1 Duv., 372. But in *Covington Short Route Transfer Co. v. Piel*, 87 Ky., 267, it was held that neither the State nor a corporation can take private property for public use, without first making compensation to the owner; the execution of a bond of indemnity is not sufficient. To the same effect is *Asher v. L. & N. R. R. Co.*, 87 Ky., 391; *Carrico v. Colvin*, 92 Ky., 342.

(3) **Corporation—amendment of charter.** Act amending charter of railroad company and authorizing a subscription of additional stock, and requiring former stockholders to waive interest, held valid. *County Judge of Shelby County v. Shelby R. R. Co.*, 5 Bush, 225.

(4) **Corporations—right of action.** Act vesting right of action in Commissioners, which appears from the preamble to have been passed at the instance of the stockholders, is valid. Commissioners of F. & M. Bank v. Jarvis, 1 Mon., 4.

(5) **Forfeiture of lands.** The act of 1824 which declares that the lands of proprietors and claimants shall be forfeited to the Commonwealth, unless certain improvements are made thereon, is unconstitutional. *Gaines v. Buford*, 1 Dana, 481. The champerty act of 1824 is valid to the extent it prohibits suit by either party upon the title which was the subject of the Champertous sale, though it was not valid in so far as it forfeits the title. *Violett v. Violett*, 2 Dana, 323; *Smith v. Paxton*, 4 Dana, 391; *Shepherd v. McIntire*, 5 Dana, 574.

(6) **Municipal corporations.** Street improvements—Damages caused by. Though there may be extreme cases where the deprivation of the use of property not touched may entitle the owner to compensation from the public, as a general rule, the law gives no damages, where there has been neither trespass or nuisance. *Keasy v. City of Louisville*, 4 Dana, 154. In constructing a street without making a sewer the city caused plaintiff's lot to be covered with water, thereby destroying his garden and shrubbery. The city was held liable. *Kem-*

person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

§ 15. **Power to suspend laws.** No power to suspend laws shall be exercised, unless by the General Assembly or its authority. Con. 50, a 13, a 16

§ 16. **Bail allowed—habeas corpus—suspension.** All prisoners shall be bailable by sufficient securities, unless for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it. Con. 50, a 13, a 18

per v. City of Louisville, 14 Bush, 87. City has no right to so grade its streets as to exclude light and air from plaintiff's property—a mill—and prevent ingress and egress—Injunction. City of Louisville v. Louisville Rolling Mill Co., 3 Bush, 416.

(7) **Necessity and public use** must in all cases exist as a condition precedent to the taking of property for public use. Tracy v. E. L. & B. S. R. R. Co., 80 Ky., 259.

(8) **Police regulations.** Act authorizing trustees of towns to cause slaves going at large and trading to be committed to jail or hired out without notice to the owners was held valid. Jarman v. Patterson, 7 Mon., 644. Charter authorizing town trustees to prevent hogs from running at large. McKee v. McKee, 8 B. M., 433; Varden v. Mount, 78 Ky., 86. Charter authorizing city to prohibit sale of liquor on Sunday. Megowan v. Com., 2 Met., 3.

(9) **Power to close alleys and streets.** Consent of abutting lot owners necessary. Bannon v. Rohmeiser, 90 Ky., 48.

(10) **Power of Federal Government in emergencies.** Taking of property by persons professing to act under authority. Hughes v. Todd, 2 Duv., 188; Corbin v. Marsh, 2 Duv., 193; Jones v. Com., 1 Bush, 34; Terrill v. Rankin, 2 Bush, 453; Sellards v. Zomes, 5 Bush, 90.

(11) **Police office—acts affecting.** Legislature may abolish. Standeford v. Wingate, 2 Duv., 440. Regulation of fees. Com. v. Bailey, 81 Ky., 395. Salaries of Judges. Auditor v. Adams, 13 B. M., 150; Garrard v. Nuttall, 2 Met., 106; Auditor v. Cochran, 9 Bush, 7; Perkins v. Auditor, 79 Ky., 306.

(12) **Restricting one in use of his own property.** One person can not be restricted in his right to use his property in a particular manner, that another may use his, in that manner, to greater profit. An act for the benefit of an agricultural society making it unlawful for any person to open any lot, stable, etc., for the purpose of receiving for

pay, horses, etc., within a certain distance of the grounds during the continuance of the fair, and imposing a penalty, is unconstitutional. Com. v. Bacon, 13 Bush, 211.

(13) **Turnpikes, bridges and ferries.** Contractors carrying U. S. Mail must pay tolls as other individuals. Dickey v. Maysville T. R. Co., 7 Dana, 113.

(14) **Uses for which property may be taken.** For railroad. O'Hara v. L. & O. R. R., 1 Dana, 232. For bridges owned by private corporation. Arnold v. C. & C. Bridge Co., 1 Duv., 372. For private passway. Robinson v. Swope, 12 Bush, 21. Private property can not be taken for private use. Scuffletown Fence Co. v. McAllister, 12 Bush, 312; Hancock Stock & Fence Land Co. v. Adams, 87 Ky., 417; Shake v. Frazier, 14 R., 798. Private property can only be taken for public use. Pearce v. Patton, 7 B. M., 162. For street improvement. City of Covington v. Worthington, 88 Ky., 206.

§ 14. (1) **Appeal—discrimination.** The Legislature may prescribe the terms upon which parties may appeal, provided there is no improper discrimination. Security for costs may be required of a certain class of litigants. Paducah Hotel Co. v. Long, 92 Ky., 278.

(2) **Liability of railroads for killing stock.** The fact that the statute imposes upon railroad companies a liability not imposed on other citizens, does not render it unconstitutional. Extraordinary privileges being granted them, they can not complain of the liabilities which attach. L. & N. R. Co. v. Belcher, 89 Ky., 193.

(3) **Suspension of courts.** The act of 1861 forbidding the rendition of judgments for money for the period therein named held to be constitutional. Johnson v. Higgins, 3 Met., 566; Barkley v. Glover, 4 Met., 44.

