

1877

An act to prescribe certain powers and duties of the officers of the executive department, and certain rules in relation to the fiscal affairs of the state in connection therewith.

Colorado General Assembly

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judicial departments, and provide for printing, binding and distributing the laws, journals, and department reports, and other printing and binding which may be ordered by the general assembly or either house thereof. He shall immediately advertise for bids to provide and furnish such rooms, furniture and articles of use therein, necessary for furnishing and fitting up the same, and for providing such statutes, stationery, fuel, light and other articles, and doing the printing necessary for supplying the wants of the said several departments; said advertisement or advertisements to be inserted in two daily newspapers for two successive days. And such rooms, statutes, stationery, furniture, fuel and other articles, which may be ordered or required as aforesaid, shall be provided, supplied and furnished within two days after the last day of said advertisement, and the contract or contracts therefor shall be given to the lowest responsible bidder as in this act provided, subject to the approval of the governor and state treasurer.

1087. SEC. 2. The maximum price to be paid for any article purchased under such contract or contracts and for such printing and binding shall not exceed the current wholesale prices for such articles, printing and binding, severally, in the city of Denver on the day of receiving said bids.

Prices to be paid for articles furnished on contract.

1088. SEC. 3. This act shall take effect from and after its passage.

Emergency.

Approved, November 20, 1876.

AN ACT TO PRESCRIBE CERTAIN POWERS AND DUTIES OF THE OFFICERS OF THE EXECUTIVE DEPARTMENT, AND CERTAIN RULES IN RELATION TO THE FISCAL AFFAIRS OF THE STATE IN CONNECTION THEREWITH.

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

ARTICLE I.

1089. SECTION 1. The governor shall keep his office at the seat of government, in which shall be transacted the business of the executive, and he shall keep a secretary at said office during his absence.

Where business of the executive transacted.

Executive
journal.

1090. SEC. 2. He shall cause a journal to be kept in the executive office, in which shall be made an entry of every official act done by him, at the time when done. If in case of an emergency, acts are done elsewhere than in such office, an entry thereof shall be made in the journal as soon thereafter as possible.

Military record.

1091. SEC. 3. He shall cause a military record to be kept, in which shall be made an entry of every act done by him as commander in chief of the militia.

Rewards for
apprehension of
fugitives from
justice.

1092. SEC. 4. Whenever the governor is satisfied that the crime of murder or arson has been committed within the state, and that the person charged therewith has not been arrested, or has escaped therefrom, he may in his discretion offer a reward not exceeding one thousand dollars for the arrest and delivery to the proper authorities of the person so charged, which reward, upon the certificate of the governor that the same has been earned, shall be audited and paid by the state out of any funds appropriated for such purpose.

Employment of
counsel to assist
in actions affect-
ing rights or
interests of state.

1093. SEC. 5. Whenever the governor is satisfied that an action or proceeding has been commenced which may affect the rights or interests of the state, he may, by and with the consent of the attorney general, employ counsel to assist the proper officer to protect such rights or interests; and when any civil action or proceeding has been or is about to be commenced by the proper officer in behalf of the state, he may employ additional counsel to assist in the cause.

Payment of ex-
penses incurred.

1094. SEC. 6. Expenses incurred under the preceding section, and in causing the laws to be executed, may be allowed by the governor, and upon his certificate, shall be audited and paid from the general contingent fund.

Reports of
state officers.

1095. SEC. 7. The governor shall transmit all reports or copies of the same, received by him from the officers of the state, to the general assembly at the commencement of each regular session thereof.

Devolution of
powers, duties
and salary.

1096. SEC. 8. Whenever, by the impeachment of the governor, his removal from office, death or resignation, or absence from the state, the powers and duties of his office shall devolve upon the lieutenant governor, the salary of

the governor shall cease, and the same shall be received by the lieutenant governor as a full compensation for his services, until such disability shall cease; and during the time that the lieutenant governor shall act as governor, the duties and powers of the lieutenant governor shall devolve on the president of the senate *pro tem.*, who shall receive the salary of the lieutenant governor during such term of service.

1097. SEC. 9. The governor is hereby authorized and empowered to receive from the treasury department of the United States, from time to time as he shall see fit to draw for the same, the five per centum of the net proceeds of sales of the public lands to which this state is or shall be entitled, pursuant to the act of congress approved March 3, 1875, and to execute the proper vouchers therefor. And upon the receipt of said moneys he shall forthwith pay the same into the treasury.

