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Municipal Court for the City of Cheyenne, Wyoming
Court of Judge Paul Galeotos

Laramie County Government Complex
309 West 20th, Room 2100, Cheyenne Wyoming 82001
307-633-4422 Fax: 307- 633-4471
pyeager@cheyennecity.org
<http://www.yeagersweb.com/cheyenne/municipalcourt/>

Judge Paul Galeotos, Matthew Solberg, Clerk
UD, Clerk OB, having unlawfully usurped
the prosecutorial function that is solely
the province of the elected prosecutor,
dba under false color of law and corrupt
legal fiction as "The City of Cheyenne"
Plaintiffs

v
Edward Kupsel, one of the actual People of
Wyoming.
Defendant

Case Number 06jTR 947

1st Substantive Motion for Defendant.

Document #8444 Version 1.002

**Demand to Vacate Trial Date for lack
of prosecutor.**

Waiver of time.

**Demand to Quash due to the clerk's
having usurped the power of
the prosecutor and for failure
to file a complaint.**

**Demand for recordation by a
stenographic court reporter.**

**Demand for prompt e-transcript of
every hearing by email to my
address shown above.**

Date: Tuesday 17 April 2007

Time: 1:30 pm

Place: Court of Judge Galeotos

Demand to Quash. Demand to Vacate. Waiver of time.

To the clerk of court, the judge, and the police officer: You have all conspired and usurped the
role of the prosecutor by filing a ticket in this case thereby initiating prosecution and bypassing the
prosecutorial function: At the venue designated in the caption or at such other venue as the court shall
designate, I will demand that the court dismiss this case. Not one of you is a prosecutor. Some of you
work for the court; the court's job is to be a neutral judge - not a prosecutor. The inquisition ended some
years ago. You have done the work of the prosecutor and yet you don't do my work. You should be
neutral; you are not. "Equal Protection of the Law" is the law. **I waive my right to a speedy trial as
necessary to vindicate my legal rights. You should have advised me well; you didn't. If there were
a neutral prosecutor I could have worked this out with him. You may not be both judge and
prosecutor.**

Signed _____ Edward Kupsel. Monday, February 5, 2007.

Motion #8444. Demand to Quash. By Edward Kupsel.

1 **Contents of this Demand to Quash/ Dismiss:**

2 **Notice of Concurrent and Upcoming Motions and Demands** -3-

3 **Statement of the Case** -3-

4 **Clerk has unconstitutionally usurped function of prosecutor; Dismissal is my**

5 **remedy.** -3-

6 **Police officer has usurped the clerk’s role.** -3-

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16 **rights** -6-

17 I am entitled to utilize the constitutional concepts expressed in foreign constitutions. -6-

18 **Fountains of Liberty: Magna Charta, 1948 Universal Declaration of Human rights.**

19 -6-

20 **I am a beneficiary of the rights declared by the California constitution.** -7-

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22 **Dismissal is the remedy.** -8-

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24 **A ticket can never be a summons.** -9-

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26 **Permitting Police to Summon me to court denies Equal Protection Under the Law**

27 -10-

28 **The Legislature may not give Police the Power to Summon and may not give**

29 **Clerks the power to prosecute.** -10-

30 **You are Equitably Estopped from Presuming a Waiver of Jurisdictional Challenge.**

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1

2 **Notice of Concurrent and Upcoming Motions and Demands**

- 3 1. I will be filing a motion to suppress all evidence in this case.
- 4 2. Regarding the Pretextual Stop using the instrument of a vague and overbroad statute, I will be
- 5 challenging the statute should that issue arise. All traffic laws are merely recommendatory.
- 6 Otherwise the statutes would be oppressive. I will be moving in that regard.

7 **Statement of the Case**

8 I was ticketed in a pretextual traffic stop.

9 **Clerk has unconstitutionally usurped function of prosecutor; Dismissal is my remedy.**

10 There was no legal basis for this traffic stop/ ticket. Even if there were a basis for the stop, a

11 prosecutor would be required to make the decision to prosecute - not this clerk. A prosecutor would have

12 an ethical duty to reject this case. However, the clerk, being uneducated in the law violates my rights

13 when she usurps the prosecutorial role as she has done here. Furthermore the clerk is biased in this case

14 by loyalty to her employer. Money from my fine would be added to the fund that pays her. She has

15 thereby caused the court to be unconstitutionally biased. See for example: *Tumey v Ohio* (1927) 273

16 U.S. 510. In this prohibition era case, the city received \$5 for each conviction. The Tumey case can be

17 see at: <http://www.lawyerdude.8k.com/Tumey.html>

18 **Police officer has usurped the clerk's role.**

19 There has been a reciprocal usurpation. Ironically the police officer usurped the clerk's function

20 which is to summon people to court only after there is a case filed by a duly authorized person. There was

21 no such complaint/ case when the usurpatious officer issued the faux, spurious summons/ ticket to me

22 appear in court. My remedy is this motion to Quash.

