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### An act to repeal the acts concerning jails, and to enact other laws in lieu thereof.

Colorado General Assembly

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## AN ACT TO PREVENT THE WASTE OF WATER DURING THE IRRIGATING SEASON.

[Session Laws, 1896.]

Owners of ditch to prevent waste of water.

1385. SECTION 1. The owner of any irrigating or mill ditch shall carefully maintain and keep the embankment thereof in good repair, and prevent the water from wasting.

Useless discharge and running away of water to be prevented.

1386. SEC. 2. During the summer season, it shall not be lawful for any person or persons to run through his or their irrigating ditch any greater quantity of water than is absolutely necessary for irrigating his or their said land, and for domestic and stock purposes; it being the intent and meaning of this section to prevent the wasting and useless discharge and running away of water.

Penalty for violation of provisions of this act.

1387. SEC. 3. Any person who shall wilfully violate any of the provisions of this act shall, on conviction thereof before any court having competent jurisdiction, be fined in a sum of not less than one hundred (100) dollars. Suits for penalties under this act shall be brought in the name of the people of the state of Colorado.

## CHAPTER LI.

## JAILS.

## AN ACT TO REPEAL THE ACTS CONCERNING JAILS, AND TO ENACT OTHER LAWS IN LIEU THEREOF.

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

Establishment and maintenance of county jails.

1388. SECTION 1. There shall be established and maintained in each county in this state, at the expense of the county, a county jail for the detention, safe keeping and confinement of persons and prisoners lawfully committed. *Provided*, that nothing in this act contained, shall be construed to compel the erection of jails in counties having a population of less than two thousand, or when the county owns a jail erected in any other place in the county.

Keeper of county jails; in what manner to be kept.

1389. SEC. 2. The sheriff of the county, in person or by deputy for that purpose appointed, shall be the keeper of the county jail. He shall be responsible for the manner in which the same is kept; he shall see that the same is

kept clean, safe and wholesome; and the expenses of keeping the jail in good order and repair, of lighting and warming that part thereof wherein prisoners are confined, and the office in the jail, shall be paid by the county wherein the jail is situated. But nothing herein shall authorize the lighting or warming that part of the jail occupied by the keeper thereof as his dwelling house.

1890. SEC. 3. The keepers of the several county jails in this state, shall receive and safely keep every person duly committed to such jail for safe keeping, examination, or trial, or duly sentenced to imprisonment in such jail upon conviction for any contempt or misconduct, or for any criminal offense, and shall not without lawful authority let out of such jail, on bail or otherwise, any such person. And it shall be the duty of every such keeper to supply proper food and drink for the prisoners committed to his custody in such jail at his own expense; and the board of county commissioners of the county where such jail is situated, shall allow the keeper of the jail for dieting prisoners, such reasonable compensation per day as shall be just.

Receipt and keeping of prisoners; compensation for.

1891. SEC. 4. Persons committed on criminal process and detained for trial, and persons committed for contempt or upon civil process, shall be kept in rooms separate and distinct from those in which prisoners convicted and under sentence shall be confined; *provided*, that this section shall not apply to any county whose jail shall not have sufficient room for such separate confinement.

Distinction between prisoners committed on civil or criminal process.

1892. SEC. 5. Male and female prisoners (except husband and wife) shall not be put or kept in the same room.

Separation of males and females.

1893. SEC. 6. When a prisoner is committed to any jail by virtue of any process which the sheriff is required to return to the court whence it issued, it shall be the duty of the court, clerk or officer issuing such process, to issue the same in duplicate, and the sheriff shall keep one copy of the same, together with a copy of his return thereto, endorsed thereon, which duplicate copy of such process retained by the sheriff shall be sufficient authority, *prima facie*, to retain such prisoner in custody.

Duplicate copy of process upon which prisoner committed, sufficient authority for detention.

1894. SEC. 7. All instruments of every kind, or attested

In what manner  
such processes to  
be preserved.

copies thereof duly certified, by which any person is committed to, or liberated from the county jail, shall be regularly endorsed and filed, and kept in a suitable box in the jail, by the sheriff, or by his deputy acting as jailer, and such box together with its contents shall be delivered to his successor in office.

Daily record of  
commitments  
and discharges.

1895. SEC. 8. It shall be the duty of the keeper of each county jail to keep in a book provided by the county for that purpose, a daily record of the commitments and discharges of all persons delivered to his custody, which record shall exhibit the date of entrance, name, offense, term of sentence, fine, age, sex, country, how and by whom committed, when and by whom discharged, which record shall be open to the inspection of the public at all reasonable hours, and shall be delivered by the sheriff to his successor in office.

Commitment  
and re-delivery  
of prisoners  
committed to  
jails of other  
counties; pay-  
ment for keeping  
of such prisoners

1396. SEC. 9. When there is no sufficient jail in any county wherein any criminal offense shall have been committed, any justice of the peace, county or district judge, upon application of the sheriff, may order any person charged with any criminal offense, and ordered to be committed to jail, to be sent to the jail of the county nearest having a sufficient jail; and the sheriff of such nearest county shall, on exhibit of the order of such judge, receive and keep in safe custody in the jail of his county the person or persons ordered to be committed as aforesaid. And such sheriff, upon the order of the district court or judge thereof, shall re-deliver such person or persons when demanded, and all the expenses of keeping such person or persons shall be paid by the county from which such person or persons was or were sent, and the board of county commissioners of the county from which any prisoner or prisoners shall be sent, shall at the next regular meeting after receiving the bill for the expenses of such maintenance, safe keeping and custody, audit and allow the claim for such maintenance, safe keeping and custody, and pay the same in money to the treasurer of the county in which such jail is situated, for the use of such county.

