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An act to provide for the selection, location appraisal, sale and leasing of state lands.

Colorado General Assembly

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or prairie on any of the lands in this state, shall, upon conviction thereof, be fined not less than fifty nor more than three hundred dollars, or may be imprisoned not less than fifteen days nor more than three months, and may be punished by both fine and imprisonment in the discretion of the court.

Punishment for
firing of timber
or prairie on any
lands in this
state.

2150. SEC. 2: If any person shall set on fire any woods or prairie so as to damage any other person, such person shall make satisfaction for the damage to the party injured, to be recovered in an action before any court of competent jurisdiction.

Damages to
persons injured.

2151. SEC. 3. Any person who shall set fire on any of the lands belonging to the state, or of the public domain, thereby destroying the timber or grass thereon, shall be liable to an indictment therefor, and upon conviction thereof, shall be fined a sum not less than fifty dollars and not exceeding five hundred dollars, or be confined in the county jail not less than twenty days and not exceeding six months, or fine and imprisonment, at the discretion of the court, to be paid to the county treasurer of the county in which the offense was committed, and placed to the credit of the school fund of said county.

Punishment for
firing any lands
belonging to
state or public
domain.

2152. SEC. 4. All acts or parts of acts conflicting with this act are hereby repealed.

Repeal.

Approved, March 14, 1877.

AN ACT TO PROVIDE FOR THE SELECTION, LOCATION, APPRAISAL,
SALE AND LEASING OF STATE LANDS.

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

ARTICLE I.

2153. SECTION 1. The funds arising from the sale of all lands granted by the United States to the state of Colorado for specific purposes, shall be held intact for the purposes for which they were granted, after the lands shall have been selected and assigned to the fund for which they were granted, and shall not be transferred to the credit of any other fund, nor shall the proceeds of the sale of such lands be applied to any other than the purposes for which the lands were granted.

Disposition of
funds arising
from sale of
lands granted to
the state for
specific purposes

Exemption from taxation.

2154. SEC. 2. All lands belonging to the state of Colorado shall be held exempt from state, county or local taxation.

In what manner proceeds of sale of lands to be invested.

2155. SEC. 3. The proceeds arising from the sale of all lands granted to the state for school and university purposes, shall be invested first in the bonds of the state of Colorado, and second in the bonds of the United States, and the interest only shall be used for the purposes for which the grant was made; and the proceeds of the sale of all other state lands shall be invested in the same securities until otherwise appropriated by the general assembly.

When sale of lands to be made

2156. SEC. 4. No sale of school lands, lands granted for internal improvements, for public buildings or university lands, shall be made prior to March 1, 1879, except as hereinafter provided.

Manner of issuing patents.

2157. SEC. 5. All patents for lands sold by the state shall issue in the name of the state of Colorado, and shall be signed by the governor, whose signature shall be attested by the secretary of state, and the seal of the state of Colorado.

ARTICLE II. DUTIES OF THE STATE BOARD OF LAND COMMISSIONERS.

Who to constitute board.

2158. SECTION 1. The governor, superintendent of public instruction, secretary of state and attorney-general shall constitute the state board of land commissioners, who shall have the direction, control and disposition of the public lands of the state, under such regulations as may be prescribed by this act.

Duties of board.

2159. SEC. 2. It shall be the duty of the state board of land commissioners to provide for the location, protection, sale or other disposition of all the lands heretofore, or which may hereafter be granted to the state by the general government, under such regulations as may be prescribed by law, and in such manner as will secure the maximum possible amount therefor.

Organization.

2160. SEC. 3. The governor shall be *ex officio* president of the state board of land commissioners, and the meetings of the board shall be regulated by such rules as the board itself may adopt.

2161. SEC. 4. The first meeting of the state board of

land commissioners shall be held on the call of the governor, and thereafter at such times and places as the board may direct. Meetings.

2162. SEC. 5. All powers now vested or hereafter to be vested in the state board of land commissioners, may be executed by a majority of the board. Execution of powers by majority.