23 To this date, I have been served neither a valid summons nor a verified complaint. I therefore

24 demand dismissal. I demand that this court recognize that I have neither been properly summoned to

25 court nor properly prosecuted by an authorized prosecutor. Instead a mere police officer performed the

26 legal nullity of serving me a substitute for a summons. The officer has no authority to summon me to

27 court; issuance of a summons is the duty of the clerk. The officer may not ordain himself a clerk even if

28 the legislature so deems.

The clerk, who would ordinarily issue summonses, now elevates herself to the position of

prosecutor by prosecuting this case without the requisite legal formality of a complaint signed by a

complaining party/ witness. This is classic stealthy incessant encroachment. Only a prosecutor may

lawfully file a complaint. The clerk may not ordain herself to the status of prosecutor.

Usurpation denies me Due Process. Both the federal and Georgia constitution guarantee me due

process.

By stealthy encroachment our oppressive governments encroach. Corporations including

governments enjoy eternal life and infinite wealth. They tell the lie over the course of generations. My

children do not know the lie that the government told my parents. This truth about the lie is most obvious

1 regarding income taxes. They were sold to Americans around 1909 as a tax that would never tax the
2 wages of the working man. Example 2: In 1903 the federal government usurped the power of our various
3 state militias by creating the National Guard and seizing control of the militias by co-opting/ incorporating
4 them.

5 Every court wants to be a profit center. They incorrectly claim to be working for the greater good
6 but they are not. Like all corporations they exist to serve their own; they thus create "the governing class"
7 which is a parasitic class. Traffic tickets are the bite of these parasites. The city justifies traffic tickets as
8 a means to raise revenue. In New Orleans the Public Defender is paid from revenue from parking meters.

9 In American the individual is king. All the aforementioned usurpations are destructive of our great
10 country.

11 So now we have a dynamic tension: the struggle between the individual human and the corporate/
12 government for hegemony. Today the various governments have sent forth swarms of employees to eat
13 up all our wealth.

14 This will not stand.

1 **Table of Authorities and Fountains of Liberty cited herein:**

2 **U.S. Constitutional Clauses Cited herein:**

3 Article IV, Section 2.: The citizens of each state shall be entitled to all privileges and immunities of citizens
in the several states. -6-

4 Commerce Clause/ interstate commerce -7-

5 Due Process Clause -8-

6 Equal protection clause of the 14th amendment -10-

7 No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the
8 United States; nor shall any state deprive any person of life, liberty, or property, without due process of
law; nor deny to any person within its jurisdiction the equal protection of the laws. - Privilege and
9 Immunities Clause of the 14th amendment. -6-

10 **Wyoming Constitution. Clauses cited herein:**

11 Washington Constitution. The Washington Bill of Rights is appended to this motion. -10-

12 **Treaties cited herein:**

13 Treaty. 1948 Universal Declaration of Human Rights“Article 20(2) No one may be compelled to belong to
an association.” <http://www.lawyerdude.netfirms.com/8213.html> This treaty, the 1st amendment, the 6th,
14 and the 14th amendments preclude the regulation of the practice of law by non-government lawyers. . . -6-

15 **Illinois, California, and other Foreign Constitutions rightfully cited herein:**

16 California constitution: Section 1. All people are by nature free and independent and have inalienable
rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting
property, and pursuing and obtaining safety, happiness, and privacy.
17 http://www.leginfo.ca.gov/const/article_1 <http://www.leginfo.ca.gov/const-toc.html> -7-

18 Illinois constitution. Section 6. Searches, Seizures, Privacy, and Interceptions: The people shall have the
right to be secure in their persons, houses, papers and other possessions against unreasonable searches,
19 seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other
means. No warrant shall issue without probable cause, supported by affidavit particularly describing the
20 place to be searched and the persons or things to be seized. -7-

