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1877

An act concerning counties, county officers, and county government, and repealing laws on these subjects.

Colorado General Assembly

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Liability of persons for false oath or affirmation. depositions administered or taken as provided in this act, shall subject any person who shall falsely so swear or affirm, in matters material to any issue or point in question, to the pains and penalties inflicted by law for the time being upon persons guilty of wilful and corrupt perjury.

Compensation. 427. SEC. 3. For administering oaths and taking affidavits or depositions as provided in section one of this act, county clerks shall receive the same compensation as is now or may hereafter be allowed by law to notaries public for like services.

Approved, March 1, 1877.

AN ACT CONCERNING COUNTIES, COUNTY OFFICERS, AND COUNTY GOVERNMENT, AND REPEALING LAWS ON THESE SUBJECTS.

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

Powers. 428. SECTION 1. Each organized county within the state, shall be a body corporate and politic, and as such shall be empowered for the following purposes:

First—To sue and be sued.

Second—To purchase and hold real and personal estate for the use of the county, and lands sold for taxes, as provided by law.

Third—To sell and convey any real or personal estate owned by the county, and make such order respecting the same as may be deemed conducive to the interests of the inhabitants.

Fourth—To make all contracts, and do all other acts in relation to the property and concerns necessary to the exercise of its corporate or administrative powers.

Fifth—To exercise such other and further powers as may be especially conferred by law.

County property. 429. SEC. 2. Any real or personal estate heretofore, or which may be hereafter, conveyed to any county, shall be deemed the property of such county.

By whom powers to be executed. 430. SEC. 3. The powers of a county as a body politic and corporate, shall be exercised by a board of county commissioners therefor.

431. SEC. 4. Each organized county shall, at its own expense, provide a suitable court house, and a sufficient jail, and other necessary county buildings, and keep them in repair. County buildings.

432. SEC. 5. In all suits or proceedings, by or against a county, the name in which the county shall sue or be sued, shall be, the board of county commissioners of the county of ———; but this provision shall not prevent county officers, when authorized by law, from suing in their name of office for the benefit of the county. How entitled in suits.

433. SEC. 6. In all legal proceedings against the county, process shall be served on the clerk of the board of county commissioners, and whenever such suit or proceeding shall be commenced, it shall be the duty of the clerk forthwith to notify the county attorney thereof, and to lay before the board of county commissioners, at their next meeting, all the information he may have in regard to such suit or proceeding. Upon whom process to be served in suits against counties.

434. SEC. 7. On the trial of any suit in which a county may be interested, the inhabitants of such county shall be competent witnesses and jurors, if otherwise competent and qualified according to law. Who competent as witnesses and jurors.

435. SEC. 8. When a judgment shall be rendered against the board of county commissioners of any county, or against any county officer, in an action prosecuted by or against him in his name of office, when the same shall be paid by the county, no execution shall issue upon said judgment, but the same shall be levied and paid by the tax, as other county charges, and when so collected shall be paid by the county treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor: *Provided*, that nothing in this section shall prohibit the county commissioners from paying such judgment by a warrant upon the county treasury. Execution not to issue on judgments rendered against county. How judgments to be paid.

436. SEC. 9. The board of county commissioners shall consist of three members, any two of whom shall be competent to transact business, who shall be elected according to law. Board of commissioners.

437. SEC. 10. At the first election held to choose the first board of county commissioners of any county, the Determination of terms of office.

person having the highest number of votes shall continue in office three years; the next highest two years, and the next highest one year. But if two or more persons have the same number of votes, then their terms shall be determined by lot, under the direction of the board of canvassers returning the election, and annually thereafter one commissioner shall be elected and shall continue in office three years: *Provided*, that the period of time from the first election to the next general election, shall be considered the first year.

Apportionment
of county into
districts.

438. SEC. 11. Each county shall be divided by the first board of commissioners holding office, into three compact districts, as equal in population as possible, numbered respectively one, two and three, and not subject to alteration oftener than once in two years; and one commissioner shall be elected from each of such districts by the voters of the whole county, as herein provided. Such division of the county into districts shall be made within six months after the first board of county commissioners are elected to office.

Meetings of
board of com-
missioners.

439. SEC. 12. Each board of county commissioners shall meet at the county seat of each county on the first Monday in January, April, July and October in each year, and at such other times as in the opinion of the board the public interest may require.

Oath to be taken
by commission-
ers.

440. SEC. 13. Each person elected as such commissioner shall, on receiving a certificate of his election, take an oath to support the constitution of the United States and of the state of Colorado, and to perform the duties of his office to the best of his ability, which oath, being indorsed upon said certificate, under the hand and seal of the person administering it, shall be sufficient for said person to act as said commissioner.

Section of com-
missioners in
case number
increased to five.

441. SEC. 14. Whenever any county having a population exceeding ten thousand, avails itself of the provision of section 6 of article 14 of the constitution, and increases its board of county commissioners to five, it shall, at the first ensuing general election, elect three commissioners, one of whose term of office shall be three years, one two years, and one one year. At the next ensuing general election

and every three years thereafter it shall elect two, whose term of office shall be three years. At the next general election and every three years thereafter it shall elect two, whose term of office shall be three years, and at the next general election, and every three years thereafter it shall elect one, whose term of office shall be three years.

442. SEC. 15. Any county which already has the requisite population, and whose board of commissioners consist of five members, shall, at the general election to be held A. D. 1877, and every three years thereafter, elect two county commissioners, whose term of office shall be three years, and at the next general election, A. D. 1878, and every three years thereafter it shall elect two commissioners, whose term of office shall be three years, and at the next general election A. D. 1879, and every three years thereafter it shall elect one commissioner, whose term of office shall be three years; and any three of the board shall be competent to transact business.

443. SEC. 16. When the citizens of any county, by a petition of a majority of the legal voters to the commissioners shall express a desire to increase the number of its board of commissioners from three to five members the commissioners, upon its being shown by a census or otherwise, that there is a population in said county of ten thousand and upwards, shall so order and shall notify the governor of such order, who shall thereupon appoint two commissioners to serve until the next general election, when their places shall be filled by election as hereinafter provided.

444. SEC. 17. When the board of county commissioners in any county shall consist of five members, one shall be elected from each district every three years, and the others shall be elected at large; and the chairman shall be chosen by the board, who shall also be *ex officio* superintendent of the poor, and shall receive such compensation for his services as such superintendent, as provided by the board of commissioners of such county.

445. SEC. 18. In case of a vacancy occurring in the office of county commissioner, the governor shall fill the same by appointment, and the person appointed shall hold

Elections in cases where board already consists of five members.

When governor to appoint additional commissioners.

Commissioner at large. Chairman of board to be superintendent of poor.

Vacancies, how filled.

the office until the next general election, or until the vacancy be filled by election according to law.

Powers of board
of commissioners.

446. SEC. 19. The board of county commissioners of each county shall have power at any meeting:

First—To make such orders concerning the property belonging to the county as they may deem expedient;

Second,—To examine and settle all accounts of the receipts and expenses of the county, and to examine and settle and allow all accounts chargeable against the county, and when so settled they may issue county orders therefor as provided by law;

Third—To build and keep in repair county buildings, and cause the same to be insured in the name of the county treasurer, for the benefit of the county; and in case there are no county buildings, to provide suitable rooms for county purposes;

Fourth—To apportion and order the levying of taxes as provided by law, and to contract loans in the name and for the benefit of the county, for the purpose of erecting necessary public buildings, making or repairing public roads or bridges, when such loans have been authorized by a vote of the legal voters of the county, and for the payment of the debts of the county, contracted in accordance with law, prior to the first day of July, A. D., 1876.

Fifth—To represent the county and have the care of the county property and the management of the business and concerns of the county, in all cases where no other provision is made by law.