ARTICLE II.

1098. SECTION 1. The secretary of state shall keep his office at the seat of government, and perform all the duties which may be required of him by law; he shall have charge of and keep all the acts and resolutions of the territorial legislature, and of the general assembly of the state, the enrolled copy of the constitution of the state, and all bonds, books, records, maps, registers and papers of a public character, which now are or may hereafter be deposited, to be kept in his office.

1099. SEC. 2. He shall have charge, care and custody of the property of the state, when no other provision is made.

1100. SEC. 3. All commissions issued by the governor, shall be countersigned by the secretary of state, who shall register each commission in a book to be kept for that purpose, specifying the office, name of officer, date of commission and term of office.

1101. SEC. 4. All moneys and fees received by the secretary of state by virtue of his office, except his salary as such secretary of state, shall be paid by him into the state treasury on the first Monday of each month.

Appointment
of deputy.

1102. SEC. 5. The secretary of state may appoint a deputy to act for him whenever he may deem it necessary, who shall have full authority to act in all things relating to the office; *Provided*, that the secretary shall be responsible for all acts of such deputy, and shall provide for his compensation without cost to the state.

ARTICLE III.

Duties of attorney
general.

1103. SECTION 1. The attorney general shall attend in person at the seat of government during the session of the general assembly and the supreme court; and shall appear for the state, prosecute and defend all actions and proceedings, civil and criminal, in which the state shall be a party or interested, when required to do so by the governor or general assembly, and shall prosecute and defend for the state all causes in the supreme court in which the state is a party or interested.

Same.

1104. SEC. 2. It shall be the duty of the attorney general, at the request of the governor, the secretary of state, the treasurer or auditor, to prosecute and defend all suits relating to matters connected with their departments.

Opinions in
writing on ques-
tions of law.

1105. SEC. 3. When requested, he shall give his opinion in writing upon all questions of law submitted to him by the general assembly, or either house thereof, governor, lieutenant governor, auditor, secretary of state, treasurer or superintendent of public instruction.

Drafts for con-
tracts, forms,
etc.

1106. SEC. 4. He shall when required, prepare drafts for contracts, forms and other writings which may be required for the use of the state, and shall report to the general assembly or governor when requested, upon any business pertaining to his office.

Disposition of
state moneys
received by him.

1107. SEC. 5. All moneys received by him belonging to the state, or received in his official capacity, shall be paid forthwith into the state treasury.

Records to be
kept by.

1108. SEC. 6. He shall keep in proper books a record of all official opinions, and a register of all actions prosecuted and defended by him, and of all proceedings had in relation thereto, which book shall be delivered to his successor.

ARTICLE IV.

1109. SECTION 1. The state treasurer shall, on or before the second Tuesday in January after his election, and before entering upon the duties of his office, take and subscribe the oath required by the constitution, and give a bond to the state of Colorado in the sum of one hundred thousand dollars, with not less than three sureties, to be approved by the governor and attorney general, which bond shall be filed in the office of secretary of state. The governor, with the concurrence of the attorney general, whenever he deems the sureties on the bond of the state treasurer to be insufficient for the said sum of one hundred thousand dollars, may demand, and the state treasurer shall give, additional bonds and sureties, to be approved by the governor and attorney general.

State treasurer;
oath and bond.

1110. SEC. 2. The condition of such bond shall be in substance that the treasurer and all persons employed in his office shall faithfully discharge their respective duties and trusts, and that the said treasurer shall use all necessary and reasonable diligence and care in the safe keeping and lawful disposal of all sums of money, books, bonds, notes, papers, and all other things appertaining to said office, and which shall have or shall come to his hands, or to the hands of any person or persons employed by him, and that the said treasurer shall, upon reasonable notice, render a true account in the premises, whenever he shall be thereunto required by any provision of law in that behalf, or by the senate or house of representatives, and shall deliver to his successor in said office, or to any other person authorized by law to receive the same, all moneys, books, bonds, notes, papers, and all other things belonging to said office, and that all balances that shall appear against him shall be forthwith paid into the treasury of the state.

Condition of
bond.

1111. SEC. 3. The treasurer shall:

First—Receive and keep all moneys of the state not expressly required by law to be received and kept by some other person.

Duties of state
treasurer.