2163. SEC. 6. The state board of land commissioners shall keep a record of their proceedings in a book kept for that purpose, and shall preserve all papers and documents submitted to them; all expenses necessarily incurred in the discharge of the duties that are or shall be enjoined on them by law, shall be audited by the state auditor and paid by a warrant on the state treasurer. Record of proceedings; payment of expenses.

2164. SEC. 7. The state board of land commissioners shall designate what portions of such lands as may be selected by the state, shall be assigned to each specific fund designated in the grants made by the United States. Designation of lands and assignment to specific fund.

ARTICLE III. APPRAISAL AND SELECTION.

2165. SECTION 1. The board may appoint six assistant land commissioners, two of whom shall be surveyors of experience and ability, who shall proceed in such manner as the board may direct, to examine and report to the state board such lands as may be suitable for selection. Appointment of assistant land commissioners.

2166. SEC. 2. The state board of land commissioners shall keep an office at the seat of government, at which shall be kept all maps, plats, books, records, documents and papers pertaining to the office, subject at all times to inspection, the same as other public records. Office of state board; where to be kept.

2167. SEC. 3. The assistant land commissioners, other than the surveyors, shall receive the sum of four dollars per day for time actually employed, and the surveyors shall receive the sum of six dollars per day. Compensation of assistant commissioners and surveyors.

2168. SEC. 4. The board shall be furnished by the state with all necessary blanks, books and stationery, and furnish a team and driver to accompany each expedition for the examination, survey and location of land; and all the necessary expenses attending the examination, survey, location and sale of state lands shall be paid on the war- Books, blanks, stationery and transportation; payment of expenses of examining, surveying and locating lands.

rants of the auditor issued on vouchers certified to by the state board.

How and what
order lands to
be selected.

2169. SEC. 5. The state board shall provide as complete a set of plats for field use as may be necessary, of the surveyed lands in the state, together with such blanks as may be necessary for the examination of said lands; shall ascertain as far as practicable what of the unappropriated government lands in the state are capable of irrigation, and the sources and reliability of the supply of water for the same; and shall select what lands may be suitable under the various grants made by the general government to the state, in the following order:

First—Lands granted in sections eight, nine and ten of the act of congress, of March 3, 1875, "to enable the people of Colorado to form a constitution and state government, and for the admission of said state into the Union on an equal footing with the original states."

Second—Lands granted under the act approved September 4, 1841, "to appropriate the proceeds of the public lands, and to grant pre-emption rights."

Third—Lands to be selected by the state under section seven of the first above named acts, in lieu of those disposed of by the United States, in sections sixteen and thirty-six of each township in the state.

Fourth—To select any and all lands that may be granted to the state by the United States.

Procuring of
patents from the
United States,

2170. SEC. 6. When the selection of lands has been made and approved by the state board of land commissioners, the governor shall take the necessary steps to procure the approval of the said selection by the president of the United States, and the issuance of patents for the same by the United States to the state of Colorado.

Permanent rec-
ords of selected
lands.

2171. SEC. 7. When all of said lands have been selected and the title assured to the state, the state board shall cause to be prepared a complete set of plats of the state lands of a permanent character, and a set of books, which shall show the character of the soil, grass, timber, water, the source and supply of water for irrigation, the presence of stone, lime or any useful mineral products, and in general, all facts that may effect the value of the lands, and

shall show on the plats which lands have been selected under each specific grant of the United States.

2172. SEC. 8. The assistant land commissioners and all persons employed in the selection of the lands of the state shall before preceding with their duties take and subscribe the oath prescribed by the constitution for civil officers, and shall file the said oath, certified by the person before whom the oath shall be taken, in the office of the secretary of state.

Oath of assistant land commissioners, etc.

2173. SEC. 9. In case any person appointed to select and appraise any state lands shall wilfully and knowingly make a false return of any survey or an appraisal of the value of land at variance from the true value thereof, or without having personally surveyed or examined the same, he shall be deemed guilty of wilful perjury.