Sixth—To set off, organize, and change the boundaries of precincts in their respective counties; to designate and give names therefor;

Seventh—To establish one or more voting places in each election precinct, as the convenience of the inhabitants may require;

Eighth—To lay out, alter or discontinue any road running into or through such county, and also to perform such other duties respecting roads, as may be required by law.

Ninth—To grant such licenses and perform such other duties as are or may be prescribed by law.

447. SEC. 20. The board of county commissioners shall not borrow money for the purposes hereinbefore stated, without having first submitted the question of such loan to a vote of the electors of the county, and without a majority of the voters legally qualified to vote and voting on that question shall have voted therefor.

448. SEC. 21. When the county commissioners of any county shall deem it necessary to create an indebtedness for the purpose of erecting necessary public buildings, making or repairing public roads or bridges, they may, by an order entered of record specifying the amount required and the object for which such debt is to be created, submit the question to a vote of the people, at a general election; and they shall cause to be posted a notice of such order in some conspicuous place in each voting precinct in the county, for at least thirty days preceding the election, and all persons voting on that question shall vote by separate ballot, whereon is placed the words "for county indebtedness," or "against county indebtedness;" such ballots to be deposited in a box provided by the county commissioners for that purpose, and no person shall vote on the question of indebtedness unless he shall have the necessary qualifications of an elector as provided by law, and shall have paid a tax upon property assessed to him in such county for the year immediately preceding, and if, upon canvassing the vote, (which shall be canvassed in the same manner as the vote for county officers) it shall appear that a majority of all the votes cast are for county indebtedness, then the county commissioners shall be authorized to contract the debt in the name of the county: *Provided, That* the aggregate amount of indebtedness of any county, exclusive of debts contracted prior to July first, 1876, in which the assessed valuation of property shall exceed one million of dollars, for all purposes, shall not be in excess of the following ratio, to wit: Counties in which the assessed valuation of property shall exceed five millions of dollars, six dollars on each thousand dollars thereof; counties in which the assessed valuation of property shall be less than five millions, and exceed one million of dollars, twelve dollars on each thousand dollars thereof.

Question of loans to be submitted to vote.

Conduct of elections, and qualifications of electors, on question of creating indebtedness.

Limitation of amount of county indebtedness.

Coupon bonds,
how and when
to be paid.

449. SEC. 22. The county commissioners, when authorized as provided in section twenty-one of this act, shall make and issue coupon bonds of the county, not exceeding the amounts specified in the preceding section, in counties which have an assessed property valuation exceeding one million of dollars, payable at the pleasure of the county, ten years after the date of their issuance, but absolutely due and payable twenty years after such date, bearing interest at the rate of not exceeding ten per cent. per annum, from their date until paid. Said interest payable on the first day of April of each year, and the principal, when due, at the office of the county treasurer of the county, and the county commissioners shall prescribe the form of said bonds, and the coupons thereto; and to provide for the annual interest accruing on the bonds, they shall levy annually a sufficient tax to fully discharge such interest; and for the ultimate redemption of such bonds, they shall levy annually, after ten years from the date of such issuance, such tax upon all taxable property in their county as shall create a yearly fund equal to ten per cent. of the whole amount of such bonds issued; and all taxes for interest on, and the redemption of such bonds shall be paid in cash only, and shall be kept by the county treasurer as a special fund, to be used in the payment of interest on, and redemption of such bonds only; such taxes to be levied and collected as other taxes.

Levy of tax for
payment of
bonds and
interest.

Manner of
redemption of
bonds.

450. SEC. 23. When it shall appear to the board of county commissioners, upon examination of the books and accounts of the county treasurer, that there are sufficient funds in his hands to the credit of the redemption fund to pay in full the principal and accrued interest of any of such bonds, it shall be the duty of such board immediately to call in and pay as many of such bonds and accrued interest thereon as the funds ascertained to be on hand will liquidate, and said board shall thereupon cancel such redeemed bonds, and all uncanceled interest coupons issued therewith. The bonds shall be called in and paid in the order of their issuance, as nearly as may be practicable, and when it is desired to redeem any of such bonds by said board, they shall cause to be published for thirty days, in some newspa-

per at or nearest the county seat of the county, a notice that certain county bonds (specifying the numbers and amounts) will be paid upon presentation, and at the expiration of such thirty days said bonds shall cease to bear interest.

451. SEC. 24. The bonds issued as heretofore provided, shall be signed by the chairman of the board of county commissioners, and attested by the clerk of the county, and bear the seal of the county upon each bond, and shall be numbered and registered in a book kept for that purpose, in the order in which they are issued. Each bond shall state upon its face the amount for which the same is issued, to whom issued, and the date of its issuance; but no bond shall be of a less denomination than fifty dollars, and, if issued for a greater amount, then for some multiple of that sum; and the aggregate amount of such bonds issued shall not exceed the sum entered of record by the board of county commissioners, as required in section 21 of this act, and any bond issued in excess of said sum shall be null and void.

Bonds; how to be signed and issued.

452. SEC. 25. The board of county commissioners shall have the right to sell any of such bonds, but no bond shall be sold unless for cash, and not then at a discount of more than 15 per cent. on its par value. The money arising from the sale of such bonds shall be forthwith used for the objects for which the debt was created, and for no other purpose whatever. When any such bonds or any coupons shall be redeemed, the board of county commissioners shall, in the presence of the clerk of said board or his deputy, cancel such bonds or coupons by writing the word "cancelled" on the face of such bonds or coupons, and said board shall make a record of the proceedings, stating what bonds or coupons were cancelled.

Sale and cancellation of bonds.

453. SEC. 26. The several counties of this state shall have power to issue to any person or corporation, holding any county order or orders, issued prior to the first day of July, A. D. 1876, coupon bonds of their county, in lieu thereof, to any amount equal to the face of said order or orders, and the interest due thereon. But no bond shall be of a less denomination than fifty dollars, and if issued for a greater amount, then for some multiple of that sum.

Bonds exchanged for county orders; how issued and payable.

Limitation of
amount.

Such bonds to draw interest at the rate of ten per cent. per annum, from the date of their delivery. The interest to be paid at the office of the county treasurer, on the first day of April in each year, upon the production of the proper coupons for the same. Such bonds to be payable at the pleasure of the county, after ten years from the date of their issuance, but absolutely due and payable twenty years after the date of issue. The whole amount of such bonds issued under this act shall not exceed the sum of the county indebtedness existing the first day of July, A. D. 1876, and it shall be the duty of the county commissioners of any county that shall vote for the issuance of such bonds, to ascertain and determine the amount of county orders of such county, issued prior to the first day of July, A. D. 1876, remaining due and unpaid at the time of such computation, and they shall make a certificate of the amount so ascertained and determined, and the said certificate shall be entered by the clerk of said county upon the county records, and the aggregate amount of such bonds issued by such county shall not exceed the sum in said certificate mentioned, and any bond issued in excess of said sum shall be null and void.

How such bonds
signed and
registered.

454. SEC. 27. No county commissioners shall be authorized to issue such bonds, unless the question shall have been submitted to a vote of such electors of the county, and in such manner and form as provided in section 21 of this act, and a majority shall have voted therefor, and the bonds issued shall be signed by the chairman of the board of county commissioners and attested by the clerk of said county, and bear the seal of the county upon each bond, and shall be numbered and registered in a book kept for that purpose, in the order in which they are issued. Each bond shall state upon its face the amount for which the same is issued, to whom issued, and the date of its issuance.

Levy of tax for
interest on and
redemption of
bonds.