Second—Disburse the public moneys upon warrants drawn upon the treasury according to law, and not otherwise.

Third—Keep a just, true and comprehensive account of all moneys received and disbursed.

Fourth—Keep a just and true account of each head of appropriation made by law, and the disbursements made under the same.

Fifth—Render his accounts to the auditor for settlement quarterly, or oftener if required.

Sixth—Report to the governor at least twenty days preceding each regular session of the general assembly a detailed statement of the condition of the treasury and its operations for the two preceding fiscal years.

Seventh—Give information in writing to either house of the general assembly whenever required, upon any subject connected with the treasury, or touching any duty of his office.

Eighth—Perform all such other duties as may be required by law.

Receipts for
moneys paid into
state treasury.

1112. SEC. 4. The treasurer shall grant duplicate receipts under the seal of his office, for all sums of money which shall be paid into the treasury, and the person receiving the same shall deposit one of them with the auditor, who shall credit such person accordingly, and charge the treasurer with the amount.

Cash book; how
to be kept; to
be open for
inspection.

1113. SEC. 5. Wherever any county treasurer or other officer or person shall pay over any taxes or other public moneys to the state treasurer, such state treasurer shall forthwith enter the same in a cash book to be kept by him for that purpose at his office, and in each entry of any such moneys, he shall set down and state the amount of money, and the nature of the funds wherein the same are paid, whether gold or silver coin, United States treasury notes or other currency, state warrants, auditor's warrants, or other certificates or evidences of state indebtedness, and the amount of each of such several kinds of coin, treasury notes, bank bills, or warrants, or certificates of indebtedness, the date when, and the person by whom the same were paid. Every such cash book shall, at all reasonable hours of the day, be open to the inspection and examination of every person desiring to inspect the same.

1114. SEC. 6. The state treasurer shall, at the time of

every such payment, make out and deliver to the persons paying such moneys, a receipt therefor, in which he shall set forth all of the several matters required to be entered in such cash book. If the person paying such moneys be a public officer, every such receipt shall be in duplicate, and the officer receiving the same shall forthwith deliver one copy thereof, or transmit the same by mail, to the auditor of state, who shall file and preserve such receipt in his office.

Receipts to county treasurers, public officers or persons paying public money.

1115. SEC. 7. The state treasurer shall report to the auditor of state monthly, on the first day of each month, the amount of all moneys received by him during the preceding month, the name of the person from whom each of such sums was received, the date of such receipt, and the several kinds of coin, treasury notes, bank bills, auditor's warrants, or other like certificates, or evidences of indebtedness, in which the same were paid, and the amount of each kind; the amounts of his disbursements, specify by number the warrants paid and date of payment, and the amount of interest allowed and paid thereon, also the number and date of all warrants presented and registered in pursuance of section 9 of this article; such monthly reports shall by the auditor be filed and preserved in his office and the same shall at all reasonable hours be open to the examination of any person desiring to examine the same.

Monthly reports to state auditor; to be filed and preserved in office and open for inspection.

1116. SEC. 8. Every fund in the hands of the state treasurer for disbursement, shall be paid out in the order in which the warrants drawn thereon and payable out of the same, are presented for payment. *Provided*, that whenever a warrant shall be presented, if there shall be funds in the treasury to pay the same, and all other warrants which have been presented prior thereto, and still remaining unpaid, it shall be the duty of the treasurer to pay the same.

Order of payment of warrant.

1117. SEC. 9. The state treasurer shall keep in his office a book to be called the register of warrants, and wherein shall be set down and entered immediately upon the presentation thereof, every auditor's warrant presented to such treasurer for payment (whether the same be paid at the time of such presentation or not,) with the amount thereof, the name of the person to whom the same is by

Register of warrants; how to be kept; to be open for inspection.

the terms thereof payable, the name of the person by whom the same is presented, the number and date of such warrant or certificate, and the date of the presentation thereof for payment. Every warrant shall be entered in the order of the presentation thereof, and upon the line next following that whereon is entered the warrant presented last before it, and without any blank line intervening. Such "register of warrants" shall at all reasonable hours of the day, be open to the inspection and examination of every person desiring to inspect or examine the same.

Protest of
warrants.

1118. SEC. 10. Upon the presentation of any auditor's warrant for payment, the treasurer shall, if the same be not thereupon paid by him, indorse upon such warrant as follows :

"Presented (here insert date of presentation) no funds. This warrant draws interest from this date at the rate of 10 per cent. per annum.

