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1862

Amendatory of an Act entitled "An Act Concerning Justices of the Peace and Constables."

Colorado General Assembly

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AN ACT

TO AMEND AN ACT ENTITLED "AN ACT CONCERNING JURORS," APPROVED NOV. 5TH, 1861.

Be it enacted by the Council and House of Representatives of Colorado Territory:

How selected
and sum-
moned.

SECTION 1. The second section of the act entitled "An act concerning jurors," approved Nov. 5th, 1861, is hereby amended so as to read as follows: It shall be the duty of the board of commissioners in each of the counties in this Territory wherein a district court is directed to be held, at least twenty days before the sitting of the court, to select twenty-three persons, possessing the qualifications aforesaid, and nearly as may be a proportionate number from each township or precinct in their respective counties, and to cause their clerk to deliver a certified list thereof to the clerk of the district court in said county, who shall thereupon issue a venire to the sheriff, commanding him to summon the persons so selected, to appear at said term at the hour of 10 o'clock in the forenoon upon the first day thereof, to serve as grand jurors; any seventeen of whom shall be sufficient to constitute a grand jury, and any twelve of whom, when sixteen are present, shall be competent to find a "true bill." *Provided*, That no person shall be required to serve as a grand or petit juror, more than one term in any one year.

Seventeen to
constitute a
quorum.

"Nine"
stricken out
etc.

SEC. 2. That the word "nine" in the fifth line of section three be stricken out, and "twelve" inserted in place thereof, and that section seven of said act be and the same is hereby repealed.

SEC. 3. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved August 9th, 1862.

AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT CONCERNING JUSTICES OF THE PEACE AND CONSTABLES."

Be it enacted by the Council and House of Representatives of Colorado Territory:

Justice shall
file bond
with secu-
rities. Shall
take oath.

SEC. 1. Every justice of the peace after he has received his certificate of election, shall, before entering upon the duties of his office, be required to execute a bond to the Territory of Colorado in the penal sum of two thousand dollars, with at least two sufficient securities, which shall

be approved by the county clerk, and in addition, such justice shall take and subscribe the oath of office elsewhere provided by law, which oath shall be indorsed on his official bond, which bond shall be filed with the county clerk.

SEC. 2: The words "have given bond and received commission under the provisions of this act," in the first and second line of the third section of the act entitled "An act concerning justices of the peace and constables," are hereby stricken out, and the words "been duly qualified according to law" are hereby inserted in lieu thereof.

Amending section three of the act approved Oct. 31, 1861.

SEC. 3. Upon a change of venue being had, or an appeal being taken, the justice may issue a fee bill against either party for the costs made by such party.

Justice may issue fee bill for costs when.

SEC. 4. That section one be amended by adding the following as the fifteenth sub-division of said section: "Fifteenth, In all actions of trespass to mining claims or other real property, in which the amount claimed does not exceed one hundred dollars."

Jurisdiction of Justices in trespass upon mining claims.

SEC. 5. That section six of said act be amended by the insertion between the words "trial" and "being" in the second line of said section "or after the lapse of one hour from the time fixed for trial." The following to be added to the end of section twenty-nine, (29):

Party defendant must appear within one hour after the time fixed for trial.

SEC. 6. "And in all cases of jury trial before a justice of the peace, each party shall be entitled to three peremptory challenges."

Each party entitled to three peremptory challenges.

SEC. 7. In section thirty-one, (31) insert between the words "justice" and "immediately," in the sixth line, the following words: "upon the payment of his fees for a change of venue only."

Fees must be paid upon change of venue.

SEC. 8. That section thirty-three of said act be stricken out, and insert the following: "Executions in justices' courts may be issued immediately after rendition of judgment."

Executions may issue immediately upon rendition of judgment.

SEC. 9. In fourth line of section thirty-eight, strike out the word "twenty" and insert "ten," and add to the end of said section "and pay the costs of granting the appeal only."

Appeal may be taken within ten days. Costs of to be paid.

SEC. 10. That suit shall be commenced before justices, in the township in which the debtor or person sued resides, unless the cause of action occurred in the township in which the plaintiff resides, in which case the suit may be commenced where the cause of action accrued or is specifically made payable.

When suits shall be commenced.

SEC. 11. If no justice of the peace shall reside in the township in which the defendant resides, or in which the

When no Justice resides in

township
suit may be
brought,
when.

Plaintiffs
may be al-
lowed
change of
venue.

Justices of
the peace
shall reside
and hold of-
fice in his
township etc.

cause of action accrued, the suit shall be brought before the justice of the peace nearest to the residence of such debtor within the county.

SEC. 12. Plaintiffs shall in all cases be allowed a change of venue, in the same manner as is now provided by law for defendants.

SEC. 13. Each and every justice of the peace shall reside and hold his office in the township or precinct in and for which he was elected.

Approved Aug. 15th, 1862.

AN ACT

TO AMEND AN ACT CONCERNING LICENSES.

Be it enacted by the Council and House of Representatives of Colorado Territory:

Who shall
procure li-
cense.

SEC. 1. That section one of the license law be amended so as to read as follows: "No auctioneer, peddler or other person or persons, company or corporation, shall be permitted to sell, vend or retail either at private or public sales any goods, wares, or merchandise, without having first obtained a license for that purpose, as hereinafter provided: *Provided*, However, that the provisions of this section shall not extend to any person or persons selling produce, provisions or mining tools."

Saloon, hotel
keepers, etc.,
shall not re-
tail liquors
etc., without
license.

SEC. 2. Every person not having a legal license to keep a saloon, hotel, public house, or grocery, who shall barter, sell, exchange or otherwise dispose of for his gain or benefit, any vinous, spiritous or mixed liquors, in less quantities than one quart, or shall permit the same to be done on his or her premises, for his or her benefit or gain, shall forfeit and pay the sum of twenty dollars for each offense, together with costs of suit, one half to any person who shall give information, the other half to be paid into the county treasury.

Informer to
receive half
of penalty.

SEC. 3. All acts and parts of acts inconsistent with the above act are hereby repealed.

Approved Aug. 15th, 1862.