455. SEC. 28. In no case, in exchanging orders for bonds, shall an order be taken for less than its par value, nor any bond be issued for less than its par value; and the commissioners shall be authorized to prescribe the form of said bonds, and the coupons thereto; and to provide for

the yearly interest accruing on such bonds, actually issued and delivered, they shall levy annually a sufficient tax to fully discharge such interest; and for the ultimate redemption of such bonds, they shall levy annually after ten years from the date of such issuance, such tax upon all taxable property in their county as shall create a yearly fund equal to ten per cent. of the whole amount of such bonds issued; and all taxes for interest on and redemption of such bonds shall be paid in cash only, and shall be kept by the county treasurer as a special fund to be used in the payment of interest on and redemption of such bonds only. Such taxes to be levied and collected as other taxes.

466. SEC. 29. When it shall appear to the board of county commissioners, upon examination of the books and accounts of the county treasurer, that there are sufficient funds in his hands to the credit of the redemption fund to pay in full the principal and accrued interest of any of such bonds, it shall be the duty of such board immediately to call in and pay as many of such bonds and accrued interest thereon as the funds ascertained to be on hand will liquidate; and when any bonds or coupons issued as heretofore provided are surrendered or taken up, it shall be the duty of the board of county commissioners to have the same cancelled so that they can be plainly identified, and a record of the fact of such cancellation duly made and certified by them to be true, and when it is desired to redeem any of such bonds by said board they shall cause to be published for thirty days in some newspaper at or nearest the county seat of the county, a notice that certain county bonds (specifying the numbers and amounts) will be paid upon presentation, and at the expiration of such thirty days such bonds shall cease to bear interest.

*Manner of
redemption of
such bonds.*

467. SEC. 30. It shall be the duty of the board of county commissioners of each county to make out semi-annual statements at the regular sessions in January and July, at which times they shall have such statement published in some weekly newspaper published in the county, if there be such published; and if there be no newspaper published in the county, such commissioners shall cause

*Semi-annual
statement; pub-
lication of, and
what to contain.*

such statement to be posted in three conspicuous places in said county, one of which shall be the court house door; and such statement shall show the amount of debt owing by their county, in what the debt consists, what payments, if any, have been made upon the same, the rate of interest that such debts are drawing, also a detailed account of the receipts and expenditures of the county for the preceding months, in which shall be shown from what officer and on what account any money has been received, and the amounts, and to what individuals and on what account any money has been paid, and the amounts; and shall strike the balance, showing the amount deficit, if any, and the balance in the treasury, if any, and the statement thus made in addition to being published as before specified shall also be entered of record by the clerk of the board of county commissioners in a book to be by him kept for that purpose only, which book shall be open to the inspection of the public at all times.

Precincts;
organization
or change of
boundaries.

458. SEC. 31. The board of county commissioners may set off or organize new precincts or change the boundaries of those already organized, as the public good from time to time seems to require.

Seal of board of
commissioners.
Sealings to be
public.

459. SEC. 32. The seal of the county shall be the seal of the board of county commissioners. The commissioners shall sit with open doors, and all persons conducting themselves in an orderly manner may attend their meetings; and they may establish rules and regulations to govern the transaction of their business.

Chairman of
board.

460. SEC. 33. They shall at the first meeting after their election, and after every annual election, choose one of their number chairman, who shall preside at such meeting, and all other meetings during the year, if present; but in case of his absence from such meeting, the members present shall choose one of their number as temporary chairman.

Power to admin-
ister oaths.

461. SEC. 34. The chairman of said board shall have power to administer oaths to any person concerning any matter submitted to the board or connected with their powers and duties; and he shall sign all county orders.

462. SEC. 35. No account shall be allowed by the board of county commissioners unless the same shall be

made out in separate items, and the nature of each item stated, and where no specified fees are allowed by law, the time actually and necessarily devoted to the performance of any service charged in such account, shall be specified; which account so made out, shall be verified by affidavit: *provided* that nothing in this section shall be construed to prevent any such board from disallowing any account, in whole or in part, when so rendered and verified, nor from requiring any other or further evidence of the truth and propriety thereof as they may think proper.

Claims against county; how to be made and verified.

463. SEC. 36. County orders shall be signed by the chairman and attested by the clerk, and shall specify the nature of the claim or service for which they were issued.

County orders; how to be signed.

464. SEC. 37. When any claim of any person against a county shall be disallowed, in whole or in part, by the board of commissioners, such person may appeal from the decision of such board to the district court for the same county, by causing a written notice of such appeal to be served on the clerk of such board within thirty days after the making of such decision, and executing a bond to such county, with sufficient security, to be approved by the clerk of said board, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant.

Appeal from decision of board of commissioners on allowance of claim against county.

465. SEC. 38. The clerk of the board, upon such appeal being taken, shall immediately give notice thereof to the chairman of the board of county commissioners, and shall make out a brief return of the proceedings in the case before the board, with their decision thereon; and shall file the same, together with the bond and all the papers in the case in his possession, with the clerk of the district court; and such appeal shall be entered, tried, and determined, the same as appeals from justices' courts, and costs shall be awarded in like manner.

Duties of county clerk in cases of appeal.

466. SEC. 39. The board of commissioners of their respective counties, shall, at the expense of the county, furnish annually and in due season, to the assessor of the county, suitable blank assessment rolls, prepared in accordance with the provisions of law; and shall also provide suitable books and stationery for the use of each of the

Books, blanks, stationery, seals, etc., for use of county officers.

county officers of their county, together with appropriate cases and furniture for the safe and convenient keeping of all the books, documents, and papers belonging to each of said officers; and also, official seals for each of said officers, where the same are required by law.

Examination of
county orders
returned by
treasurer.

467. SEC. 40. The board of county commissioners, at their January and July session of each year, or oftener if they deem it necessary, shall carefully examine the county orders returned by the county treasurer, by comparing each order with the record of orders in the clerk's office. They shall cause to be entered on said record, opposite to the entry of each order issued, the date when the same was cancelled.

Penalty for neg-
lect to perform
duties of com-
missioner.

468. SEC. 41. If any commissioner shall refuse or neglect to perform any of the duties which are, or shall be, required of him by law, as a member of the board of county commissioners, without just cause therefor, he shall, for each offense, forfeit a sum not less than twenty-five dollars, nor more than one hundred dollars.

Duties of clerk
of board of
commissioners.

469. SEC. 42. It shall be the general duty of the clerk of the board of commissioners:

First—To record, in a book to be provided for that purpose, all proceedings of the board.

Second—To make regular entries of all their resolutions and decisions, in all questions concerning the raising of money.

Third—To record the vote of each commissioner on any question submitted to the board, if required by any member.

Fourth—Sign all orders issued by the board for the payment of money, and to record, in a book to be provided for that purpose, the receipts and expenses of the county.

Fifth—To preserve and file all accounts acted upon by the board, with their action thereon, and he shall perform such other duties as are required by law.

Clerk to make
and certify
copies of records
and accounts.

470. SEC. 43. It shall be the duty of such clerk to designate upon every account which shall be audited and allowed by the board, the amount so allowed; and he shall also deliver to any person who may demand it, a certified copy of any record in his office, or any account on file

therein, on receiving from such person the fees prescribed by law.

471. SEC. 44. Such clerk shall not sign or issue any county order, unless ordered by the board of commissioners authorizing the same; and every such order shall be numbered, and the date, amount, and number of the same, and the name of the person to whom it is issued, shall be entered in a book kept by him in his office for that purpose.

County orders;
how to be signed,
numbered, etc.

472. SEC. 45. Such clerk shall receive a reasonable compensation for such services as he may perform as clerk of the board, where no specific fees are allowed therefor, the same to be allowed by the board and paid by the county.

Compensation
of clerk.

473. SEC. 46. Every person appointed county commissioner shall hold his office until the general election, and until his successor shall be qualified.

Period of service
of commissioner
when appointed.