§ 16. **Qualification of bail.** Act prohibiting courts from receiving attorneys as sureties is constitutional. Johnson v. Com., 2 Duv., 410.

§ 17. **Excessive bail, fine or cruel punishment.** Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.

§ 18. **Imprisonment for debt.** The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

§ 19. **Ex post facto, or law impairing contract forbidden.** No *ex post facto* law, nor any law impairing the obligation of contracts, shall be enacted.

§ 20. **Attainder—effect of.** No person shall be attainted of treason or felony by the General Assembly, and no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

§ 17. (1) **Gaming—statute against.** Penally denounced by statute of a fine of \$500, and confinement in the penitentiary not less than one year nor more than three years, is not such cruel punishment as renders the statute void. *Harper v. Com.*, 14 R., 163.

(2) **Imprisonment at hard labor.** Statute giving jury discretion to fix punishment at hard labor not unconstitutional. *Com. v. Sherley*, 11 R., 641; *Com. v. Neat*, 89 Ky., 241; *Eldridge v. Com.*, 87 Ky., 365; *Lovell v. Com.*, 14 R., 496.

(3) **Punishment by city and State for same offense.** Under the constitution of 1850, it was held that the same act may constitute an offense, both against the State law and the city ordinance. *Fortner v. Duncan*, 91 Ky., 171; but see § 168 of this Constitution.

(4) **Punishment for repeated offense.** Statute fixing punishment for second felony at double that fixed in first conviction is constitutional. *Mount v. Com.*, 2 Duv., 93. So is the statute fixing punishment for third offense at confinement in penitentiary for life. *Taylor v. Com.*, 3 R., 783; *Boggs v. Com.*, 9 R., 342; *Chenowith v. Com.*, 11 R., 561.

EX POST FACTO LAWS.

§ 19. (1) **Applied to criminal and penal laws.** Applied only to laws inflicting punishments or penalties. *Fisher v. Cockerill*, 5 Mon., 129; *Thornton v. McGrath*, 1 Duv., 349. Acts of 1808 and 1838, in regard to punishment of free negroes emigrating to this State. *Com. v. Edwards*, 9 Dana, 447.

(2) **Death by wrongful act—civil liability.** The act of 1866 can not retroact so as to make one civilly responsible for an act (the killing of another) for which, when done,

he was not liable to an action for damages. *O'Donoghue v. Akin*, 2 Duv., 478.

LAWS IMPAIRING CONTRACTS.

§ 19. (1) **Corporate franchises.** Charters of private corporations held to be contracts. *City of Louisville v. University of Louisville*, 15 B. M., 642; *Gregory v. Shelby College*, 2 Met., 589; *Hamilton v. Keith*, 5 Bush, 458; *Wendover v. City of Lexington*, 15 B. M., 258; *L. C. & L. R. R. Co. v. Com.*, 10 Bush, 43. Provisions in regard to repeal—general and special. *Sage v. Dillard*, 15 B. M., 340; *Griffin v. Ky. Ins. Co.*, 3 Bush, 592; *Simpson County Court v. Arnold*, 7 Bush, 353; *C. & O. R. R. Co. v. Barren county*, 10 Bush, 604; *Orr v. Bracken county*, 81 Ky., 593. Act authorizing sale of turnpike road to pay debts. *L. & O. T. R. Co. v. Ballard*, 2 Met., 165.

(2) **Ferry franchise** is a property right of which the legislature has no power to divest the owner. *Dufour v. Stacey*, 90 Ky., 288.

(3) **Impairing obligation of contracts—constitutional laws.** Act authorizing removal of college. Rights of stockholders. *Bryan v. Board of Education Ky. A. C. M. E. C. South*, 90 Ky., 323. Amendment of Turnpike Road charter fixing rates of toll. *Cov. & Lex. T. R. Co. v. Sanford*, 14 R., 689. Regulation of tolls upon bridge. *Com. v. Cov. & Cin. Bridge Co.*, 14 R., 836. Repeal of remedy given to railway company for condemnation of land. *Chattaroi Ry. Co. v. Kinner*, 81 Ky., 221. Act authorizing confirmation of defective sales of infants' real estate. *Thornton v. McGrath*, 1 Duv., 349. Act authorizing divorces. *Maguire v. Maguire*, 7 Dana, 181; *Berthelemy v. Johnson*, 3 B. M., 90. A special act divorcing husband and wife was held to be valid

§ 21. Suicide or casualty—descent of estates not affected by. The estate of such persons as shall destroy their own lives shall descend or vest as ^{Con. 50, § 13,}
_{§ 23}

in *Cabell v. Cabell*, 1 Met., 319, but not so under this Constitution or that of 1850. See section 59, sub-section 10. The Legislature, after donating land to C county, created M county out of C, and declared that M should have half the land. *Held*, constitutional. *Justices of Marshall county v. Justices of Calloway county*, 2 Bush, 93. Sureties in sheriff's county levy bond held liable for a special tax collected under an act passed after the bond was executed. *Com. v. Gabbert*, 5 Bush, 438. Statutes making obligations previously executed assignable. *Ford v. Hale*, 1 Mon., 23.

(4) **Impairing obligation of contracts—unconstitutional laws.** Act authorizing fifteen per cent. damages for non-performance of contract entered into before act was passed. *Stedger v. Rogers Sneed*, 52. Act providing that money on deposit in bank where the owner has not been heard of for eight years shall escheat. *Bank v. Board of Trustees of Public Schools*, 83 Ky., 219; *Louisville School Board v. Bank of Kentucky*, 86 Ky., 150. State stands as individual—Taxation of corporation—Contract by State with corporation. *Franklin County Court v. Banks*, 87 Ky., 370. Act authorizing judicial confirmation of a void conveyance. *Pierce v. Patton*, 7 B. M., 162. (See as to defective conveyances, 1 Duv., 349.)