False return of survey or appraisal deemed perjury.

2174. SEC. 10. The state board shall annually on the first day of December publish a full report of its transactions, showing the amount of lands belonging to the state, to what funds they belong, their value, and the amount sold during the year.

Annual report of state board.

ARTICLE IV.

2175. SECTION 1. The state board of land commissioners may from time to time direct the sale of the lands belonging to the state and not otherwise directed to be disposed of, at public auction, in such parcels as they shall deem most for the interest of the state, and for the promotion of the settlement thereof, but not more than forty thousand acres shall be sold at any one auction, and each lot of one hundred and sixty acres shall be separately exposed to sale. Smaller lots shall only be sold when it is impracticable to sell as prescribed above, and not more than one hundred and sixty acres shall be sold to any one person, except as provided in section twenty-two of this article.

Sale of lands at public auction.

2176. SEC. 2. The state board of land commissioners shall previous to every sale prepare a statement of the price of each lot, below which it shall not be sold; and they shall also designate the newspapers in which the notices of the sale shall be published, but they shall in all cases designate at least one newspaper published in the

Establishing of minimum price of lands; publication of notice of sale.

county where the lands to be sold are situated, or if there be no newspaper therein, then they shall designate at least one newspaper that shall be published nearest to such lands.

Where sales to be held; amount of purchase money to be paid at time of sale.

2177. SEC. 3. All public sales of lands belonging to this state shall be held at the capitol of the state, except as hereinafter provided, and unless otherwise directed by the state board of land commissioners, and the amount of purchase money to be paid at the time of sale shall in no case be less than thirty per cent. of the whole purchase money: *Provided*, that, in the case of timbered lands the whole purchase money shall be paid at the time of sale.

Notice of sale.

2178. SEC. 4. The state board shall give eight weeks' previous notice of the time, place and condition of such sale, to be published in such newspapers as the said board shall have selected and prescribed.

Time and manner of payments for lands purchased.

2179. SEC. 5. Within forty-eight hours after each sale the purchaser of each tract shall pay to the state treasurer the first payment required thereon, and execute a penal obligation conditioned for the payment of the residue of the purchase money to the people of the state of Colorado, in seven equal annual payments, with interest at the rate seven per cent. per annum, which obligation shall be deposited with the state auditor. If any purchaser shall refuse or neglect to make such payment or to deliver such obligation as aforesaid, he shall for every such refusal or neglect forfeit the sum of one hundred dollars for each lot so by him purchased, to be recovered with costs of suit instituted by the attorney general, in the name of the people of the state.

Penalty for refusal to make payment.

Certificate of purchase.

2180. SEC. 6. The state auditor on the delivery to him of such obligation and on receipt of such payment by the treasurer, shall give such purchaser a certificate containing the name of the purchaser, a description of the land purchased, the sum paid, and the sum remaining due thereon.

Issuance of patents when full payment is made.

2181. SEC. 7. Whenever any purchaser, at a sale made by the state board, or the representatives or assigns of such purchaser, shall produce to the state auditor a certificate with the receipt of the treasurer endorsed thereon for the

whole of the money due thereon, it shall be the duty of the auditor to cancel the obligation executed by such purchaser on the sale, and letters patent for the land described in the certificate shall be issued.

2182. SEC. 8. Whenever such certificate shall be lost or wrongfully withheld by any person from the owner thereof, the state board of land commissioners may receive evidence of such loss or wrongful detention, and on satisfactory proof of the fact, may cause a patent to issue to such person as shall appear to them to be the proprietor of the land described in the original certificate.

Issuance of patents in case of loss or wrongful detention of certificate.

2183. SEC. 9. If any one payment stipulated in any obligation received by the state auditor upon any sale of lands, shall remain unpaid one year after the same is due, the state board of land commissioners may direct the attorney general to put such obligation in suit, or may sell again the land for the payment of which such obligation shall have been given, *provided*, that such sale shall not be made unless the occupation of the land shall have been abandoned for a full year, and in case of such sale, all previous payments made on account of such land shall be forfeited to the particular fund to which the land may belong.