1397. SEC. 10. Any county jail may be used for the detention and safe keeping of any fugitive from justice from

another state or territory, and in this case the county shall be entitled to compensation at the rate prescribed by the board of county commissioners; *provided*, that the rate so charged shall be subject to the approval of the district judge, for the maintenance and safe keeping of such fugitive in custody, to be paid by the officer demanding the custody of such fugitive, to the sheriff of the county, and by him paid over to the treasurer of the county for the use of the county.

Payment for  
safe keeping and  
detention of  
fugitives from  
justice of other  
states, etc.

1398. SEC. 11. Juvenile prisoners shall be treated with humanity, and in such manner as will promote their reformation; they shall be kept in apartments separate from those containing more experienced and hardened criminals; the visits of parents, guardians and friends, who desire to exert a moral influence over them, shall at all reasonable hours be permitted.

Juvenile pris-  
oners.

1399. SEC. 12. Whenever the safe-keeping and detention of persons lawfully committed to any jail in this state shall, in the opinion of the board of county commissioners, require the employment of one or more guards, the said board of county commissioners of the county where such jail is situated, shall authorize the sheriff of such county to employ such guard or guards at the expense of the county, at such reasonable compensation as such board shall allow, which guard or guards shall be under the command of the keeper of the jail; *provided*, that such guard or guards shall be discharged from service whenever in the judgment of the board of county commissioners their services are not required.

Employment of  
guards.

1400. SEC. 13. It shall be the duty of the keeper of each county jail to receive into the jail every person duly committed thereto for any offense against the United States, by any court or officer of the United States, and to confine every such person in the jail until he shall be duly discharged, the United States paying all the expenses of the confinement, safe-keeping and custody, of such person, including the keeper's fees, at the rate established by the board of county commissioners of the county where such jail is situated.

Payment for  
keeping of  
United States  
prisoners.

1401. SEC. 14. It shall be the duty of the board of

Establishing rate  
of charges by  
county com-  
missioners.

county commissioners of each county having a jail in this state, to establish a rate of charges to be paid for the confinement, safe-keeping and maintenance of prisoners sent from other counties in this state, fugitives from justice, and persons committed by authority of the United States, which rate of charges may be altered, changed or modified by the board of county commissioners of such county, whenever in their judgment it shall seem best to do so; *provided*, that the rate so charged shall be subject to the approval of the judge of the district court of such county.

Account of  
moneys received  
by keeper of  
jail for keeping  
of prisoners from  
other counties,  
etc.

1402. SEC. 15. It shall be the duty of the keeper of every jail within this state, to keep an accurate account of all moneys received by him on account of the confinement, safe-keeping and maintenance of persons committed from other counties, fugitives from justice and prisoners committed to the jail by authority of the United States, and to report the same quarterly to the board of county commissioners of the county wherein such jail is situated, and to pay over to the treasurer of such county quarter-yearly all such moneys for the use of such county.

Examination of  
jail by county  
commissioners.

1403. SEC. 16. It shall be the duty of the county commissioners to make personal examination of the jail of their county, its sufficiency and the management thereof, during each session of the board and to correct all irregularities and improprieties therein found.

Pursuit and re-  
capture of  
escaped prison-  
ers; when to be  
at expense of  
sheriff.

1404. SEC. 17. In case of escape of any person lawfully committed to any jail of any county in this state, it shall be the duty of the sheriff of the county where such jail is situated, to pursue and re-capture such escaped person or persons at his own expense, and nothing herein contained shall be construed to make the county wherein such jail is situated, liable for or on account of the escape of any prisoner committed to such jail from another county, or by authority of the United States, or for the escape of any fugitive from justice; *provided*, that in case of any escape without any fault or negligence on the part of the keeper of the jail, or the guards under his command, the county commissioners of the county where such jail is situated may audit and allow to the sheriff the necessary expenses incurred in such re-capture, if they deem it best.

1405. SEC. 18. Chapter forty-six of the revised statutes of the territory of Colorado, is hereby repealed.  
 Approved, March 9, 1877.

## CHAPTER LII.

### JOINT RIGHTS AND OBLIGATIONS.

[Revised Statutes, Chapter LXVII.]

1406. SECTION 1. If partition be not made between joint-tenants, the parts of those who die first shall not accrue to the survivor or survivors, but descend or pass by devise, and shall be subject to debts, charges, etc., or transmissible to executors or administrators, and be considered to every intent and purpose in the same view as if such deceased joint-tenants had been tenants in common.

Rights of joint tenants in case of death, and no partition having been made.

1407. SEC. 2. If any person shall assume and exercise exclusive ownership over, or take away, destroy, lessen in value, or otherwise injure or abuse any property held in joint-tenancy, tenancy in common, or coparcenary, the party aggrieved shall have his action of trespass or trover, for the injury, in the same manner as he would have if such joint-tenancy, tenancy in common or coparcenary did not exist.

Action for injury to property by one joint tenant against another.

1408. SEC. 3. All joint obligations and covenants shall hereafter be taken and held to be joint and several obligations and covenants.

Joint obligations and covenants; how held.

## CHAPTER LIII.

### JUDGMENTS AND EXECUTIONS.

[Revised Statutes, Chapter XLVIII.]

1409. SECTION 1. All and singular the goods and chattels, lands, tenements and real estate of every person against whom any judgment shall be obtained, in any court of record, either at law or in equity, for any debt, damages, costs or any other sum of money, shall be liable to be sold on execution, to be issued upon such judgment, and the

What property liable to sale on execution.