(5) **Persons who may question a statute.** Rights must be affected. *Sullivan v. Berry*, 83 Ky., 198.

(6) **Public office.** This section has no application to public offices not specially mentioned in the Constitution. *Com. v. Bailey*, 81 Ky., 395. An office established by statute may be abolished by statute. *Standeford v. Wingate*, 2 Duv., 440. Officers required to be elected by the Constitution can not be continued in office by legislative enactment beyond the terms for which they were elected. *Clark v. Rogers*, 81 Ky., 43.

(7) **Public officers—fees of.** The Commonwealth's Attorney has a vested interest in so much of the judgment for a fine allowed him by law, which he can not be deprived of by respite or remission by the Governor, or by legislative act after judgment. *Berry v. Sheehan*, 87 Ky., 434.

(8) **Remedies—statutes affecting—constitutional laws.** Particular remedy not a vested right and may be altered provided the alteration does not impair the obligation of a contract. Vacation of judgment. *Bagby*

v. Champ, 83 Ky., 13. Statute authorizing suit by petition and summons as to previous contracts. *Grubbs v. Harris*, 1 Bibb, 567. The Legislature may furnish a speedier remedy to punish the wrong of forcible detainer, though the contract of tenancy be made before the act. *Brubaker v. Poage*, 1 Mon., 123. The charter of a corporation is a contract, but the act of 1854 for the redress of injuries arising from neglect is not an impairment of such contract. *Board of Internal Improvement Shelby county v. Searce*, 2 Duv., 576. Act authorizing suit against insurance company in any county in which there is an agency. *Howard v. Kentucky and Louisville Mut. Ins. Co.*, 13 B. M., 282. A law subjecting to execution property, which was not so at the time the contract was made only enlarges the remedy. *Reardon v. Searcy*, 2 Bibb, 202. See *Estill v. Clay*, *Sneed*, 342; *Estill v. Lewis*, *Sneed*, 343. Act of 1861 forbidding the rendition of judgments for money for the period therein named. *Johnson v. Higgins*, 3 Met., 566. *Barkley v. Glover*, 4 Met., 44.

(9) **Remedies—statutes affecting—laws unconstitutional.** Act authorizing 15 per cent. damages for non-performance of existing contracts. *Stidger v. Rogers Sneed*, 52. Act authorizing proceedings against trustees by motion, upon a prior undertaking. *McIlvain v. Holmes*, *Sneed*, 317. Act exempting property subject to creditors remedy when contract was made. *Kibbey v. Jones*, 7 Bush, 243. Act authorizing replevy of judgments not repleviable prior to the act, or extending the period. *Blair v. Williams*, 4 Litt., 34; *Lapsley v. Brashears*, *Id.*, 47; *Grayson v. Lilly*, 7 Mon., 6; *Neilson v. Churchill*, 5 Dana, 333; *Stephenson v. Barnett*, 7 Mon., 50. Act directing sales under decrees on longer credit than allowed at the date of the contract. *January v. January*, 7 Mon., 542.

(10) **Remedies—statutes affecting—limitation.** When statute will affect and when it will not affect the contract. *Davis v. Ballard*, 1 J. J. M., 563; *Pearce v. Patton*, 7 B. M., 162; *Berry v. Ransdall*, 4 Met., 292; *Lockhart v. Yeiser*, 2 Bush, 231; *Trimble v. Vaughn*, 6 Bush, 544; *O'Bannon v. L. C. & L. R. R. Co.*, 8 Bush, 348; *Smith v. Warden*, 80 Ky., 608; *McCracken county v. Mercantile Trust Co.*, 84 Ky., 344.

(11) **Retrospective legislation.** A demand can not be created against one by mere legis-

in cases of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

§ 22. **Standing army—civil powers—quartering of soldiers.** No standing army shall, in time of peace, be maintained without the consent of the General Assembly; and the military shall, in all cases and at all times, be ^{Con. 50, a 13,} _{a 26, 27} in strict subordination to the civil power; nor shall any soldier, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner prescribed by law.

§ 23. **Title of nobility, or office for term of years.** The General Assembly shall ^{Con. 50, a 13,} _{a 28} not grant any title of nobility or hereditary distinction, nor create any office, the appointment of which shall be for a longer time than a term of years.

§ 24. **Emigration free.** Emigration from the State shall not be pro- ^{Con. 50, a 13,} _{a 29} hibited.

§ 25. **Slavery except as punishment forbidden.** Slavery and involuntary servitude in this State are forbidden, except as a punishment for crime, whereof the party shall have been duly convicted.

§ 26. **Bill of rights to remain inviolate.** To guard against transgression of the high powers which we have delegated, WE DECLARE that ^{Con. 50, a 13,} _{a 30} everything in this Bill of Rights is excepted out of the general powers of government, and shall forever remain inviolate; and all laws contrary thereto, or contrary to this Constitution, shall be void.

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

§ 27. **Legislative, Executive and Judicial Departments.** The powers of the government of the Commonwealth of Kentucky shall be divided ^{Con. 50, a 1,} _{a 1} into three distinct departments, and each of them be confined to a separate body of magistracy, to-wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

§ 28. **Power of one department not to be exercised by the other.** No person, or

lative enactment. *Town of Bellevue v. Peacock*, 89 Ky., 495. Acts passed pending litigation held invalid. *Gaines v. Gaines*, 9 B. M., 295; *Allison v. L. H. C. & W. R'y Co.*, 9 Bush, 247; *Thweatt v. Bank of Hopkinsville*, 81 Ky., 1. Act merely affording a means of enforcing a right may be applied to action existing at the time it became a law. *Broaddus v. Broaddus*, 10 Bush, 299; *C. & L. R. R. Co. v. Kenton county*, 12 B. M., 144. Retroactive statutes not merely as such unconstitutional. *Thornton v. McGrath*, 1 Duv., 349. Act of 1829 destroying right of successful claimant under act of 1812 to compel the occupant to buy the land, or of the occupant to take

it at the price fixed by the Commissioner is valid. *Fisher v. Cockerill*, 5 Mon., 129. Act of 1812 in regard to occupying claimants—Rents and improvements. *Fowler v. Halbert*, 4 Bibb., 52.