474. SEC. 47. In case of any vacancy now existing or which may hereafter occur in any county office, except that of county commissioner or county judge, whose unexpired term of office shall exceed one year, or in any precinct office in any county in this state, by reason of death, resignation, removal or otherwise, the county commissioners of said county shall have power to fill such vacancy by appointment until an election can be held as provided by law.

Vacancy in
county offices
other than judge
or commissioner
how filled.

COUNTY JUDGE.

475. SEC. 48. There shall be elected in each county a county judge, who shall, before he enters upon the duties of his office, execute to the people of the state of Colorado a bond in such penal sum as the board of county commissioners shall direct, not less than five thousand dollars, with two or more sufficient sureties to be approved as provided by law, conditioned for the faithful performance of the duties required of him by law, and for the faithful application and payment of all moneys and effects that may come into his hand in execution of the duties of his office.

Election of
county judge.
Bond, how
conditioned.

476. SEC. 49. The county judge shall keep a record of all probate business done by or before him, which record shall be open to the inspection of all persons without charge; and he shall receive such fees as are allowed by

Record of pro-
bate business to
be kept for
inspection.
Compensation.

law for probate business, and such other compensation as the board of county commissioners may determine: *Provided*, that nothing shall be paid by the county if the fees and official compensation of such judge shall amount to five hundred dollars.

Vacancies in
office of county
judge, how filled

477. SEC. 50. If any vacancy in the office of county judge should occur by death, resignation or otherwise, the board of county commissioners shall appoint some suitable person to fill such vacancy, until a successor shall be elected according to law: *Provided*, that if the unexpired term exceed one year the vacancy shall be filled by election.

COUNTY CLERK.

Election of
county clerk.
Bond, how
conditioned.

478. SEC. 51. A county clerk shall be elected in each county of this state for the term of two years, and he shall, before he enters upon the duties of his office, execute to the people of the state of Colorado, and file with the county clerk then in office, a bond with two or more sufficient sureties, in the penal sum of not less than five thousand dollars, to be affixed and approved by the county commissioners according to law, with conditions in substance as follows, to wit: "*Whereas*, The above bounden ——— was elected to the office of county clerk of ———, on the ——— day of ———. *Now, Therefore*, if the said ——— shall faithfully perform all the duties of his office, and shall pay over all moneys that may come into his hands as such clerk as required by law, and shall deliver to his successor in office all the books, records, papers and other things belonging to his said office, then the above obligation to be null and void, otherwise to remain in full force." Which bond, after being recorded, shall be at once deposited with the county treasurer for safe keeping.

Clerk of board of
commissioners.

479. SEC. 52. The county clerk shall be, in and for his county, clerk of the board of commissioners.

Clerk to appoint
a deputy.

480. SEC. 53. Every such clerk shall appoint a deputy, in writing, under his hand, and shall file such appointment in his office; and such deputy, in case of the absence or disability of such clerk, or in case of a vacancy in his office, shall perform all the duties of such clerk during such absence or until such vacancy shall be filled. Every such

clerk may appoint other deputies, and his sureties shall be responsible under his official bond, for the acts of all such deputies.

481. SEC. 54. If a vacancy in the office of county clerk should occur by death, resignation or otherwise, the board of county commissioners shall appoint some suitable person to fill such vacancy until a successor shall be elected according to law. Vacancy in office of, how filled.

482. SEC. 55. The county clerk shall keep his office at the county seat; he shall attend the sessions of the board of county commissioners either in person or by deputy; keep the county seal, records and papers of the said board of county commissioners, and keep a record of the proceedings of the said board in a book, as required by law, under the direction of the said board of county commissioners. Duties of county clerk.

483. SEC. 56. The county clerk shall be *ex officio* recorder of deeds, and shall have custody of and safely keep and preserve all the books, records, deeds, maps and papers deposited or kept in his office; he shall also record or cause to be recorded in print or in a plain and distinct handwriting, in suitable books, to be provided and kept in his office, all deeds, mortgages, maps, instruments and writings, authorized by law to be recorded in his office, and left with him for that purpose, and shall perform all other duties required of him by law. Duties as recorder of deeds.

484. SEC. 57. Every recorder shall keep a general index, direct and inverted, in his office. The general index direct, may be divided into seven columns, with heads to the respective columns as follows, to wit: General index.

Time of Reception.	Names of Grantors.	Names of Grantees.	Nature of Instrum't	Vol. and p. where recorded	Remarks.	Descrip'n of Tract.
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He shall make correct entries in such general index of every instrument recorded concerning or affecting real estate, under the appropriate headings, entering the names of the grantors in an alphabetical form. The general index inverted may be divided into seven columns, as follows, to wit:

Time of Reception.	Names of Grantees.	Names of Grantors.	Nature of Instrum't.	Vol. and p. where r'corded	Remarks.	Descrip'n of Tract.
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He shall make in such general index correct entries of every instrument required by law to be entered in the general index direct, entering the names of the grantees in alphabetical order; and whenever any mortgage, bond or other instrument has been released or discharged from record, whether by written release upon the margin of the record, or by recording a deed of release, the recorder shall immediately note in both general indices, under the column headed "Remarks," and opposite to the appropriate entry, that such instrument has been satisfied.

Receiving book. 485. SEC. 58. He shall also keep a receiving book, each page of which shall be divided into five columns, as follows, to wit:

Time of recept'n	Names of Grantors.	Names of Grantees.	To whom deliver'd	Fees rec'd
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Whenever any instrument has been received by him for record, he shall immediately indorse upon such instrument his certificate, noting the day, hour and minute of its reception, the volume and page where recorded, and the fees received for recording the same, and the date of record of such instrument shall be from the date of filing; whenever any instrument has been filed as aforesaid, the recorder shall immediately make an entry of the same in his receiving book, under the appropriate heading, with the amount paid as fee for recording the same, and after such instrument has been recorded, he shall deliver it to the person authorized to receive the same, writing the name of the person to whom it is delivered, in the appropriate column.

Book of plats. 486. SEC. 59. He shall also keep a large, well bound book in which shall be platted all maps of cities, towns, villages or additions to the same, within his county, together with the description, acknowledgment or other writing thereon. He shall keep an index to such book of plats, which index shall contain the name or names of the proprietor or proprietors of such city, town or village or addi-

tion, and the name of the city, town, village or addition. No recorder of deeds shall be bound to perform any of the duties required to be performed by this act, for which a fee is allowed, unless such fee has been paid or tendered.

487. SEC. 60. He shall also keep an index of each volume of records kept in his office, showing on one page the grantors' names in alphabetical order, and on the other page the names of the grantees in alphabetical order. Indexes to records.

488. SEC. 61. Copies of all papers filed in the office of the recorder of deeds, and transcripts from the books of records kept therein, certified by him under the seal of his office, shall be *prima facie* evidence in all cases. Copies of papers and records.

SHERIFF.

489. SEC. 62. A sheriff shall be elected in each county organized for judicial purposes for the term of two years, and who shall, before he enters upon the duties of his office, execute to the people of the state of Colorado, a bond, with at least three sufficient sureties, in such penal sum not less than five thousand dollars, nor more than twenty thousand dollars, as the board of county commissioners, or if they be not in session, the county clerk, subject to the approval of such board at its next session thereafter, shall specify and approve; said bond when thus approved, to be filed in the office of said clerk, and no person shall be received as surety who is not worth at least two thousand dollars over and above his just debts. Election of sheriff; bond.

490. SEC. 63. The condition of such bond shall be in substance as follows: "*Whereas*, The above bounden ——— was elected to the office of sheriff of the county of ———, on the ——— day of ———: *Now*, the condition of this obligation is such that if the said ——— shall well and faithfully perform and execute the duties of the office of sheriff of said county of ——— during his continuance in office by virtue of said election without fraud, deceit or oppression, and shall pay over all moneys that may come into his hands as sheriff, and shall deliver to his successor all writs, papers and other things pertaining to his office which may be so required by law, then the above obliga-

tion shall be void, otherwise to be and remain in full force and effect.