21 Illinois Constitution. Section 1. Inherent and Inalienable Rights: All men are by nature free and
independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit
22 of happiness. To secure these rights and the protection of property, governments are instituted among
men, deriving their just powers from the consent of the governed. -7-

23 Illinois Constitution: Section 2.Due Process and Equal Protection. No person shall be deprived of life,
24 liberty or property without due process of law nor be denied the equal protection of the laws. -8-

26 **Table of Statutes cited herein:**

27 PC 949. The first pleading on the part of the people in a misdemeanor or infraction case is the complaint
except as otherwise provided by law. -10-

28 Penal Code§ 740 states as follows: Except as otherwise provided by law, all misdemeanors and

1 infractions must be prosecuted by written complaint under oath subscribed by the complainant. . . . -10-

2 **Cases cited herein:**

3 **People v Dragomir** Feb 14, 2006 <http://www.lawyerdude.netfirms.com/Dragomir.html> -8-

4 **Haines v Kerner** (1972) 404 U.S. 519 (1972) [Http://www.lawyerdude.netfirms.com/haines.html](http://www.lawyerdude.netfirms.com/haines.html) Pleadings of
5 Pro Se litigants are entitled to some leeway. **Haines v Kerner** (1972) 404 U.S. 519 (1972)
6 [Http://www.lawyerdude.netfirms.com/haines.html](http://www.lawyerdude.netfirms.com/haines.html) This ruling is consistent with statutes in nearly all
7 jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy. -10-

8 **People v Carlucci** 1979 <http://www.lawyerdude.8k.com/Carlucci.htm>
9 <http://www.lawyerdude.netfirms.com/carlucc.html> -8-

10 **Tumey v Ohio** (1927) 273 U.S. 510. In this prohibition era case, the city received \$5 for each conviction.
11 <http://www.lawyerdude.8k.com/Tumey.html> The clerk has usurped the prosecutorial function - for
12 profit. -3-

13 **Argument**

14 **Under U.S. Constitution IV, 2, I am entitled to Georgia, Illinois, and California rights.**

15 Under the constitutional concept of “dual federalism” we are all beneficiaries of at least two
16 constitutions, to wit: state and federal.

17 The federal constitution and the common law invest us with additional rights as follows:

18 **I am entitled to utilize the constitutional concepts expressed in foreign constitutions.**

19 All people in all states, including Washington, are entitled to the rights of Californians, except the
20 right to vote in California state and local elections, which, or course, is reserved to California citizens. That
21 is why I cite California law herein.

22 U.S. Constitution: Article IV, Section 2.: The citizens of each state shall
23 be entitled to all privileges and immunities of citizens in the several
24 states.

25 The officer violated the Privileges and Immunities Clause of the 14th amendment which states:

26 No state shall make or enforce any law which shall abridge the privileges
27 or immunities of citizens of the United States; nor shall any state deprive
28 any person of life, liberty, or property, without due process of law; nor
deny to any person within its jurisdiction the equal protection of the laws. -
Privilege and Immunities Clause of the 14th amendment.

29 **Fountains of Liberty: Magna Charta, 1948 Universal Declaration of Human rights.**

30 We struggle to “find” the law. Example: A lawyer need not change his bar license upon entering a sister
31 state. Once he has passed his test he has proven himself. Compulsion to join the compulsory bar
32 violates the compulsory association clause of the 1948 Universal Declaration of Human rights

33 “Article 20(2) No one may be compelled to belong to an association.” -
34 Treaty. 1948 Universal Declaration of Human Rights.

1 <http://www.lawyerdude.netfirms.com/8213.html>

2 Likewise a driver need not register himself at every state border. Neither should a statute require
3 that I re-register my car upon residing in a state more than 60 days or whatever that state requires. Such
4 a requirement violates so very many clauses in the various fountains of liberty. Example: To do so
5 imposes an undue burden on **interstate commerce**. Both lawyers and drivers are subjected to ever
6 tightening reigns of state governments. Governments by stealthy encroachment over the course of
7 generations seek to fatten the corporate bureaucracies and extract greater percentages of the wealth of
8 the citizenry which they view as their subjects. In the beginning we sought government to provide law and
9 order - not to enslave and rule us. Consider the portentous words of "our" Illinois constitution. By terms of
10 the U.S. constitution, we free people of every state are beneficiaries of the liberating clause of the
11 constitutions of Illinois and California as well as our own. We have 51 fountains of liberty from which to
12 drink:

13 Illinois Constitution. Section 1. Inherent and Inalienable Rights: All men
14 are by nature free and independent and have certain inherent and
15 inalienable rights among which are life, liberty and the pursuit of
16 happiness. To secure these rights and the protection of property,
17 governments are instituted among men, deriving their just powers from
18 the consent of the governed. - Illinois Bill of Rights.