§ 26. **Exceptions to bill of rights.** There are no implied exceptions to the bill of rights. *Com. v. Jones*, 10 Bush, 725.

DISTRIBUTION OF POWERS.

§ 28. (1) **Divorce—laws concerning.** Special act. *Cabell v. Cabell*, 1 Met., 319. To determine that the marriage contract has been violated is a judicial discretion. *Berthelemy v. Johnson*, 3 B. M., 90.

collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted. Con. 50, § 1, § 2

LEGISLATIVE DEPARTMENT.

§ 29. **Composed of House and Senate—style of.** The legislative power shall be vested in a House of Representatives and a Senate, which, together, shall be styled the "General Assembly of the Commonwealth of Kentucky." Con. 50, § 2, § 1

§ 30. **Term of members.** Members of the House of Representatives and Senators elected at the August election in one thousand eight hundred and ninety-one, and Senators then holding over, shall continue in office until and including the last day of December, one thousand eight hundred and ninety-three. Thereafter the term of office of Representatives and Senators shall begin upon the first day of January of the year succeeding their election. Con. 50, § 2, § 2

§ 31. **Members—election and term—classification of Senators.** At the general election in the year one thousand eight hundred and ninety-three, one Senator shall be elected in each Senatorial District, and one Representative in each Representative District. The Senators then elected shall hold

(2) **Executive power—exercise by Legislature.** It is not an exercise of the pardoning power to repeal a law, and thereby prevent a recovery of the penalty before judgment. *Com. v. Jackson*, 2 B. M., 402.

(3) **Judicial powers—county court—taxation.** County courts are not exclusively judicial tribunals, and may be authorized to assess property failed to be listed with assessor. *Pennington v. Woolfolk*, 79 Ky., 13.

(4) **Legislative power pending litigation.** Legislature has no power pending litigation to so act as to affect rights and remedies. *Gaines v. Gaines*, 9 B. M., 295; *Allison v. L. H. C. & W. Ry. Co.*, 9 Bush, 247; *Thweatt v. Bank of Hopkinsville*, 81 Ky., 1. Power of Legislature where rights have not been vested; *C. & L. R. R. Co. v. Kenton County*, 12 B. M., 144. A statute which affords merely the means of enforcing an existing right may be applied to pending litigation. *Broadus v. Broadus*, 10 Bush, 299.

LEGISLATIVE DEPARTMENT.

§ 29. (1) **General powers.** Legislature may enact any law, not forbidden by the fundamental law of the land. *Johnson v. Higgins*, 3 Met., 566. Change of county seat. *Hull v. Marshall*, 80 Ky., 552. Pending liti-

gation—retroactive statute. *Thweatt v. Bank of Hopkinsville*, 81 Ky., 1. Alteration of rules of pleading. *Johnson v. Ferrell*, 8 R., 216.

(2) **Hiring convicts in penitentiary.** When Legislature has power to hire convicts. *Mason v. Main Jellico Mountain Co.*, 87 Ky., 467.

(3) **Laws to take effect upon popular vote.** County railroad tax. *Slack v. M. & L. R. R. Co.*, 13 B. M., 1. Taxation for common school. *Marshall v. Donovan*, 10 Bush, 681. Sale of liquor. *Com. v. Weller*, 14 Bush, 218; *Anderson v. Com.*, 13 Bush, 485. Acceptance or rejection of city charter. *Clarke v. Rogers*, 81 Ky., 43.

(4) **Prohibitory liquor laws.** Legislature may prohibit sale of whisky by druggists. *Com. v. Reynolds*, 89 Ky., 147; *Sarris v. Com.*, 83 Ky., 327.

(5) **Statutes curative in their nature.** As affecting pending litigation. *Norman v. Boaz*, 85 Ky., 557.

(6) **Taxation for school purposes**, without submitting question to vote. *Fitzpatrick v. Board of Trustees Mt. Sterling School*, 87 Ky., 132; *Macklin v. Trustees*, 88 Ky., 592.

(7) **Vacancy in office—authority to fill.** Vacancy in office of judge of Louisville Law & Equity Court. *Toney v. Harris*, 85 Ky., 453.

their offices, one-half for two years and one-half for four years, as shall be determined by lot at the first session of the General Assembly after their election, and the Representatives shall hold their offices for two years. Every two years thereafter there shall be elected, for four years, one Senator in each Senatorial District in which the term of his predecessor in office will then expire, and in every Representative District, one Representative for two years.

§ 32. **Qualifications of members.** No person shall be a Representative who, at the time of his election, is not a citizen of Kentucky, has not attained the age of twenty-four years, and who has not resided in this State two years next preceding his election, and the last year thereof in the county, town or city for which he may be chosen. No person shall be a Senator who, at the time of his election, is not a citizen of Kentucky, has not attained the age of thirty years, and has not resided in this State six years next preceding his election, and the last year thereof in the district for which he may be chosen.

§ 33. **Number of districts—apportionment of representation.** The first General Assembly, after the adoption of this Constitution, shall divide the State into thirty-eight Senatorial Districts, and one hundred Representative Districts, as nearly equal in population as may be without dividing any county, except where a county may include more than one district, which districts shall constitute the Senatorial and Representative Districts for ten years. Not more than two counties shall be joined together to form a Representative District: *Provided*, In doing so the principle requiring every district to be as nearly equal in population as may be shall not be violated. At the expiration of that time, the General Assembly shall then, and every ten years thereafter, redistrict the State according to this rule, and for the purposes expressed in this section. If, in making said districts, inequality of population should be unavoidable, any advantage resulting therefrom shall be given to districts having the largest territory. No part of a county shall be added to another county to make a district, and the counties forming a district shall be contiguous.