Appointment of
under-sheriff.

491. SEC. 64. The sheriff of each county shall, as soon as may be after entering upon the duties of his office, appoint some proper person under-sheriff of said county, who shall also be a general deputy, to hold during the pleasure of the sheriff; and as often as a vacancy shall occur in the office of such under-sheriff, or he become incapable of executing the same, another shall in like manner be appointed in his place.

Duties of under-
sheriff in case
of vacancy in
office of sheriff.

492. SEC. 65. Whenever a vacancy occurs in the office of sheriff of any county, the under-sheriff of such county shall, in all things, execute the office of sheriff until a sheriff shall be appointed or elected and qualified; and any default or misfeasance in office of such under-sheriff in the meantime, as well as before such vacancy, shall be deemed to be a breach of the condition of the bond given by the sheriff who appointed him, and also a breach of the bond executed by such under-sheriff to the sheriff by whom he was appointed.

Deputy sheriffs.

493. SEC. 66. Each sheriff may appoint such and so many deputies as he may think proper, for whose official acts, and those of his under-sheriffs, he shall be responsible, and may revoke such appointments at his pleasure; and persons may also be deputed by such sheriff or under-sheriff in writing, to do particular acts, and the sheriff and his sureties shall be responsible on his official bond for the default or misconduct of his under-sheriff and deputies.

Appointments to
be in writing.

494. SEC. 67. Every appointment of an under-sheriff or of a deputy sheriff, and every revocation of such appointment, shall be in writing, under the hand of the sheriff, and shall be filed in the office of the clerk of the county; but this section shall not extend to any person who may be deputed by any sheriff or under-sheriff to do a particular act only.

Sheriff to have
charge of jails
and prisoners.

495. SEC. 68. The sheriff shall have charge and custody of the jails of his county, and of the prisoners in the same, and shall keep them himself, or by his deputy or jailer, for whose acts he and his sureties shall be liable.

496. SEC. 69. The sheriff in person, or by his under-sheriff or deputy, shall serve and execute, according to law, all processes, writs, precepts and orders issued or made by lawful authority and to him directed, and shall attend upon the several courts of record held in his county.

Execution of
processes, etc.,
and attendance
upon courts.

497. SEC. 70. It shall be the duty of the sheriff, and under-sheriffs and deputies, to keep and preserve the peace in their respective counties, and to quiet and suppress all affrays, riots, and unlawful assemblies and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony or breach of the peace, they, and every coroner and constable, may call to their aid such person or persons of their county as they may deem necessary.

Duties as peace
officers.

498. SEC. 71. Hereafter whenever the term of office of any sheriff shall expire, and the sheriff elect shall file his bond and qualify according to law, the county clerk shall issue a notice setting forth that said sheriff elect has filed his bond and qualified according to law, which notice shall be served by the new sheriff on the former sheriff, whereupon such former sheriff shall immediately transfer and deliver to the new sheriff all the writs, processes, books and papers belonging to his office, except as hereinafter excepted, and also the possession of the court house and jail of his county, and shall take from the new sheriff a receipt specifying the papers so delivered over, and the prisoners in custody, if any, which receipt shall be sufficient indemnity to the person taking the same.

Transfer of
writs, books,
papers, etc., to
sheriff elect.

499. SEC. 72. Every sheriff going out of office at the expiration of his term, and having any writ of *feri facias* or fee bill, which he may have levied but not collected, shall be and is hereby authorized to proceed and collect such execution or fee bill in the same manner as if his term of office had not expired, and the sureties on his official bond shall be liable for any omission of duty in so doing, in like manner as if his said term of office had not expired.

What unfinished
business may be
completed by
sheriff going out
of office.

500. SEC. 73. The provisions of the 71 and 72 sections of this act, shall apply to all coroners whenever by virtue of the laws of the state, they shall be required to perform the duties of sheriff.

Coroners when
performing
duties of sheriff.

Default of deputy sheriff or jailer.

501. SEC. 74. Any default or misconduct in the office of deputy sheriff or jailor, after the death, resignation or removal of any sheriff by whom he was appointed, shall be adjudged a breach of the bond of such sheriff.

Action for default may be prosecuted against executors, etc., of sheriff.

502. SEC. 75. Any action for default or misconduct of any sheriff, his under-sheriff, jailor or any of his deputies, may be prosecuted against the executors or administrators of such sheriff.

Service of papers upon sheriff.

503. SEC. 76. Every paper required by law to be served on the sheriff may be served on him in person or left at his office during business hours.

Not to act as attorney.

504. SEC. 77. No sheriff, or under-sheriff, or deputy, shall appear or advise as attorney or counselor in any case in any court.

Liability for neglect to make return, etc.

505. SEC. 78. Whenever any sheriff shall neglect to make due return of any writ or process delivered to him to be executed, or shall be guilty of any default or misconduct in relation thereto, he shall be liable to fine or attachment, or both, at the discretion of the court, subject to appeal, (such fine however, not to exceed two hundred dollars,) and also an action for damages to the party aggrieved.

Penalty for receiving illegal fees.

506. SEC. 79. No sheriff shall directly or indirectly ask, demand or receive for any service to be by him performed in the discharge of any of his official duties any greater fees than are allowed by law, on pain of forfeiture of treble damages to the party aggrieved, and being fined in a sum not less than twenty-five dollars and not more than two hundred dollars.

CORONER.

Election of coroner; bond.

507. SEC. 80. A coroner shall be elected in each county for the term of two years, who shall, before he enters upon the duties of his office, give bond to the people of the state of Colorado in such penal sum not less than two hundred and fifty dollars, nor more than five thousand dollars, with sufficient sureties, to be approved by the board of county commissioners, or if such board be not in session, by the county clerk subject to the approval of such board, the condition of which bond shall

be in substance the same as that given by the sheriff, such bond to be filed with the clerk of the proper county.

508. SEC. 81. When there shall be no sheriff in any organized county, it shall be the duty of the coroner to exercise all the powers and duties of the sheriff of his county, until a sheriff be appointed or elected and qualified; and when the sheriff from any cause shall be committed to the jail of his county, the coroner shall be keeper thereof, during the time the sheriff shall remain prisoner therein.

When to exercise powers and duties of sheriff.

509. SEC. 82. Every coroner shall serve and execute process of every kind, and perform all other duties of the sheriff when the sheriff shall be a party to the case, or where affidavit shall be made and filed as provided in the succeeding section, and in all such cases he shall exercise the powers and proceed in the same manner as prescribed for the sheriff, in the performance of similar duties.

When to serve and execute process.

510. SEC. 83. Whenever any party, his agent or attorney, shall make and file with the clerk of the proper court, an affidavit stating that he believes that the sheriff of such county will not by reason of either partiality, prejudice, consanguinity or interest, faithfully perform his duties in any suit commenced or about to be commenced in said court, the clerk shall direct the original or other process in such suit to the coroner, who shall execute the same in like manner as the sheriff might or ought to have done.

In case of affidavit of partiality, etc., of sheriff.

511. SEC. 84. The coroner shall hold an inquest upon the dead bodies of such persons only as are supposed to have died within his county by unlawful means, or the cause of whose death is unknown. When he has notice of the dead body of any person supposed to have died by unlawful means, or the cause of whose death is unknown, found or being in the county, it shall be his duty to summon forthwith six citizens of the county, to appear before him at a time and place named.

Inquest.

