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Amending an Act Entitled "An Act to Amend an Act Entitled an Act to Provide for the Exercise of the Right of Eminent Domain" Approved April 7, 1885, the Same Being Section 1716, Mills Annotated Statutes of the State of Colorado.

Colorado General Assembly

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Recommended Citation

Colorado General Assembly, "Amending an Act Entitled "An Act to Amend an Act Entitled an Act to Provide for the Exercise of the Right of Eminent Domain" Approved April 7, 1885, the Same Being Section 1716, Mills Annotated Statutes of the State of Colorado." (1901). *Session Laws 1901-1950*. 68. <https://scholar.law.colorado.edu/session-laws-1901-1950/68>

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Sec. 4. If any person shall interfere with any Interference.
 watcher herein provided for while he is in the discharge
 of his duties, then such person so interfering shall be
 deemed guilty of a misdemeanor, and upon conviction Misdemeanor.
 shall be fined not more than three hundred dollars Penalty.
 (\$300.00). Justices of the Peace shall have jurisdiction of Justices have
 actions brought for a violation of this act, subject to the jurisdiction.
 right of appeal as provided for in cases of assault and
 battery.

Approved April 15, 1901.

CHAPTER 74.

EMINENT DOMAIN.

(H. B. No. 162, by Mr. Park.)

AN ACT

AMENDING AN ACT ENTITLED "AN ACT TO AMEND AN ACT
 ENTITLED AN ACT TO PROVIDE FOR THE EXERCISE OF
 THE RIGHT OF EMINENT DOMAIN" APPROVED APRIL 7,
 1885, THE SAME BEING SECTION 1716, MILLS ANNO-
 TATED STATUTES OF THE STATE OF COLORADO.

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

Section 1. Section 2 of an act entitled "An Act to
 amend an act entitled An Act to provide for the exercise
 of the right of eminent domain" Approved April 7, 1885,
 the same being section 1716, Mills' [Mills] Annotated
 Statutes of the State of Colorado, is hereby amended so
 as to read as follows:

Sec. 2. That in all cases where the right to take pri- Right of emi-
 vate property for public or private use without the nent domain
 owner's consent, or the right to construct or maintain conferred.

any Railroad, Spur or sidetrack, Public road, Toll road, Ditch, Bridge, Ferry, Telegraph, Flume, or other public or private work or improvement, or which may damage property not actually taken, has been heretofore or shall hereafter be conferred by General Laws or Special Charter, upon any Corporate or Municipal authority, Public body, Officer or Agent, Person or Persons, Commissioner or Corporation, and the compensation to be paid for in respect of the property sought to be appropriated or damaged for the purposes above mentioned, cannot be agreed upon by the parties interested; or in case the owner of the property is incapable of consenting, or his name or residence is unknown, or he is a non resident of the State, it shall be lawful for the party authorized to take or damage the property so required, or to construct, operate and maintain any Railroad, Spur or Sidetrack, Public road, Toll road, Ditch, Bridge, Ferry, Telegraph, Flume, or other public or private work or improvement, to apply to the Judge of the District or County Court, either in Term time or vacation, where the said property or any part thereof is situate, by filing with the clerk a petition, setting forth, by reference, his or their authority in the premises; the purpose for which said property is sought to be taken or damaged, a description of the property, the names of all persons interested therein as owners or otherwise, as appearing of record, if known or if not known, stating that fact, and praying such Judge to cause the compensation to be paid to the owner to be assessed; if the proceedings seek to affect the property of persons under guardianship, the guardians or conservators of persons having conservators, shall be made parties defendant, and if of married women, their husbands shall also be made parties; persons interested whose names are unknown, may be made parties defendant by the description of the unknown owners; but in all such cases an affidavit shall be filed by or on behalf of the petitioner, setting forth that the names of such persons are unknown. In cases where the property is sought to be taken or damaged by the state

Compensation not agreed upon.

Consent of owner.

Apply to district judge.

File petition.

Defendants.

Unknown defendants.

File affidavit.

for the purpose of establishing, operating or maintaining any state house, charitable or other state institution or improvement, the petition shall be signed by the Governor, or such other person as he shall direct, or as shall be provided by law. Governor sign where property is taken for state.

Under the provisions of this Act, private property may be taken for private use, for private ways of necessity, for Reservoirs, Drains, Flumes or Ditches, on or across the lands of others for agricultural, mining, milling, domestic or sanitary purposes. The amendment of said act shall not be construed to affect any right, either as to remedy or otherwise, nor to abate any suit or action or proceeding existing, instituted or pending under the act so hereby amended. Property for private use. Not affect previous right of action.

Approved April 30, 1901.

CHAPTER 75.

EXECUTIVE DEPARTMENT.

INTEREST ON WARRANTS AND CERTIFICATES OF INDEBTEDNESS.

(S. B. No. 10, by Senator Bucklin.)

AN ACT

TO AMEND SECTION 6 OF AN ACT ENTITLED "AN ACT TO REPEAL SECTIONS THIRTY NINE, FORTY-SEVEN, SIXTY-ONE AND SEVENTY-NINE, IN CHAPTER THIRTY-SEVEN, OF THE GENERAL STATUTES OF THE STATE OF COLORADO, ENTITLED 'EXECUTIVE DEPARTMENT,' AND TO ENACT CERTAIN LAWS IN LIEU THEREOF". APPROVED MARCH 25TH, 1885.

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

Section 1. Section 6 of an Act entitled "An Act to repeal sections thirty-nine, forty-seven, sixty-one and seventy-nine, in Chapter thirty-seven, of the General