Suit upon obligations remaining unpaid for one year after due, or sale of land and forfeiture of previous payments.

2184. SEC. 10. The state board of land commissioners may hear and determine the claims of all persons who may claim to be entitled in whole or in part to any lands owned by this state, and shall have power to establish such rules as in their opinion may be proper to prevent fraudulent applications under the preceding sections.

Hearing and determination of claims to any lands owned by the state.

2185. SEC. 11. Whenever the state board shall have exposed for sale any lots of the lands of this state pursuant to law, and any of such lots shall remain unsold, the commissioners may in their discretion issue certificates for the sale thereof to such persons respectively as shall thereafter make application for any of the said lots at not less than the minimum price affixed to them.

Private sales of lands at minimum price.

2186. SEC. 12. Whenever any lot of land shall have been put up for sale by the state board, and no bids shall have been received for the same, and no application be made for the purchase thereof within a reasonable time, the state

Reduction of minimum price.

board of land commissioners may, if in their opinion the minimum price was fixed too high, reduce the same, and again advertise and proceed with the sale thereof, *provided*, that no such reduction shall exceed ten per centum in any one fiscal year.

Sales of lands upon which improvements are made; deduction of appraised value of improvements.

2187. SEC. 13. Any person desiring to purchase lands upon which he or she shall have made improvements prior to August first, A. D. 1876, if the land was surveyed at that time, or if unsurveyed, then prior to the survey, shall be allowed to deduct the appraised value of the improvements from the amount bid for said lands and improvements, and in the event that any person purchase land upon which such improvements have been made, the purchaser shall pay the full price of said land and improvements to the state treasurer, and the state treasurer shall pay the appraised value of the improvements to the person owning the same, and the price of said improvements shall be paid in full at the time of sale, by the purchaser; *provided*, that the bid mentioned in this section, shall be for a sum equal to the amount of both the appraised value of such improvements and the minimum price of the land as fixed by the state board of land commissioners, but in case such bid does not equal the minimum price of land and appraised value of improvements, such deficit shall be taken from the appraised value of improvements. Said improvements shall be appraised as provided for the appraisalment of improvements upon school lands in article 4, section 24, of this act.

Penalty for trespass on, or injury to, state lands; duties of county superintendents and proceedings before justices of the peace.

2188. SEC. 14. If any person shall commit trespass or other injury to the lands of the state, or upon any of the improvements thereon, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than twenty-five dollars and not exceeding one thousand dollars, and it shall be the special duty of the county school superintendent to take cognizance of all such offenses committed in his county, and report the same to the proper officer; all justices of the peace, upon information, oath, affirmation, or of their own knowledge, shall cause any person committing any of the offenses mentioned in this section to be brought before

them by like process as in criminal cases, and to enter into recognizance to appear at the next term of the district court of the district in which the offense was committed, and in default of such recognizance to commit such person to the jail of the county.

2189. SEC. 15. If any purchaser of lands before receiving his title in fee simple therefor, shall cut or destroy any timber upon said land more than may be necessary for the building and repair of fences and houses on the land, or for fuel for the family of the occupant, he or she shall be liable to pay the amount of damages done to the land, recovered by an action in the name of the people of the state of Colorado, to be instituted by the attorney general.

Cutting and destroying of timber, more than necessary for building, fencing or fuel; action for damages.

2190. SEC. 16. All moneys received from fees, fines and forfeitures under this act, shall be paid to the state treasurer, and by him placed to the credit of the fund to which the land in regard to said fees, fines and forfeitures belonged.

Disposition of fees, fines and forfeitures.

2191. SEC. 17. Whenever the state board shall sell any lot of land for the purchase moneys due thereon, and the sum due for principal and interest shall not be bid therefor, they may purchase the same for the state at the amount so due with the costs of sale.

When state may purchase lands sold for purchase money due thereon.