512. SEC. 85. If any juror fails to appear, the coroner shall summon the proper number from the by-standers immediately, and proceed to impanel them, and administer the following oath in substance: "You do solemnly swear (or affirm) that you will diligently inquire, and true pre-

Coroner's jury.

sentment make, when, how, and by what means, the person whose body lies here dead came to his death, according to your knowledge and the evidence given you, so help you God."

Witnesses before
coroner.

513. SEC. 86. The coroner may issue subpoenas, within his county, for witnesses, returnable forthwith, or at such time and place as he shall therein direct; and witnesses shall be allowed the same fees as in cases before a justice of the peace; and the coroner shall have the same authority to enforce the attendance of witnesses, and to punish them and jurors for contempt in disobeying his process, as a justice of the peace has when his process issues in behalf of the state.

Oath of wit-
nesses.

514. SEC. 87. An oath shall be administered to the witness in attendance as follows: "You do solemnly swear that the testimony which you shall give to this inquest, concerning the death of the person here lying dead, shall be the truth, the whole truth, and nothing but the truth, so help you God."

Testimony to
be reduced to
writing.

515. SEC. 88. The testimony shall be reduced to writing, under the coroner's order, and subscribed by the witness.

Verdict of cor-
oner's jury.

516. SEC. 89. The jurors, having inspected the body, heard the testimony, and made all needful inquiries, shall return to the coroner their inquisition in writing, under their hands in substance as follows, stating the matters in the following form, suggested as far as found:

STATE OF COLORADO, }
COUNTY. }

An inquisition holden at ———, in ——— county, on the ——— day of ———, A. D. 18——, before ———, coroner of said county, upon the dead body of ———, or person unknown, lying there dead, by the jurors whose names are hereto subscribed; the said jurors, upon their oaths, do say— (here state when, how, by what person, means, weapon, or accident he or she came to his or her death, and whether feloniously).

In testimony whereof, The said jurors have hereunto set their hands, the day and year aforesaid."

517. SEC. 90. If the inquisition find a crime has been committed on the deceased, and name the person whom the jury believes has committed it, the inquest shall not be made public until after the arrest, directed in the next section.

When inquest not to be made public.

518. SEC. 91. If the person charged be present the coroner may order his arrest by an officer or any person, and shall then make a warrant, requiring the officer or other person to take him before a justice of the peace.

Warrant of arrest in case party charged be present.

519. SEC. 92. If the person charged be not present and the coroner believes he can be taken, the coroner may issue a warrant to the sheriff, or any constable of the county, requiring him to arrest the person, and take him before a justice of the peace.

Warrant of arrest in case party charged be not present.

520. SEC. 93. The warrant of a coroner in the above cases shall be of equal authority with that of a justice of the peace; and when the person charged is brought before the justice he shall be dealt with as a person held under a complaint in the usual form.

How person arrested to be dealt with.

521. SEC. 94. The warrant of the coroner shall recite substantially the transactions before him, and the verdict of the jury of inquest, leading to the arrest; and such warrant shall be a sufficient foundation for the proceeding of the justice, instead of a complaint.

What shall be recited in warrant of coroner.

522. SEC. 95. The coroner shall then return to the district court the inquisition, the written evidence, and a list of the witnesses who testify material matter.

Inquisition to be returned to district court.

523. SEC. 96. The coroner shall cause the body of a deceased person, which he is called to view, to be delivered to his friends, if there be any, but if not he shall cause him to be decently buried and the expenses to be paid from any property found with the body, or if there be none, from the county treasury, by certifying an account of the expenses, which being presented to the board of county commissioners shall be allowed by them if deemed reasonable, and paid as other claims on the county.

Disposition of body of deceased person.

524. SEC. 97. When there is no coroner, or in case of his absence or inability to act, any justice of the peace of the same county is authorized to perform the duties of coroner, in relation to dead bodies.

When justice of the peace to act as coroner.

Post mortem
examinations.

525. SEC. 98. In the above inquisition by a coroner, where a jury shall deem it requisite, he may summon one or more physicians or surgeons to make scientific examination, and may allow in such case a reasonable compensation, subject to the confirmation of the board of county commissioners.

COUNTY TREASURER.

Election of
county treasurer;
amount of bond
and how
approved.

526. SEC. 99. A county treasurer shall be elected in each county for the term of two years, and shall, before he enters on the discharge of his duties, execute to the people of the state of Colorado a bond, with three or more sufficient sureties, to be approved by the board of county commissioners and in such penal sum as they may direct, which bond, with the approbation of the board indorsed thereon by their clerk, shall be filed in the office of the county clerk; and in case the board of commissioners shall not be in session in time for any county treasurer to present his bond for their approval as above specified, or he shall be unable, from any cause, to present his bond at any regular meeting of the board, after due notice of his election, then it may be lawful for such treasurer to present his bond to the clerk of said board for his approval, and his approval indorsed thereon, shall have the same effect as if done by the board of commissioners, subject nevertheless, to the final decision and approval of the board of commissioners at their first meeting thereafter; and in such case, where the board shall not have fixed the penal sum of such bond, it shall not be less than twice the amount of all moneys directed by the board to be levied in the county, and to be paid to such treasurer during the year.

Condition of
bond of county
treasurer.

527. SEC. 100. The condition of such bond shall be in substance as follows:

"*Whereas*, The above bounden, ———— was elected to the office of county treasurer of the county of ———, on the ——— day of ———; *Now, Therefore*, The condition of this obligation is such, that if the said ———— and his deputy, and all persons employed in his office, shall faithfully and promptly perform the duties of said

office, and if the said ——— and his deputies shall pay, according to law, all moneys which shall come to his hands as treasurer, and shall render a just and true account thereof, whenever required by said board of commissioners, or by any provision of law, and shall deliver over to his successor in office, or to any other person authorized by law to receive the same, all moneys, books, papers and other things appertaining thereto or belonging to his office, the above obligation to be void, otherwise to be in full force and effect."

528. SEC. 101. The county treasurer may appoint a deputy, who, in the absence of the treasurer from his office, Appointment and duties of deputy treasurer or in case of vacancy in said office for any disability of the treasurer to perform the duties of his office, may perform all the duties of the office of treasurer, until such vacancy be filled or such disability removed.

529. SEC. 102. In case the office of county treasurer shall become vacant, the board of county commissioners shall appoint a suitable person to perform the duties of such treasurer; and the person so appointed, upon giving bond, with like sureties and conditions as that required in county treasurers' bonds, and in such sum as said board shall direct, shall be invested with all the duties of such treasurer, until such vacancy shall be filled or such disability removed. Vacancy in office, how filled.

530. SEC. 103. No person holding the office of sheriff, county judge, county clerk, nor any member of the board of commissioners shall hold the office of county treasurer. Persons not eligible to hold the office of county treasurer

531. SEC. 104. It shall be the duty of the county treasurer to receive all moneys belonging to the county, from whatsoever source they may be derived, and all other moneys which are by law directed to be paid to him. All money received by him for the use of the county shall be paid out by him only on the orders of the board of commissioners, according to law, except where special provision for the payment thereof, is or shall be otherwise made by law. Receipt and payment of moneys belonging to county.

532. SEC. 105. The said treasurer shall keep a just

Books and accounts to be open to inspection, and exhibited in settlement with commissioners.

and true account of the receipt and expenditure of all moneys which shall come into his hands by virtue of his office, in a book or books to be kept by him for that purpose, which books shall be open at all times for the inspection of the board of county commissioners or any member thereof, and to all county and state officers; and at the meeting in July and January, of the said board of commissioners, or at such other time as they may direct, he shall settle with them his account as treasurer, and for that purpose he shall exhibit to them all his books and accounts, and all vouchers relating to the same, to be audited and allowed.

Preference in payment of county orders.