19 There are 50 state constitutions. It is interesting to compare them and investigate their derivation.
20 Consider the flowery language of the first paragraph of the California Constitution which is constantly
21 under attack by Republicans shaming Lincoln and attempting to curtail our rights by, for example, limiting
22 our own search prohibition so that it is no stronger than the 4th amendment. Here is that first flowery
23 meaningless clause:

24 California constitution: Section 1. All people are by nature free and
25 independent and have inalienable rights. Among these are enjoying and
26 defending life and liberty, acquiring, possessing, and protecting property,
27 and pursuing and obtaining safety, happiness, and privacy.

28 <http://www.leginfo.ca.gov/const-toc.html>

29 **I am a beneficiary of the rights declared by the California constitution.**

30 I was exercising my California defined Section 1 rights as a free and natural human when the
31 police officer unconstitutionally violated my rights to enforce his institutional corporate prejudice against
32 drivers. My remedy is dismissal. Do it.

33 "Our" Illinois constitution forbids unwarranted searches.

34 Illinois constitution. Section 6. Searches, Seizures, Privacy, and
35 Interceptions: The people shall have the right to be secure in their
36 persons, houses, papers and other possessions against unreasonable

1 searches, seizures, invasions of privacy or interceptions of
2 communications by eavesdropping devices or other means. No warrant
3 shall issue without probable cause, supported by affidavit particularly
4 describing the place to be searched and the persons or things to be
5 seized.

6 I have addressed the search issue in a concurrent motion listed at another section in this brief.

7 **The clerk and judge have usurped the prosecutorial function; that is wrong. Dismissal is the**
8 **remedy.**

9 This argument is based on the **Due Process Clause** of the U.S. constitution.

10 This argument is based on independent state grounds. The **Illinois constitution** makes it sound
11 as though we created the government to serve us, not to govern us:

12 Illinois Constitution: Section 2. Due Process and Equal Protection. No
13 person shall be deprived of life, liberty or property without due process of
14 law nor be denied the equal protection of the laws.

15 By stealthy encroachment over the course of generations, all governments and other corporations
16 encroach upon the personal freedoms of humans. The human lives only 75 years. The father fails to
17 warn the grandchild of the lies of the corporation. The lie remains unchallenged generations later due to
18 human ignorance and mortality. The immortality of the corporation gives the government opportunity to
19 encroach as such a speed as to be imperceptible by a single generation of humans.

20 The summons was originally a document issued by a civil court only after the civil prosecutor had
21 made a decision to prosecute. As the court corporations became fatter they ordered the litigants: "write
22 our summonses and bring them to use for signature". Their fellow government minions in the legislature
23 wrote the corresponding rules.

24 Then the courts saw the money flow and realized that they should promote the traffic ticket game
25 by processing the tickets without a prosecutor.

26 The court recognized the power it wields in criminal case. If they converted a civil action into a
27 criminal action they could then change their posture to an inquisitorial posture.

28 This is unconstitutional. The remedy is dismissal. Only a prosecutor can prosecute a criminal
offense. This is not an administrative tribunal. If it were, there would be a hearing officer or administrative
law judge.

The prosecution may not be done without any prosecutor. **People v Carlucci** 1979
<http://www.lawyerdude.8k.com/Carlucci.htm> <http://www.lawyerdude.netfirms.com/carlucc.html> **People v Dragomir**
Feb 14, 2006 <http://www.lawyerdude.netfirms.com/Dragomir.html>

Declaration of Attorney Douglas Palaschak regarding Summonses

I, Douglas Palaschak, declare the following under penalty of perjury: I am an Engineering
Graduate of the University of Illinois, Urbana, where I was an honors student. I marched in "The Marching
Illini", the world's undisputed Premiere Marching Band. I began my career as a Registered Professional

1 Engineer having consulted for the U.S. Navy, Mobil, and Exxon. My expert testimony resolved a personal
2 injury case where my calculations proved that a hydraulic accumulator could not contain sufficient oxygen
3 for combustion to have overloaded the failed bolts.. This tended to prove that the cause of the explosion
4 was a failed hydraulic safety valve.