2192. SEC. 18. Any lands sold, for five years after such sale shall not be assessed by assessors of the town or county in which they shall lie, at any higher valuation than the estimate upon which they were sold, unless improvements within that time have been made thereon, in which case the value of such improvements shall be added to the estimate.

Lands not to be assessed for taxation at higher valuation than estimate upon which sold, for five years.

2193. SEC. 19. All moneys arising from the sale of state lands shall be paid to the state treasurer, and shall be invested by him for the benefit of the fund to which they may belong in the securities prescribed by this act.

Disposition of funds arising from sale of state lands.

2194. SEC. 20. The expenses of all sales of land shall be paid by the treasurer on warrants issued by the auditor, on vouchers certified by the state board that the said expenses were necessary and actually incurred.

Payment of expenses of sale.

2195. SEC. 21. The state board of land commissioners shall have the power to lease the school and university lands of the state at a rate not less than ten per cent. per

Leasing of school
and university
lands.

annum, payable in advance, on the appraised value of the same, and shall require of the lessee such a bond as shall secure the state from loss or waste, and in no case shall the lessee be allowed to cut or waste more timber than shall be necessary for the improvement on the land or for fuel for the use of the family of the lessee.

Sale of lands for
location of colo-
nies or construc-
tion of ditches.

2196. SEC. 22. The state board of land commissioners may sell in parcels of not more than five thousand acres, at public sale, at not less than its appraised value; any of the lands granted to the state for public improvements under the act approved September 4, 1841, conditioned upon the location of colonies thereon, or the construction of extensive lines of ditches covering such lands; *provided*, that not more than one-half of any one section of land shall be sold, and in alternate half sections; *and provided further*, that every alternate one-half section unsold shall not be sold for three years thereafter.

Sale of school
lands.

2197. SEC. 23. All lands granted by congress of the United States for school purposes, known as sections sixteen and thirty-six, together with all such as has been granted and shall be selected in lieu of said sections, may be sold as hereinafter provided.

Appraisement
of school lands;
how to be made;
compensation of
appraisers.

2198. SEC. 24. Whenever ten householders of any organized school district in which the land is situated shall petition the state board to expose to sale any portion or portions of said lands, describing the same, the state board shall direct the county commissioners of the county in which such land is situated, to cause the same to be appraised by three disinterested householders, each legal subdivision of land being appraised separately at its real value, and return their appraisement in writing, signed by them, to the clerk of the county; and in case any parcel of the said lands shall have been improved, the said appraisers shall, in addition to the appraisement of the land, return and file with the said clerk a separate appraisement of the improvements upon the land. The appraisers shall receive four dollars per day for the time actually employed in such appraisement, to be paid by warrant of the auditor of state on the state treasury.

2199. SEC. 25. The county clerk shall immediately

file the said apportionment and appraisal of said appraisers in his office, and record the same in a book kept for that purpose, and transmit a certified copy of the same to the state board of land commissioners. All school lands

Filing and recording of appraisal.

known as sections sixteen and thirty-six shall be exposed to sale to the highest bidder, at the county seat in the county where such lands are situated. The board of land commissioners shall direct the county school superintendent to sell such lands, and give notice of such sale as provided in this act. All moneys arising from the sale of such school lands by the county superintendent shall be paid to the county treasurer, and by him immediately transmitted to the state treasurer, who shall invest the same as provided in section three, article one, of this act; and the payments for school lands shall be the same as provided in the sale of other state lands.

In what manner school lands to be sold; disposition of proceeds.

2200. SEC. 26. It shall be unlawful for the state board of land commissioners, county commissioners, county superintendent, or any persons appraising lands, or any person or persons in the employ of the state for the selection, appraisal, sale or leasing of the state or school lands, to purchase or lease directly or indirectly any portions of the lands of this state.

Purchase or leasing of state lands by persons in employ of state prohibited.