§ 34. **Officers—Each House to choose its own.** The House of Representatives shall choose its Speaker and other officers, and the Senate shall have power to choose its officers biennially.

§ 35. **Number of Senators and Representatives.** The number of Representatives shall be one hundred, and the number of Senators thirty-eight.

§ 36. **General Assembly—time and place of meeting.** The first General Assembly, the members of which shall be elected under this Constitution, shall meet on the first Tuesday after the first Monday in January, eighteen hundred and ninety-four, and thereafter the General Assembly shall meet on the same day every second year, and its sessions shall be held at the Seat of Government, except in

case of war, insurrection or pestilence, when it may, by proclamation of the Governor, assemble, for the time being, elsewhere.

§ 37. **Quorum—number necessary—powers of less.** Not less than a majority of the members of each House of the General Assembly shall constitute a quorum to do business, but a smaller number may ^{Con. 50, § 2, § 19} adjourn from day to day, and shall be authorized, by law, to compel the attendance of absent members in such manner and under such penalties as may be prescribed by law.

§ 38. **Qualifications of members—Contested elections.** Each House of the General Assembly shall judge of the qualifications, elections and returns of its members, but a contested election shall be deter- ^{Con. 50, § 2, § 20} mined in such manner as shall be directed by law.

§ 39. **Rules of House—contempt of.** Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause, and may punish for contempt any person who refuses to attend as a witness, or to bring any paper proper to be used as evidence before the General Assembly, or either House thereof, or a Committee of either, or to testify concerning ^{Con. 50, § 2, § 21} any matter which may be a proper subject of inquiry by the General Assembly, or offers or gives a bribe to a member of the General Assembly, or attempts by other corrupt means or device to control or influence a member to cast his vote or withhold the same. The punishment and mode of proceeding for contempt in such cases shall be prescribed by law, but the term of imprisonment in any such case shall not extend beyond the session of the General Assembly.

§ 40. **Journal of proceedings—yeas and nays.** Each House of the General Assembly shall keep and publish daily a journal of its proceedings; and the yeas and nays of the members on any ques- ^{Con. 50, § 2, § 22} tion shall, at the desire of any two of the members elected, be entered on the journal.

§ 41. **Adjournment during session.** Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than ^{Con. 50, § 2, § 23} that in which it may be sitting.

§ 42. **Compensation—Length of Session—Legislative day.** The members of the General Assembly shall severally receive from the State Treasury compensation for their services, which shall be five dollars a day during their attendance on, and fifteen cents per mile for the necessary travel in going

§ 40. **Evidence.** Enrollment of bill, signing by Speakers, and approval by Governor only *prima facie* evidence. *Norman v. Ky. Board Managers World's Fair*, 14 R., 529. See also, *Hall v. Com.*, 15 R., 102.

§ 42. **Extension of session.** Under the Constitution of 1850, where the session could

be extended by a two-thirds vote, it was held that after the first extension the majority had the power to disregard any self-imposed limitation attached to further extensions. *Speed v. Crawford*, 3 Met., 207; *McNeil v. Com.*, 12 Bush, 727.

to and returning from the sessions of their respective Houses: *Provided*, The same may be changed by law; but no change shall take effect during the session at which it is made; nor shall a session of ^{Con. 50, a 2,} ₂₄ the General Assembly continue beyond sixty legislative days, exclusive of Sundays and legal holidays; but this limitation as to length of session shall not apply to the first session held under this Constitution, nor to the Senate when sitting as a Court of Impeachment. A legislative day shall be construed to mean a calendar day.

§ 43. **Privilege and immunity of members.** The members of the General Assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance ^{Con. 50, a 2,} ₂₅ on the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

§ 44. **Ineligible to office created while a member—exception.** No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of ^{Con. 50, a 2,} ₂₆ profit in this Commonwealth, which shall have been created, or the emoluments of which shall have been increased, during the said term, except to such offices as may be filled by the election of the people.

§ 45. **Delinquent Collector of public money ineligible.** No person who may have been a collector of taxes or public moneys for the Commonwealth, or for any county, city, town or district, or the assistant or ^{Con. 50, a 2,} ₂₈ deputy of such collector, shall be eligible to the General Assembly, unless he shall have obtained a quietus six months before the election for the amount of such collection, and for all public moneys for which he may have been responsible.

§ 46. **Bills—manner of passing—failure of Committee to report.** No bill shall be considered for final passage, unless the same has been reported by a Committee and printed for the use of the members. Every ^{Con. 50, a 2,} ₂₉ bill shall be read at length on three different days in each House; but the second and third readings may be dispensed with by a majority of all the members elected to the House in which the bill is pending. But whenever a Committee refuses or fails to report a bill submitted to it in a reasonable time, the same may be

§ 43. **Civil action against member.** Member not privileged against service of process in civil action, not requiring bail. *Catlett v. Morton*, 4 Litt., 122; *Johnson v. Offutt*, 4 Met., 19.

§ 46. (1) **Final passage of a bill—entering yeas and nays on journal.** When a Bill for the appropriation of money is passed by the Senate by a majority of the Senators elected, by a yea and nay vote entered on its journal, and is then, after being

amended, passed in a similar manner by the House, and reported back to the Senate with the amendment, which concurs in such amendment, the "final passage" in the Senate, is the vote by which the Bill as amended passes, and on this last passage the Bill must receive, by a yea and nay vote entered on the journal, the vote of a majority of the members elected to such House. *Norman v. Kentucky Board of Managers World's Fair*, 14 R., 529.

called up by any member, and be considered in the same manner it would have been considered if it had been reported. No bill shall become a law unless, on its final passage, it receives the votes of at least two-fifths of the members elected to each House, and a majority of the members voting, the vote to be taken by yeas and nays and entered in the journal: *Provided*, Any act or resolution for the appropriation of money or the creation of debt shall, on its final passage, receive the votes of a majority of all the members elected to each House.