5 I conceived and designed subsea machinery for the U.S. Navy. I performed the buckling analysis
6 for the riser tubes and contributed to the design of the giant seafloor template for a quarter mile tall oil rig
7 presently in service in the North Sea.

8 I have been a licensed lawyer for nearly a quarter century. I publish approximately 1200 legal
9 articles on the internet. My areas of expertise are:

10 Licenses, Rights, and Privileges, and their use as Instruments of Oppression,
11 Criminal Defense,
12 Internet-driven Improvements in the Efficiency of Litigation,
13 Empowerment of Pro Se Litigants,
14 Bankruptcy.

15 My most recent book is on the subject of Pre-trial Criminal Litigation of Malum Prohibitum Crimes.
16 It is available by mail order via the internet.

17 **A ticket can never be a summons.**

18 A summons is required for the court to gain jurisdiction. A summons is a notification from the
19 court addressed to the defendant in a pending case. A ticket is never a summons despite the intentions of
20 the legislature. When a person write a ticket there is no pending case. There will be no pending case
21 until a prosecutor has made a decision to prosecute. Then the prosecutor files a complaint. Only then is
22 a summons possible. There is then a pending case. I would then have the opportunity to settle the case
23 with the prosecutor. Most traffic courts today permit the clerk to prosecute the case. This practice is
24 unconstitutional. It is an example of denial of equal protection. I would like the clerk to be working on my
25 side of the case. The clerk has demonstrated a bias for the prosecution. Also, the clerk is paid by the
26 money earned by the ticket that she prosecutes.

27 You are a mockery to justice.

28 No. This will not stand.

- Attorney Douglas Palaschak Tuesday, March 13, 2007

29 **A defendant may appear by motion.**

30 I need not appear in person but may appear by motion. I have appeared as agreed by my
31 signature on the notice to appear by entering this motion to quash.

32 The ticket is no kind of summons. To call it a summons is to redefine fundamental terms in the
33 middle of the game. This denies me due process. Changing the terms is a common instrument of
34 oppression. See the entire list of Modern Day Instruments of Oppression at:

35 <http://www.lawyerdude.8k.com/5724.html>

1 Sec. 1. All power is inherent in the people, and all free governments are founded on their authority,
2 and instituted for their peace, safety and happiness; for the advancement of these ends they have at
all times an unalienable right to alter, reform or abolish the government in such manner as they may
think proper.

3 Sec. 2. In their inherent right to life, liberty and the pursuit of happiness, all members of the human race
4 are equal.

5 Sec. 3. Since equality in the enjoyment of natural and civil rights is only made sure through political
equality, the laws of this state affecting the political rights and privileges of its citizens shall be without
6 distinction of race, color, sex, or any circumstance or condition whatsoever other than individual
incompetency, or unworthiness duly ascertained by a court of competent jurisdiction. Sec. 4. The right
7 of the people to be secure in their persons, houses, papers and effects against unreasonable
searches and seizures shall not be violated, and no warrant shall issue but upon probable cause,
8 supported by affidavit, particularly describing the place to be searched or the person or thing to be
seized.

9 Sec. 5. No person shall be imprisoned for debt, except in cases of fraud.

10 Sec. 6. No person shall be deprived of life, liberty or property without due process of law.

11 Sec. 7. Absolute, arbitrary power over the lives, liberty and property of freemen exists nowhere in a
republic, not even in the largest majority.

12 Sec. 8. All courts shall be open and every person for an injury done to person, reputation or property
shall have justice administered without sale, denial or delay. Suits may be brought against the state in
such manner and in such courts as the legislature may by law direct.

13 Sec. 9. The right of trial by jury shall remain inviolate in criminal cases, but a jury in civil cases in all
14 courts or in criminal cases in courts not of record, may consist of less than twelve men, as may be
prescribed by law. Hereafter a grand jury may consist of twelve men, any nine of whom concurring may
15 find an indictment, but the Legislature may change, regulate or abolish the grand jury system.

16 Sec. 10. In all criminal prosecutions the accused shall have the right to defend in person and by
counsel, to demand the nature and cause of the accusation, to have a copy thereof, to be confronted
17 with the witnesses against him, to have compulsory process served for obtaining witnesses, and to a
speedy trial by an impartial jury of the county or district in which the offense is alleged to have been
committed.