State Treasurer."

The state treasurer shall sign said endorsement and redeliver to the bearer thereof.

Penalty for failure of state treasurer to perform duties of his office.

1119. SEC. 11. If any state treasurer shall fail, neglect or refuse to keep such cash book as required by this article, or shall fail, neglect or refuse to enter therein any sum of money which may be paid to him by virtue of his office, or shall wilfully make any false entry thereof, or fail, neglect or refuse to exhibit the same to any person desiring to inspect the same, or shall refuse to permit any person to examine such cash book at any reasonable hour of the day, or shall fail, neglect or refuse to issue such receipt or duplicate receipt as required by this article, or shall make any false receipt of any money received by him by virtue of his office, or shall fail, neglect or refuse to render such monthly report of moneys received by him by virtue of his office in any month as required by this article, or shall make any false report thereof, or shall fail, neglect or refuse to keep a "register of warrants" as required by this article, or shall fail, neglect or refuse to indorse such warrant as required by this article, or shall make any false entry of any such warrant in such register, or shall falsely indorse the same,

or shall fail, neglect or refuse to permit any person to inspect and examine such register at any reasonable hour of the day at his office, or shall refuse or neglect to pay any such warrant in the order in which the same ought to be paid, or shall pay any such warrant, there not then remaining in the treasury money sufficient to pay all warrants or orders drawn upon or payable out of the same fund and previously presented; *provided, however*, that nothing in this section shall be so construed as to prevent the treasurer from receiving state warrants from the county treasurers, in payment of taxes due the state, whether such warrant shall be registered or not, or whether there shall be sufficient money in the treasury to pay the same, or that the same may not be due in regular order as registered. Every such treasurer so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars, and not exceeding one thousand dollars, and imprisoned until such fine is paid; and upon any such conviction, the court may adjudge that the treasurer so convicted be removed from his office.

ARTICLE V.

1120. SECTION 1. The auditor of state shall on or before the second Tuesday in January, after his election, and before entering upon the duties of his office, take and subscribe the oath required by the constitution, and give a bond to the state of Colorado in the sum of thirty thousand dollars, conditioned for the faithful discharge of the duties of his office. Said bond shall be approved by the governor and attorney general, and be deposited in the office of the secretary of state.

Auditor of state;
oath and bond.

1121. SEC. 2. The auditor of state is the general accountant of the state, and the keeper of all public account books, accounts, vouchers, documents, and all papers relating to the accounts and contracts of the state and its revenue debt, and fiscal affairs not required by law to be placed in some other office or kept by some other person.

Auditor general
accountant of the
state and custo-
dian of account
books, etc.

1122. SEC. 3. He shall digest, prepare and report to the governor at least twenty days preceding each regular session of the general assembly.

Biennial report
to the governor;
what to contain.

First—A detailed and full statement of the condition of the revenue and the amount of the expenditures for the two preceding fiscal years.

Second—A full and detailed statement of the public debt.

Third—Estimates of the revenue and expenditures for the two succeeding fiscal years, and the probable amount of revenue derivable from the various sources of revenue.

Fourth—Such plans as he may deem expedient for the support of the public credit, for lessening the public expenses, for promoting frugality and economy in the public offices, and generally for the better management and more perfect understanding of the fiscal affairs of the state.

Fifth—A tabular statement showing separately the whole amount of each appropriation of the money made by law, the amount paid under the same, and the balance unexpended.

Sixth—A tabular statement showing the amount of revenue chargeable to each county for the two preceding fiscal year, the aggregate amount of each object of taxation, and the balance due from said counties respectively.

1123. SEC. 4. He shall:

Duties of
auditor of state.

First—Audit and settle all claims against the state, payable out of the treasury, except only such claims as may be expressly required by law to be audited and settled by other officers and persons.

Second—Draw all warrants upon the treasury for money, except only in cases otherwise expressly provided by law. He shall keep in his office a book to be called a "Register of Warrants," in which shall be entered in regular order, the number, date of issue, in whose favor, upon what fund drawn, amount and rate of interest of all warrants drawn by him on the state treasury.

Third—Express in the body of any warrant which he may draw upon the treasury for money, the particular fund appropriated by law out of which the same is to be paid.

Fourth—Audit, settle and adjust the accounts of the collectors of the revenue, and other holders of public money, who are required by law to pay the same into the treasury.