§ 47. **Revenue bills to originate in House.** All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments thereto: *Provided*, No new matter shall ^{Con. 50, a 2,}_{s 30} be introduced, under color of amendment, which does not relate to raising revenue.

§ 48. **Sinking fund—provision concerning.** The General Assembly shall have no power to enact laws to diminish the resources of the Sinking Fund as now established by law until the debt of the Commonwealth be paid, but may enact laws to increase them; and the whole re- ^{Con. 50, a 2,}_{s 34} sources of said fund, from year to year, shall be sacredly set apart and applied to the payment of the interest and principal of the State debt, and to no other use or purpose, until the whole debt of the State is fully satisfied.

§ 49. **Indebtedness that may be created.** The General Assembly may contract debts to meet casual deficits or failures in the revenue; but such

(2) **Evidence.** The majority of the court hold that the enrollment of the Bill and signing by both Speakers, and approval by the Governor, creates only *prima facie* evidence that it was constitutionally enacted, and that in certain instances the journals of the Houses may be appealed to, to show that the Bill was not constitutionally enacted. *Norman v. Ky. B'd Mgr's World's Fair*, 14 R., 529. In *Hall v. Com.*, 15 R., 102, the appellant, who had been convicted of murder, made the point that the judge before whom he was tried had not been legally elected, because the Legislature had not passed the law under which he was elected in the mode required by the Constitution; but the court held that the question was not necessary to a decision because, independent of the laws, the election was properly held under the provisions of the Constitution, which provided for the election and fixed the time.

§ 47. **Appropriation of money.** A Bill may originate in the Senate for the appropriation of money for, or from the treasury, unless it necessitates the levy of taxes on duties to meet its requirements. *Com. v. Bailey*, 81 Ky., 395. See also the *World's Fair*

case, 14 R., 529. The provision of the Constitution of 1850, requiring "Bills for raising revenue" to originate in the House, was held not to apply to a Bill imposing a tax on the people of a town or county for local purposes, that it applied alone to the State Revenue. *Rankin v. City of Henderson*, 9 R., 861.

§ 48. **Transfer of unprofitable property of State.** Transfer to County Court of that part of a turnpike road belonging to the State which lies in the county, is not inconsistent with the fundamental guaranty of the sinking fund to which the road was dedicated by law. The road never yielding anything to the sinking fund. *Simpson County Court v. Arnold*, 7 Bush, 353. So as to the State's transfer of the unprofitable improvements of Green and Barren rivers to a corporation with a right to collect tolls, etc. *McReynolds v. Smallhouse*, 8 Bush, 447. So as to a release of the lessee of a penitentiary from part of the rents, though the profits realized from the penitentiary are dedicated to the sinking fund, the release being based upon a sense of justice to the lessee. *Com. v. Todd*, 9 Bush, 708.

debts, direct or contingent, singly or in the aggregate, shall not at any time exceed five hundred thousand dollars, and the moneys arising from loans creating such debts shall be applied only to the purpose or purposes for which they were obtained, or to repay such debts: *Provided*, The General Assembly may contract debts to repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defense.

§ 50. **Indebtedness—submission of question.** No act of the General Assembly shall authorize any debt to be contracted on behalf of the Commonwealth except for the purposes mentioned in section forty-nine, unless provision be made therein to levy and collect an annual tax sufficient to pay the interest stipulated, and to discharge the debt within thirty years; nor shall such act take effect until it shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it: *Provided*, The General Assembly may contract debts by borrowing money to pay any part of the debt of the State, without submission to the people, and without making provision in the act authorizing the same for a tax to discharge the debt so contracted, or the interest thereon.

§ 51. **Law shall relate to one subject—title—amendment.** No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title, and no law shall be revised, amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revised, amended, extended or conferred, shall be re-enacted and published at length.

§ 51. (1) **General rules as to sufficiency of title.** The general manner in which the object of an act is to be accomplished need not be expressed in the title. *Collins v. Henderson*, 11 Bush, 74; *Com. v. Bailey*, 81 Ky., 395. Stating subject matter of act more in detail in the title than is necessary does not make the act unconstitutional. *Allen v. Hall*, 14 Bush, 85. The title can not be used to extend or restrain the provisions in the body of the act. *Com. v. Cain*, 14 Bush, 525. If all the provisions of an act relating to the same subject are naturally connected, and are not foreign to the subject expressed in the title it is sufficient. *Burnside v. Lincoln County Court*, 86 Ky., 423.

(2) **Statutes held to relate to but one subject.** "An act for the benefit of the L. & O. Turnpike Road Company," which in its first section authorized the company to borrow money and execute mortgages for its payment; in its second section gives the directors power to sell, etc., and apply the proceeds to the payment of debts; in its

third section authorizes the chancellor to sell the road, etc., upon the application of a creditor, and in its fourth section substituted the purchaser to the rights and powers of the company. *L. & O. T. R. Co. v. Ballard*, 2 Met., 165. "An act for the redress of injuries arising from the neglect or misconduct of railroad companies or others." The fact that a remedy for such injuries was furnished against natural, as well as artificial persons, does not impart to it the character of a law embracing several subjects. *Chiles v. Drake*, 2 Met., 146. "An act to amend the charter of the C. & C. Bridge Company," which in its first section increased the capital stock, and in second section conferred power on the company to sell, and on the city of C. to subscribe for so much of the capital stock, and in payment thereof to sell the bonds of the city and levy a tax to pay the interest on the bonds. *Phillips v. C. & C. Bridge Co.*, 2 Met., 219. The provisions of section 1 of an act entitled "An act to suspend the circuit and other courts in this Common-

§ 52. **Indebtedness to State or municipality not to be released.** The General Assembly shall have no power to release, extinguish, or authorize the releasing or extinguishing, in whole or in part, the indebtedness or liability of any corporation or individual to this Commonwealth, or to any county or municipality thereof.