18 Sec. 11. No person shall be compelled to testify against himself in any criminal case, nor shall any
19 person be twice put to jeopardy for the same offense. If a jury disagree, or if the judgement be arrested
after a verdict, or if the judgement be reversed for error in law, the accused shall not be deem- ed to
20 have been in jeopardy.

21 Sec. 12. No person shall be detained as a witness in any criminal prosecution longer than may be
necessary to take his testimony or deposition, nor be confined in any room where criminals are
imprisoned.

22 Sec. 13. Until otherwise provided by law, no person shall, for a felony, be proceeded against
23 criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the
militia when in actual service in time of war or public danger.

24 Sec. 14. All persons shall beailable by sufficient sureties, except for capital offenses when the proof is
evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed,
25 nor shall cruel or unusual punishment be inflicted.

26 Sec. 15. The penal code shall be framed on the humane principles of reformation and prevention.

27 Sec. 16. No person arrested and confined in jail shall be treated with unnecessary rigor. The erection
of safe and comfortable prisons, and inspection of prisons, and the humane treatment of prisoners shall
28 be provided for.

1 Sec. 17. The privilege of the writ of habeas corpus shall not be suspended unless, when in case of
2 rebellion or invasion the public safety may require it.

3 Sec. 18. The free exercise and enjoyment of religious profession and worship without discrimination or
4 preference shall be forever guaranteed in this state, and no person shall be rendered incompetent to
5 hold any office of trust or profit, or to serve as a witness or juror, because of his opinion on any
6 matter of religious belief whatsoever; but the liberty of conscience hereby secured shall not be so
7 construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety
8 of the state.

9 Sec. 19. No money of the state shall ever be given or appropriated to any sectarian or religious society
10 or institution.

11 Sec. 20. Every person may freely speak, write and publish on all subjects, being responsible for the
12 abuse of that right; and in all trials for libel, both civil and criminal, the truth, when published with good
13 intent and [for] justifiable ends, shall be a sufficient defense, the jury having the right to determine the
14 facts and the law, under the direction of the court.

15 Sec. 21. The right of petition, and of the people peaceably to assemble to consult for the common
16 good, and to make known their opinions, shall never be denied or abridged.

17 Sec. 22. The rights of labor shall have just protection through laws calculated to secure to the laborer
18 proper rewards for his service and to promote the industrial welfare of the state.

19 Sec. 23. The right of the citizens to opportunities for education should have practical recognition.
20 The legislature shall suitably encourage means and agencies calculated to advance the sciences and
21 liberal arts.

22 Sec. 24. The right of citizens to bear arms in defense of themselves and the state shall not be denied.

23 Sec. 25. The military shall ever be in strict subordination to the civil power. No soldier in time of peace
24 shall be quartered in any house without consent of the owner, nor in time of war except in the manner
25 prescribed by law.

26 Sec. 26. Treason against the state shall consist only in levying war against it, or in adhering to its
27 enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the
28 testimony of two witnesses to the same overt act, or on confession in open court; nor shall any person
be attainted of treason by the legislature.

Sec. 27. Elections shall be open, free and equal, and no power, civil or military, shall at any time
interfere to prevent an untrammelled exercise of the right of suffrage.

Sec. 28. No tax shall be imposed without the consent of the people or their authorized representatives.
All taxation shall be equal and uniform.

Section 29. No distinction shall ever be made by law between resident aliens and citizens as to the
possession, taxation, enjoyment and descent of property.

Sec. 30. Perpetuities and monopolies are contrary to the genius of a free state, and shall not be
allowed. Corporations being creatures of the state, endowed for the public good with a portion of its
sovereign powers, must be subject to its control.

Sec. 31. Water being essential to industrial prosperity, of limited amount, and easy of diversion from its
natural channels, its control must be in the state, which, in providing for its use, shall equally guard all
the various interests involved.

Sec. 32. Private property shall not be taken for private use unless by consent of the owner, except for
private ways of necessity, and for reservoirs, drains, flumes or ditches on or across the lands of
others for agricultural, mining, milling, domestic or sanitary purposes, nor in any case without due
compensation.

Sec. 33. Private property shall not be taken or damaged for public or private use without just
compensation.

1 Sec. 34. All laws of a general nature shall have a uniform operation.

2 Sec. 35. No ex post facto law, nor any law impairing the obligation of contracts, shall ever be made.

3 Sec. 36. The enumeration in this constitution, of certain rights shall not be construed to deny, impair,
4 or disparage others retained by the people.

5 **Topical Index**

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