Fifth—Keep an account between the state and the state treasury.

Sixth—Keep an account of all the debts and credits between the state and United States, and between the state and every other state, sovereignty, community, officer or person with whom the state may have dealings, and of any separate fund of the state authorized by law.

Seventh—Direct prosecution in the name of the state for all official delinquencies in relation to the assessment, collection and payment of the revenue, against all persons who by any means, become possessed of public money or property and fail to pay over or deliver the same, and against all debtors to the state.

Eighth—Give information in writing to the either house of the general assembly whenever required, upon any subject relating to the fiscal affairs of the state or touching any duty of his office.

Ninth—Perform all such other duties as may be required by law.

ARTICLE VI.

1124. SECTION 1. Persons having claims against the state shall exhibit the same, with the evidence in support thereof, to the auditor to be audited, settled and allowed within two years after such claim shall accrue, and not afterwards.

Auditing and settlement of claims against state.

1125. SEC. 2. In all suits brought in behalf of the state, no debt shall be allowed against the state as a set-off but such as have been exhibited to the auditor, and by him allowed or disallowed, except only in cases where it shall be proved to the satisfaction of the court that the defendant at the time of the trial, is in possession of vouchers which he could not produce to the auditor, or that he was prevented from exhibiting the claim to the auditor by absence from the state, sickness or unavoidable accident.

When debts against state allowed as set-off in suits in behalf of state.

1126. SEC. 3. The auditor, whenever he may think it necessary to the proper settlement of any account, may examine the parties, witnesses and others, on oath or affirmation, touching any matters material to be known in the settlement of such account, and for that purpose may issue subpoenas, and compel witnesses to attend before him and give evidence, in the same manner and by the

Examination of parties, witnesses, etc., in settlement of accounts.

same means and by the same means allowed by law to courts of record.

Certified copies
of accounts;
fees for.

1127. SEC. 4. All accounts, vouchers and documents settled or to be settled by the auditor, shall be preserved in his office; and copies thereof authenticated by the official seal, shall be given to any person interested therein who may require the same and tender fees at the rate of fifteen cents per folio, and twenty-five cents for the use of the seal.

Warrants for
payment of
accounts, grants,
salaries, etc.;
how to be drawn.

1128. SEC. 5. In all cases of accounts audited and allowed against the state, and in all cases of grants, salaries, pay and expenses, allowed by law, the auditor shall draw a warrant on the treasurer for the amount due, in the form required by law: *Provided*, an appropriation has been previously made for such purpose.

Warrant not to
be drawn unless
appropriation
made.

1129. SEC. 6. No warrant shall be drawn by the auditor, or paid by the treasurer, unless the money has been previously appropriated by law; nor shall the whole amount drawn for or paid under one head ever exceed the amount appropriated by law for that purpose.

In case of appeal
from decision
of auditor.

1130. SEC. 7. If any person interested shall be dissatisfied with the decision of the auditor on any claim, account or credit, the auditor shall, at the request of such person, certify his decision with his reasons therefor, specifying the items rejected, if less than the whole, under the seal of his office, and refer the same to the general assembly.

Certificates of
indebtedness.

1131. SEC. 8. In all cases where the laws recognize a claim for money against the state, and no appropriation shall have been made by law to pay the same, the auditor shall audit and adjust the same and give the claimant a certificate of the amount thereof, under his official seal if demanded, and shall report the same to the general assembly with as little delay as possible.

Report of delin-
quent collectors
and holders of
public money.

1132. SEC. 9. The auditor shall report to the general assembly within ten days after the commencement of each regular session, a list of all collectors of revenue, and other holders of public money, whose accounts have remained unsettled for the space of six months after they ought to have been settled according to law, and the reasons therefor.

ARTICLE VII.

1133. SECTION 1. The auditor and treasurer shall have free access to each other's offices for the inspection of all books, accounts and papers which they respectively contain, and free access to all the other offices of the state, for the inspection of such books, accounts and papers as concern any of their duties.

Auditor and treasurer to have free access to all state offices.

1134. SEC. 2. The auditor and treasurer shall each keep a letter-book in which shall be recorded all official letters which they may write.

Official letter-book.

1135. SEC. 3. If the auditor shall knowingly issue any warrant upon the treasury, not authorized by law, he shall be deemed guilty of a misdemeanor in office, and upon conviction thereof, be fined in a sum four-fold the amount of such warrant, and imprisoned for any length of time not exceeding one year.