wealth and for other purposes." *Johnson v. Higgins*, 3 Met., 566. "An act to amend an act to establish a levy and county court for Jefferson county," which provides that the general council of the city of Louisville and the county court shall pay the salary of the county attorney in like proportions as they pay the county judge's salary. *Wilson v. City of Louisville*, 2 Duv., 499. "An act to amend Sec. 2, Art. 63, Revised Statutes, entitled Limitations of actions and suits," sufficiently for useful purposes expressed the subject of Sec. 2 of Art. 1, Chapter 63. *Gibson v. Belcher*, 1 Bush, 145. (See *Chiles v. Monroe*, 4 Met., 72.) "An act to amend the charter of the city of Newport," passed for the purpose of extending the limits of the city. *Swift v. City of Newport*, 7 Bush, 37. "An act to separate the offices of commissioner and receiver of the Louisville Chancery Court, and to provide for the appointment of said officers and to define their duties, and to fix the fees of the commissioner. *Smith v. Com.*, 8 Bush, 108. "An act to incorporate the Green and Barren Rivers Navigation Company," which leased to that company the G. & B. line of navigation. *McReynolds v. Smallhouse*, 8 Bush, 447. "An act to amend the charter of the L. & F. R. R. Co." which fixed the period of limitation of actions against the company for injuries to stock and other property. *O'Bannon v. L. C. & L. R. R. Co.*, 8 Bush, 348. "An act to amend the charter of the City of Covington," which provides a limitation for actions against the city. *City of Covington v. Voskotter*, 80 Ky., 219. "An act to provide for the appointment of special judges of the county court and police or city courts," and which provides for holding special terms of county courts. *Jacobs v. L. & N. R. R. Co.*, 10 Bush, 263. "An act to amend the revenue laws of this Commonwealth" is sufficiently specific. *Grundy v. Com.*, 12 Bush, 350. "An act to regulate the jurisdiction of justices of the peace, police judges and quarterly courts, and the appellate jurisdiction of circuit courts from judgments, and to authorize the quarterly courts to appoint clerks." *Allen v. Hall*, 14 Bush, 85. "An act in

relation to the marriage of negroes and mulattoes," legitimizing the issue of customary marriages of negroes. *Brown v. McGee*, 12 Bush, 428. "An act regulating the jurisdiction of the circuit court for the ninth judicial district" is valid as to Jefferson county, which composed the ninth district. *McNeil v. Com.*, 12 Bush, 727. "An act to create a criminal court in the sixteenth judicial district," which confers equitable jurisdiction on said court. *Howland Coal & Iron Works v. Brown*, 13 Bush, 681. "An act to authorize the construction of a court house in C. county," and in the body authorizing the appointment of commissioners, and creating a tax district, etc. *McArthur v. Nelson*, 81 Ky., 67. "An act to extend the charter of the Louisville Gas Co." *Citizens' Gas Light Co. v. Louisville Gas Co.*, 81 Ky., 263. "An act for the incorporation and regulation of life insurance companies." *Sherman v. Com.*, 82 Ky., 102. "An act providing for the improvement of the Fountain Ferry Road (describing it), at the cost of the property benefited thereby." *Graham v. Conger*, 85 Ky., 582. "An act to regulate municipal elections in the city of Louisville," which regulates the manner of voting in certain elections, and prescribes the duties of officers of the elections and provides penalties. *Rogers v. Jacob*, 88 Ky., 502. The subject of an act extending the limits of the town is sufficiently expressed in the title. "An act to amend the charter of the town of Parkland." *Town of Parkland v. Gaines*, 88 Ky., 562. "An act to prohibit the sale of spirituous liquors in Fleming county," which fixed a penalty which it provided might be recovered by a proceeding before the county judge. *Helvenstine v. Yantis*, 88 Ky., 695. Sec. 5, Art. 8, Chapter 92, General Statutes, which provides that circuit and county clerks shall pay to the trustee of the jury fund only so much of the public money received by them as the court may direct as being necessary for the payment of jurors, relates to the revenue of the State, and is sufficiently expressed by the title. "Revenue and Taxation." *Com. v. Godshaw*, 92 Ky., 435.

§ 53. **Treasurer and Auditor—investigation of accounts.** The General Assembly shall provide by law for monthly investigations into the accounts of the Treasurer and Auditor of Public Accounts, and the result of these investigations shall be reported to the Governor, and these reports shall be semi-annually published in two newspapers of general circulation in the State. The reports received by the Governor shall, at the beginning of each session, be transmitted by him to the General Assembly for scrutiny and appropriate action.

✓ § 54. **Injuries to person or property—recovery not limited.** The General Assembly shall have no power to limit the amount to be recovered for injuries resulting in death, or for injuries to person or property.

§ 55. **Law—when to take effect—emergency clause.** No act, except general appropriation bills, shall become a law until ninety days after the adjournment of the session at which it was passed, except in cases of emergency, when, by the concurrence of a majority of the members elected to each House of the General Assembly, by a yea and nay vote entered upon their journals, an act may become a law when approved by the Governor; but the reasons for the emergency that justifies this action must be set out at length in the journal of each House.

§ 56. **Bills—to be read and signed in open session.** No bill shall become a law until the same shall have been signed by the presiding officer of each of the two Houses in open session; and before such officer shall have affixed his signature to any bill, he shall suspend all other busi-

(3) **Statutes held to relate to more than one subject.** That part relating to the subject expressed in the title is valid, but that part which does not relate to the subject expressed in the title is void. *Rushing v. Sebree*, 12 Bush, 198; *Jones v. Thompson*, 12 Bush, 394; *Fuqua v. Mullen*, 13 Bush, 467. "An act to amend the charter of the city of Covington," which, among other things, prescribes the conditions upon which deeds may be recorded in the clerk's office of the county court and imposing a penalty, is to that extent unconstitutional. *Wulftange v. McCollom*, 83 Ky., 361. An act to prohibit the sale of liquor is not unconstitutional, because in the body of the act it is made unlawful to give or loan spirituous liquors, but if it were one who sells can not question the validity. *Stickrod v. Com.*, 86 Ky., 285.