533. SEC. 106. County orders properly attested, shall be entitled to a preference as to payment according to the order of time in which they may be presented to the county treasurer; but where two or more orders are presented at the same time, precedence shall be given to the order of the oldest date, but every county treasurer shall receive in payment of county taxes, county orders issued in said county, which may be presented in payment for such county taxes.

Delivery of books, papers and money to successor in office.

534. SEC. 107. Upon the resignation or removal from office of any county treasurer, all the books and papers belonging to his office, and all moneys in his hands by virtue of his office, shall be delivered to his successor in office, upon the oath of such preceding treasurer, or in case of his death, upon oath of his executors or administrators.

Penalty for failure to deliver.

If any such preceding county treasurer, or in case of his death, if his executors or administrators shall neglect or refuse to deliver up such books, papers and moneys on oath, when lawfully demanded, every such person shall forfeit a sum of not less than one hundred dollars nor more than five hundred dollars, and be also liable upon his official bond, for such refusal or neglect.

To be collector of taxes.

535. SEC. 108. The county treasurer of each county shall be, by virtue of his office, collector of taxes therein, and shall perform such duties in that regard as are prescribed by law.

536. SEC. 109. It shall be the duty of said county treasurer to assess, at a fair value, the property of any per-

son liable to pay taxes, whom the county assessor has failed to assess, and to place the same on the tax roll, and to collect taxes on the same in the manner provided by law; *Provided, however,* that said treasurer shall not be compelled to assess such property in person; *Provided further,* that he be authorized to administer oaths to such person, or any others, touching the value of said property.

Shall assess property not listed by assessors; may administer oaths touching value of property.

537. SEC. 110. Every county treasurer shall have and keep in his office a cash-book, wherein shall be entered and set down every sum of money paid to him by virtue of his office, and the date of such payment, and the name of the person paying the same, the account upon which the same was paid, and the nature of the funds so paid to him, whether money, state or county scrip, or evidences of state or county indebtedness, and the amount of each separate kind; and such cash-book shall, at all reasonable hours of the day, be open to the inspection and examination of all persons desiring to inspect or examine the same.

Shall keep cash-book.

538. SEC. 111. Upon the payment of any money to him as aforesaid, the county treasurer shall issue his receipt therefor to the person paying the same, setting forth in such receipt all of the matters so as above required to be entered in such cash-book.

Shall receipt to person paying money.

539. SEC. 112. Every county treasurer shall have and keep in his office a book to be called the registry of county orders, wherein shall be entered and set down at the date of the presentation thereof, and without any interval or blank line between any such entry and the one preceding it, every county order or other certificate or evidence of county indebtedness at any time presented to such county treasurer for payment, whether the same is paid at the time of presentation or not, the date and number of such order, the amount for which the same is payable, the date of the presentation thereof, the name of the person to whom such order is by the terms thereof payable, and the name of the person presenting the same. Every such registry of county orders shall at all reasonable hours be open to the inspection and examination of any person desiring to inspect or examine the same.

Shall keep registry of county orders.

Order of dis-
bursements.

540. SEC. 113. Every fund in the hands of the county treasurer for disbursement, shall be paid out in the order in which the orders drawn thereon and payable out of the same, shall be presented for payment.

Monthly pay-
ment of state
funds to state
treasurer.

541. SEC. 114. Every county treasurer shall each year, on or before the tenth day of each month, unless otherwise directed by the auditor of state, pay into the state treasury all money due the state remaining in his hands on the first day of each month, in the same kind of funds in which the same shall have been received.

Penalty for fail-
ure or neglect
of duties.

542. SEC. 115. Every county treasurer who shall fail, neglect or refuse to have and keep in his office such cash-book as required by section 110 of this act, or to set down therein at the time of the receipt thereof, any moneys by him received or collected as such treasurer, or shall make any false or deficient entry thereof, or shall fail, neglect or refuse to have and keep the said cash-book at his office at all reasonable hours of the day, or shall fail, neglect or refuse to permit any person to inspect and examine the same at any reasonable hour of the day, or shall fail, neglect or refuse to issue his receipt for any moneys received by him as such county treasurer, as required by the one hundred and eleventh section, or shall fail, neglect or refuse to set down in such receipt the kind of funds, whether money or state or county scrip or evidences of state or county indebtedness, or shall fail, neglect or refuse to have and keep in his office such register of county orders as required by section one hundred and twelve, or shall fail, neglect or refuse to enter therein, at the time of the presentation thereof, every county order which may be presented to him for payment, or shall make any false entry thereof, or shall fail, neglect or refuse to pay any order presented to him for payment, there being then money in the treasury appropriated for the payment thereof, or wherefrom by law the same ought to be paid; or shall pay any such order, there not being then remaining in the treasury money sufficient wherefrom all orders drawn upon the same fund and previously presented, may lawfully be paid, every such county treasurer so offending shall be deemed guilty of a high misdemeanor, and upon convic-

tion thereof, shall be fined in a sum not less than fifty dollars and not more than five hundred dollars, and the court may adjudge that such treasurer be removed from his office. This section shall extend to the deputies of every such county treasurer.

COUNTY SURVEYOR.

543. SEC. 116. A county surveyor shall be elected for a term of two years, who shall give bond to the board of county commissioners, to be approved by the county clerk of the proper county, in the sum of one thousand dollars, conditioned for the faithful discharge of his duties. Election of county surveyor. Bond.

544. SEC. 117. The county surveyor may appoint as many deputies as he thinks proper, for whose official acts he shall be responsible. The certificate of the county surveyor or any of his deputies shall be admitted as legal evidence in any court of the state, but the same may be explained or rebutted by other evidence. May appoint deputies.

545. SEC. 118. It shall be the duty of the county surveyor, by himself or one of his deputies, to execute any survey which may be required by order of any court, or upon application of any individual or corporation. Duties of county surveyor and deputies.

546. SEC. 119. The said surveyor shall keep a correct and fair record of all surveys made by him or his deputies, in a book to be provided for that purpose by the county, which he shall transmit to his successor in office. He shall also number such surveys progressively, and shall also preserve a copy of field notes and calculations of each survey, indorsing thereon its proper number, a copy of which, and also a fair and accurate plat, together with a certificate of survey, shall be furnished by said surveyor, to any person requiring the same. Record and plat of surveys.

547. SEC. 120. If the office of county surveyor be at any time vacant the board of county commissioners are hereby empowered to appoint some suitable person to perform the duties of the office until a county surveyor be elected. Vacancy in office, how filled.

COUNTY ASSESSOR.

548. SEC. 121. A county assessor shall be elected in

Election of
county assessor.
Bond and oath.

each county, at the general election, who shall give bond to the people of the state of Colorado, with two or more sufficient sureties, in a penal sum not less than two thousand dollars, for the performance of his duties to the satisfaction of the board of county commissioners, and subscribe an oath or affirmation for the faithful performance of his duties as such assessor, and who shall be a qualified elector of said county, and shall hold his office for two years and until his successor is elected and qualified.

Appointment
and bond of
deputies.

549. SEC. 122. Whenever the board of county commissioners shall be of the opinion that said assessor is unable to perform the duties of his office within the time prescribed by law, they shall require said assessor to appoint one or more deputies, who shall be sworn, and give bond to the principal.

Fees.

550. SEC. 123. Such assessor, and deputy or deputies, shall receive from said county such a sum not exceeding seven dollars per day, for each day of actual service in the discharge of his duties, as the said board of county commissioners may deem right and just.

JUSTICES AND CONSTABLES.

Division of
counties into
justice's pre-
cincts.