Penalty for issue of unauthorized warrants.

1136. SEC. 4. If the treasurer shall wilfully and unlawfully refuse to pay any warrant lawfully drawn upon the treasury, he shall forfeit and pay to the holder thereof four-fold the amount of such warrant, to be recovered by action of debt against the treasurer and his securities on his official bond, or otherwise according to law, and the treasurer shall be deemed guilty of a misdemeanor in office, and upon conviction thereof shall be imprisoned for a time not exceeding two years.

Penalty for unlawfully refusing to pay warrant

1137. SEC. 5. If the auditor or treasurer shall wilfully neglect or refuse to perform any duty enjoined by law, or shall be guilty of any oppression or extortion in the performance of any legal duty, or shall receive any fee or reward for the performance of any legal duty not allowed by law, or by color of his office shall knowingly do any act not authorized by law, or in any other manner than is required by law, he shall be deemed guilty of a misdemeanor in office, and upon conviction thereof, shall be fined in a sum not less than one hundred, and not more than one thousand dollars.

Penalty for neglect to perform lawful duties, by auditor or treasurer.

1138. SEC. 6. The amount of every account audited, adjusted and found due the state according to this act, with the interest thereon, is declared to be a lien upon the real estate of the person charged with the same from the time that suit shall be commenced for the recovery thereof.

Claim due state lien upon real estate of person owing.

Examination
and verification
of accounts of
auditor and
treasurer.

1139. SEC. 7. Previous to each regular session of the general assembly the secretary of state shall select and notify by giving ten days' notice to one member elected to the senate and two members elected to the house of representatives, to attend at the seat of government six days before the commencement of the session, for the purpose of examining and verifying the accounts of the auditor and treasurer.

Persons making
examination to
take oath

1140. SEC. 8. The members thus selected, before entering on such duties, shall take the oath required by the constitution of members of the general assembly, which shall be indorsed and certified on their certificates of election.

In what manner
examination to
be made.

1141. SEC. 9. The members selected, or a majority of them, shall make such examination and make to each house of the general assembly a report thereof; and if the general assembly approve the accounts so examined, thereupon they shall cause proper entries to be made in the books of the auditor's and treasurer's offices, showing the result of such examination, and immediately thereupon shall cause all vouchers which shall have been examined and allowed in such examination to be defaced by writing or stamping in large letters on the face thereof the word "cancelled." And all warrants drawn upon the treasurer by the auditor and paid by the treasurer shall be returned by said committee to the auditor and entered by him in the "registry of warrants" as cancelled.

Proceedings in
case of death or
resignation of
treasurer.

1142. SEC. 10. Upon the death or resignation of the treasurer, or upon a vacancy in that office from any other cause, the secretary of state, with two suitable persons to be appointed by warrant under the hand and seal of the governor, shall repair to the place or places where the moneys, papers and other things belonging to the treasury are usually kept, and having previously given notice to the late treasurer, his heirs, executors or administrators, and to his sureties, or one of them, shall seal up and secure in their presence, if they shall attend, all such moneys, papers and other things supposed to belong to the state.

1143. SEC. 11. They shall then give such representatives or sureties, if required by them, a true list of all

boxes and packages so sealed up and secured, and shall note on such list the places wherein the same are deposited, whereupon, as soon as it can be conveniently done and after notice to the parties mentioned in the preceding section, they shall cause the said boxes and packages to be examined and a true inventory to be taken of the said moneys, and of all bonds, notes, securities, books and other things appertaining to said office, which shall be required by such late treasurer or his representatives or sureties, or either of them.

List of boxes and packages sealed up to be given to representatives or sureties of treasurer.

Inventory.

1144. SEC. 12. A copy of such inventory shall be deposited by them in the secretary's office, and any copies that may be required shall be given to any of the parties mentioned in the preceding section, and they shall safely keep all moneys and other effects mentioned as aforesaid until another treasurer shall be appointed, to whom, when qualified, they shall deliver over the same, taking duplicate receipts therefor, one of which receipts shall be deposited with the secretary, and the other shall be delivered to the said late treasurer, or his legal representatives or sureties, or one of them.

Receipts to be given by successor in office.