(4) **Statutes with insufficient or misleading titles.** "An act to amend section 2, article 63, of Revised Statutes, entitled "Limitations of Actions," which provides that the provisions of chapter 63 Revised Statutes shall extend to and embrace all cases whether the right of action accrued before or after the Revised Statutes took effect, from August 1, 1859. *Chiles v. Mon-*

roe, 4 Met., 72. (See *Gibson v. Belcher*, 1 Bush, 145.) The third section of the act of 1856, "to prevent selling and using certain weapons," is unconstitutional, because the act includes two different subjects, and the subject of the third section is not expressed in the title. *O'Donoghue v. Akin*, 2 Duv., 478. The act of 1874, entitled "An act to amend article 3, chapter 5, General Statutes," is unconstitutional—the subject of the act is not expressed in the title. *Pennington v. Woolfolk*, 79 Ky., 13. So much of an act, entitled "An act to incorporate the Board of Education of the Kentucky Annual Conference of the Methodist Episcopal Church South," as repeals the charter of the Millersburg Collegiate Institute. *Bryan v. Board of Education Ky. A. C. M. E. C. S.*, 90 Ky., 322.

(5) **Title embracing more than one subject.** An act embracing more than one subject in its title, and also in the body of the act, is wholly void. "An act regulating appeals from justices and police courts, and officers of the quarterly court." *Hind v. Rice*, 10 Bush, 528. (See *Allen v. Hall*, 14 Bush, 85.)

§ 55. **Emergency clause.** Necessity for. *Hall v. Com.*, 15 R., 102.

ness, declare that such bill will now be read, and that he will sign the same to the end that it may become a law. The bill shall then be read at length and compared; and, if correctly enrolled, he shall, in presence of the House in open session, and before any other business is entertained, affix his signature, which fact shall be noted in the journal, and the bill immediately sent to the other House. When it reaches the other House, the presiding officer thereof shall immediately suspend all other business, announce the reception of the bill, and the same proceeding shall thereupon be observed in every respect as in the House in which it was first signed. And thereupon the Clerk of the latter House shall immediately present the same to the Governor for his signature and approval.

§ 57. **Member personally interested not to vote.** A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the House of which he is a member, and shall not vote thereon upon pain of expulsion.

§ 58. **Private claims—appropriation to pay.** The General Assembly shall neither audit nor allow any private claim against the Commonwealth, except for expenses incurred during the session at which the same was allowed; but may appropriate money to pay such claim as shall have been audited and allowed according to law.

LOCAL AND SPECIAL LEGISLATION.

§ 59. **Limitations upon.** The General Assembly shall not pass local or special acts concerning any of the following subjects, or for Con. 50, a 2,
s 32 any of the following purposes, namely:

1. *Jurisdiction—practice of courts—officers fees.* To regulate the jurisdiction, or the practice, or the circuits of the courts of justice, or the rights, powers, duties or compensation of the officers thereof; but the practice in circuit courts in continuous session may, by a general law, be made different from the practice of circuit courts held in terms.
2. *Juries.* To regulate the summoning, impaneling or compensation of grand or petit jurors.
3. *Change of venue.* To provide for changes of venue in civil or criminal causes.
4. *Punishment for crimes—Remission of fines.* To regulate the punishment of crimes and misdemeanors, or to remit fines, penalties or forfeitures.
5. *Limitation.* To regulate the limitation of civil or criminal causes.
6. *Estates of persons under disability.* To affect the estate of *cestui que trust*, decedents, infants or other persons under disabilities, or to authorize any such persons to sell, lease, encumber or dispose of their property.
7. *Declaring persons of age—relieving disabilities.* To declare any person of age, or to relieve an infant or *feme covert* of disability, or to enable him to do acts allowed only to adults not under disabilities.

8. *Descent or distribution.* To change the law of descent, distribution or succession.

9. *Adoption of children.* To authorize the adoption or legitimation of children.

10. *Divorces.* To grant divorces.

11. *Changing names.* To change the name of persons.

12. *Legalizing invalid instruments.* To give effect to invalid deeds, wills or other instruments.

13. *Legalizing invalid official acts.* To legalize, except as against the Commonwealth, the unauthorized or invalid act of any officer or public agent of the Commonwealth, or of any city, county or municipality thereof.

14. *Refunding money.* To refund money legally paid into the State Treasury.

15. *Taxes—concerning.* To authorize or to regulate the levy, the assessment or the collection of taxes, or to give any indulgence or discharge to any assessor or collector of taxes, or to his sureties.

16. *Roads—streets—public places.* To authorize the opening, altering, maintaining or vacating roads, highways, streets, alleys, town plats, cemeteries, graveyards, or public grounds not owned by the Commonwealth.

17. *Charters—navigable streams—tolls—fencing—stock* To grant a charter to any corporation, or to amend the charter of any existing corporation; to license companies or persons to own or operate ferries, bridges, roads or turnpikes; to declare streams navigable, or to authorize the construction of booms or dams therein, or to remove obstructions therefrom; to affect toll-gates, or to regulate tolls; to regulate fencing or the running at large of stock.

18. *Fees of officers.* To create, increase or decrease fees, percentages or allowances to public officers, or to extend the time for the collection thereof, or to authorize officers to appoint deputies.

19. *Railroads.* To give any person or corporation the right to lay a railroad track or tramway, or to amend existing charters for such purposes.

20. *Elections—election precincts.* To provide for conducting elections, or for designating the places of voting, or changing the boundaries of wards, precincts or districts, except when new counties may be created.

21. *Interest.* To regulate the rate of interest.

22. *Liens.* To authorize the creation, extension, enforcement, impairment or release of liens.

23. *Game and Fish.* To provide for the protection of game and fish.

24. *Labor—trade—mining.* To regulate labor, trade, mining or manufacturing.

25. *Common Schools.* To provide for the management of common schools.

26. *County seats.* To locate or change a county seat.