2201. SEC. 27. School lands known as sections sixteen and thirty-six, or any part thereof, situated within or adjacent to any organized city or town, or any addition to a city or town, may be surveyed and laid off in blocks and lots, streets, alleys, avenues, highways, or public squares, to conform to the legal subdivisions of such city or town, and the state board of land commissioners shall cause correct maps and plats of such lands to be made and recorded; when so surveyed and platted, and not otherwise, the said board may, in its discretion, sell the same at public auction to the highest bidder; *provided*, that each block or lots as numbered and platted upon said maps shall be sold separately, and not until they shall have been appraised and notice of such sale given in the same manner as prescribed in sections twenty-four, twenty-five and twenty-six of article four of this act. Such sales shall be made upon the same

Sales of school lands situated within or adjacent to city or town.

terms as provided in this act for the sale of other school lands.

Report of county superintendents of schools to state board of land commissioners of condition of school lands.

2202. SEC. 28. It shall be the duty of the county superintendent of schools in each county of the state to report to the state board of land commissioners, on or before the first day of July, A. D. 1877, the condition of the school lands located in their several counties, showing the amount thereof, whether any part of the same is occupied and by whom, whereupon it shall be the duty of the state board to ascertain the amount of such lands occupied and rightfully held under any law of the United States by occupants thereof, and to make a location of other lands equivalent thereto for the support of the public schools.

Selection of salt springs and lands adjacent thereto; compensation of employees and payment of necessary expenses.

2203. SEC. 29. In the selection of the twelve salt springs and the six sections of land adjacent thereto, granted to the state by the eleventh section of an act of congress, approved March 3, 1875, the governor shall have authority to employ such assistance as may be necessary in the selection and location of said lands; *provided*, that the persons so employed shall not receive for their services a higher rate of compensation than is allowed persons employed in the selection of other state lands. The governor shall be allowed his actual traveling and other necessary expenses while engaged in the selection and location of the salt springs and lands adjacent thereto.

Granting right of way over or upon lands purchased by or donated to the state.

2204. SEC. 30. In any case where land has heretofore or may hereafter be purchased by or donated to the state, or may have been purchased by or donated to the territory of Colorado, and the state remains the owner thereof, either for the erection of public buildings or for any other purpose, and it is deemed expedient to grant the right of way over or upon such lands, the governor and secretary of state shall be, and hereby are, authorized to execute and sign on behalf of the state a proper deed or other instrument of writing therefor, and should the owner or owners of land adjoining any such land, desire to lay out and subdivide any such lands so adjoining any of the land belonging to the state, into an addition to any city or town, the said governor and secretary of state may, and they are hereby authorized, to execute and acknowledge the proper

acquittance, or join in a plat of such addition, for the purpose of granting the right of way over and upon such lands, and the same shall be considered as a full and clear right of way over such land to all intents and purposes, the same as though the same was executed by any individual owner; *provided, however*, that this section shall not be deemed to grant authority to convey any such land except for the purposes above set forth, other than as provided in this act.

2205. SEC. 31. Inasmuch as it will soon be time to commence the work of the location of the public lands, and no provision has heretofore been made for the same, therefore, it is the opinion of this general assembly that an emergency exists, and that this act shall take effect without delay. Emergency.

Approved, March 17, 1877.

CHAPTER LXXXIV.

PUBLIC LIBRARIES.

AN ACT CONCERNING LIBRARIES.

[Session Laws, 1877.]

2206. SECTION 1. The clear proceeds of all fines for any breach of any penal ordinance of any city in this state, and for penalties or upon any recognizance in criminal proceedings, may be exclusively applied to the establishment and support of public libraries as hereinafter provided. Application of fines and penalties to establishment and support of public libraries.

2207. SEC. 2. Any city in this state may establish a public library under the provisions of this act, whenever the common council of such city shall by ordinance determine to establish the same. Establishment of libraries by city ordinance.

2208. SEC. 3. Whenever the common council of any city in this state shall pass an ordinance to establish such public library, it shall be the duty of the mayor of such city to appoint three competent persons who shall constitute a library committee for the term of one year from the date of their appointment, and until their successors are duly appointed and qualified; and such appointment shall be confirmed by the common council of such city. Appointment of library committee.