551. SEC. 124. The boards of county commissioners, of the several counties of this state, shall at their July meeting next after the passage of this act, divide their respective counties into as many justice's precincts as the necessities of the county may require, and upon petition of the voters of any such precinct, may change the same, or create other such precincts, and shall cause to be entered in the journal of their proceedings a record of such precincts, giving accurate boundaries thereof. There shall be elected at the first election after the passage of this act at which county officers are chosen, and annually thereafter, in each justice precinct, one justice of the peace and one constable, who shall each hold his office for the term of two years; *provided, however,* that the justice's precincts as heretofore established, and now existing under the name of justices' townships, shall be and remain as now established, until the county commissioners shall change the same, and the justices and constables now holding office

Election of
justices and
constables.

therein shall continue in office until their respective terms shall expire.

552. SEC. 125. Every justice of the peace and constable, before entering upon the duties of his office, shall give bond in the sum of two thousand dollars, payable to the people of the state of Colorado, with sureties to be approved as required by law, and conditioned for the faithful discharge of the duties of his office, and that he will pay over all moneys which may come to his hands by virtue thereof, and shall subscribe the oath of office provided by law, which shall be indorsed on his bond. Bond and oath.

553. SEC. 126. Each justice of the peace shall reside and have his office in the precinct for which he was elected.

MISCELLANEOUS PROVISIONS.

554. SEC. 127. Every sheriff, county clerk, county treasurer and county judge, shall keep his office at the county seat of his county, and in the office provided by the county, if any such has been provided; and if there be none established, then at such place as shall be fixed by special provision of law; or if there be no such provision, then at such place as the board of county commissioners shall direct; and they shall each keep the same open during the usual business hours of each day, Sundays and legal holidays excepted; and all books and papers required to be in their office shall be open for the examination of any person; and if any person or officer shall neglect to comply with the provisions of this section, he shall forfeit for each day he so neglects, the sum of five dollars. Where county offices to be kept. Penalty for refusing examination of books and papers, etc.

555. SEC. 128. Every county officer named in this article shall, before entering upon the duties of his office, on or before the day of the commencement of the term for which he was elected, execute and deposit his official bond, as prescribed by law; and any such officer shall also take and subscribe the oath of office prescribed by law, before some officer authorized to administer oaths, and deposit the same with his official bond, to be filed and preserved therewith. County officers to file bond and subscribe oath before entering upon duties.

556. SEC. 129. Every deputy appointed to any of said offices shall, before entering upon his duties under such appointment, take and subscribe the like oath of office as Deputies to file bond and subscribe oath before entering upon duties.

that required to be taken by the officer appointing him, and shall deposit the same in the office where the bond of such officer is deposited.

County officers
to perform duties
until qualifica-
tion of successor.

557. SEC. 130. When the term of office of any sheriff, coroner, county judge, justice of the peace, constable, county clerk, assessor, county treasurer, county surveyor or other county officers shall expire, as now provided by law, it shall be lawful for such officer, whether re-elected or not, and his deputies, to continue to perform all the duties of such office until his successor shall be duly qualified as required by law.

Payment of
taxes, fines, fees,
etc., to county
treasurer.

558. SEC. 131. Every county clerk, clerk of the district court, district attorney, sheriff, constable, justice of the peace or other state or county officer, by law appointed, required or permitted to receive and pay over to the county treasurer any taxes, fines, fees or other moneys whatsoever, shall, within thirty days after the receipt of such moneys, pay the same over to the county treasurer, and together therewith such officer so paying over the same shall deliver to such treasurer a statement of the amount of such moneys so collected by him and paid over as aforesaid, which statement shall be signed by the person paying the same, and sworn to before such treasurer, and by him filed and preserved in his office. Every person falsely swearing in any such statement shall be deemed guilty of perjury. The county treasurer shall not demand or receive any fee for administering the oath required by this section.

Sworn statement
to be made.

Falsely swearing
deemed perjury.

Certified copies
and transcripts
of county judge,
clerk or treas-
urer to be
evidence.

559. SEC. 132. Copies of all documents, writs, proceedings, instruments, papers and writings duly filed or deposited in the office of any county judge, county clerk, or county treasurer, and transcripts from books of record or proceedings kept by any of said officers, with the seal of his office affixed, shall be *prima facie* evidence in all cases.

To whom resig-
nations to be
made.

560. SEC. 133. All county officers who hold their office by election, shall make their resignation to the officer or officers authorized by law to fill such vacancies in such office, respectively.

Causes for
vacancies in
county offices.

561. SEC. 134. Every county office shall become vacant, on the happening of either of the following events, before the expiration of the term of office:

First—The death of the incumbent.

Second—His resignation.

Third—His removal.

Fourth—His ceasing to be an inhabitant of the county for which he was elected or appointed.

Fifth—His conviction of any infamous crime, or any offense involving a violation of his official oath.

Sixth—His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit such oath and bond within the time prescribed by law.

Seventh—The decision of a competent tribunal, declaring void his election or appointment.

562. SEC. 135. Whenever any justice of the peace shall be required to act as coroner in any case, or any coroner shall be required to act as sheriff, or any other officer in this state shall be required to perform any duties belonging to any other office, he shall, for the time being, have the same powers in respect to that duty, as are given by law to the officer whose duties he shall perform, and shall be entitled to receive the same compensation for his services.

Powers and compensation of any officer performing the duties of another

563. SEC. 136. Every official bond of any county officer, where not otherwise provided by law, shall be payable to the people of the state of Colorado, and an action shall lie thereon to the use of any party aggrieved, in the name of the people.

Official bonds, to whom payable and to whose use action to lie.

564. SEC. 137. Any person who shall be hereafter elected or appointed to any county or precinct office in any county in this state, [who] shall refuse to qualify, he or they consenting to such election or appointment, shall be liable to a fine not exceeding one hundred nor less than twenty-five dollars, at the discretion of any court having competent jurisdiction, and all such fines shall be recoverable before any court in this state, in the name of the county in which the case or cases may arise, and shall be appropriated to the use of the school fund of said county.

Penalty for person consenting to election and refusing to qualify.

Disposition of fines.

565. SEC. 138. The board of county commissioners of the several counties are authorized, when they think the interest of the county requires it, to employ an attorney, who shall be a person learned in the law, and be at least twenty-one years of age.

County attorney.

Insufficient
bond.

566. SEC. 139. Whenever the board of county commissioners of any county in this state, shall deem the bond given by the sheriff or other officer of the county insufficient, or whenever in their opinion the sureties on said bond are insolvent or permanently removed from the county, or whenever they for any other reason shall consider said bond insufficient for the public security, it shall be lawful for them to require of said sheriff or other officer, a new bond, with such sureties and so conditioned as required by law in the first instance.

Vacancy to be
declared in case
of refusal or
neglect to give
new bond.

567. SEC. 140. In case any sheriff, or other officer, shall refuse or neglect, for a period longer than thirty days after receiving notice so to do, to give a new bond as heretofore required, then, in that case, it shall be lawful for said board of county commissioners to declare the office vacant, and appoint some other person to fill the vacancy, who shall hold the office until a successor is elected or appointed.

No taxation for
erection of pub-
lic buildings in
counties at-
tached to others
for judicial
purposes.

568. SEC. 141. The people of no county in the state shall be taxed for the erection of any public buildings in the county to which they may be attached for judicial purposes.

Repeal.

569. SEC. 142. Chapter twenty-one, of the revised statutes: an act to provide for the appointment of attorneys, approved February 6, 1872; an act in relation to the publishing of detailed statements by the county commissioners, approved February 6, 1872; an act to authorize county commissioners to require new bonds from sheriffs and other county officers in certain cases, approved February 9, 1872; an act to authorize the funding of the debt of the several counties of Colorado territory, approved February 11, 1874, and an act relating to county commissioners, approved February 13, 1874, are severally hereby repealed.

Not to impair
prior rights.

570. SEC. 143. Said repeal shall not impair or affect any act done, or any right accruing, or accrued, or acquired, under the laws existing and herein repealed.

Approved, March 24, 1877.