1145. SEC. 13. The persons appointed by the secretary to make the examination and verification of the accounts of the auditor and treasurer, and the persons appointed by the governor, as provided in section ten of this article, shall receive the same compensation as is allowed by law to the members of the general assembly during the time they may be engaged in such service.

Compensation of persons engaged in making examination.

1146. SEC. 14. The auditor and treasurer shall each have power to administer all oaths and affirmations required by law, in matters touching the duties of their respective offices.

Power of auditor and treasurer to administer oaths.

1147. SEC. 15. The auditor shall issue his warrant on the treasurer in any sum that the party entitled to the same may desire; *provided*, they shall not be less than five dollars, unless the sum due is less than that amount. All warrants drawn by the auditor on the treasury of the state shall be in the following form:

Issue of warrants; form.

No. —. "STATE OF COLORADO, — —.

Treasurer of the state of Colorado, pay to — — — —, or order, — — — — dollars, out of any money in the treasury not otherwise appropriated, (here state in brief the account on which such warrant is issued,) and charge the same to — — — —, and this shall be your voucher.

Issued — —, 18—. Signed, — — — —,

Auditor of the state of Colorado."

Rate of interest
on warrants.

1148. SEC. 16. All state warrants issued by the proper authorities of the state shall draw interest from and after the date of their presentation, at the rate of ten per cent. per annum until the time directed in next succeeding section.

Record and
payment of pro-
tested warrants.

1149. SEC. 17. The treasurer shall keep a record of the number and amount of the warrants so presented and indorsed for non-payment, and when there are funds in the treasury for the payment to an account [of an amount] sufficient to render it advisable, he shall give notice to what number of warrants the funds will extend and which he will pay, by the insertion in a newspaper printed at the seat of government. At the expiration of thirty days from the day of the last insertion, interest on the warrants so named as being payable shall cease. When interest is paid upon the warrants, the amount paid shall be indorsed upon the warrant and be signed by the party receiving it.

Fiscal year.

1150. SEC. 18. The fiscal year shall be deemed to commence on the first day of December, and end on the thirtieth day of November, in each year.

Official seal of
auditor and
treasurer.

1151. SEC. 19. The treasurer and auditor shall each keep a seal of office, which shall be used to authenticate all writings, papers and documents certified from either of such officers respectively.

Penalty for de-
fault of auditor
or treasurer in
making reports.

1152. SEC. 20. For default in making and rendering the reports hereinbefore required, every auditor and treasurer shall forfeit the sum of one hundred dollars, and the like sum for every day during which he shall be in default in making such report after the organization of the general assembly.

Repeal.

1153. SEC. 21. Chapter nine of the revised statutes of Colorado, and all acts and parts of acts inconsistent with this act are hereby repealed.

1154. SEC. 22. Inasmuch as the duties of the present Emergency. . . state officers are not prescribed by law, this general assembly is of the opinion that an emergency exists requiring the immediate passage of this act, therefore this act shall take effect and be in force from and after its passage.

Approved, February 27, 1877.

CHAPTER XXXIV.

FEES.

AN ACT DISPOSING OF UNCLAIMED WITNESS FEES.

[Revised Statutes, Chapter XXXI.]

1155. SECTION 1. That hereafter all moneys collected by any clerk of the district court of any of the judicial districts and county judges of this state, as witness fees, that shall have remained in the possession of said clerk for a period of three months, shall be paid by the clerk into the treasury of the county for which said court is held.

Disposition of unclaimed witness fees.

1156. SEC. 2. That it shall be the duty of the clerk of every such court in this state, to present, between the first and tenth days of the months of April and October, of each and every year, a detailed certified statement of all such fees collected by him and uncalled for by the owner, to the county treasurer of the county in which he resides, and to pay the amount over to the treasurer and take his receipt for the same.

Semi-annual detailed statement to be made by clerks.

1157. SEC. 3. That if any person entitled to witness fees in any suit in the district or county courts shall, within one year from the time his right to such fees accrued, make application to the clerk of the district court or the county judge, said clerk or judge shall give him a certificate setting forth the amount due to said witness, which amount shall be paid by the county treasurer upon the presentation of said certificate.

How fees paid into county treasury may be recovered.

1158. SEC. 4. Any such clerk failing to comply with the provisions of this act, shall be liable to the county in which he resides, in the penal sum of five hundred dollars for each offense, to be collected as other like fines.

Penalty for failure of clerk to comply with these provisions.