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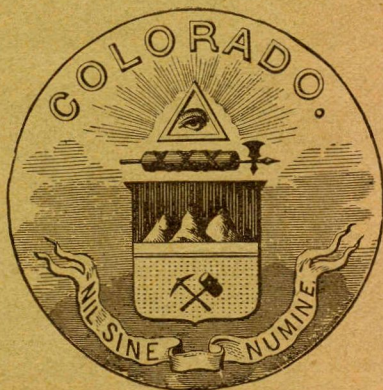
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❖ Laws Relat-
ing to the State
Board of Land
Commissioners,
prescribing the
powers and du-
ties of said board,
and providing for
the leasing, sale
& management
of the state lands



STATE OF COLORADO



LAWS

RELATING TO

THE STATE BOARD

OF

LAND COMMISSIONERS

PRESCRIBING THE POWERS AND
DUTIES OF SAID BOARD, ✻ AND
PROVIDING FOR THE LEASING,
SALE AND MANAGEMENT OF
THE STATE LANDS ✻ ✻ ✻ ✻ ✻



Compiled by order of the Board.

L. C. PADDOCK,

Register.

DENVER, COLORADO
THE SMITH-BROOKS PRINTING CO., STATE PRINTERS
1897

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~~353~~
~~67112~~

EXPLANATION.

For references and authorities, see sections in Mills' Statutes as cited.

The desert land act, known as the "Carey Act," will be found in 28 U. S. Statutes, 422, section 14, and our state statute in relation thereto may be found in the Session Laws of 1895, at page 157, also in Mills' Sup., sections 3662a to 3662x.

LAWS RELATING

TO

THE STATE BOARD OF LAND COMMISSIONERS



Section 1. The governor, superintendent of public instruction, secretary of state and attorney general being constituted a state board of land commissioners by the constitution of this state, said board shall have direction and control of all lands belonging to the state, to manage the same as the best interests of the state shall require, not inconsistent with the provisions of this act and the constitution of the state. A majority of the board shall constitute a quorum for the transaction of business. (Laws, 1887, page 328, section 1; Mills, section 3627.)

Board, how
constituted.

Control of lands.

Majority a
quorum.

Sec. 2. The governor shall be president of the board, but in his absence from any meeting the board may elect one of its members president pro tempore, who shall preside at such meeting. The board shall hold regular meetings in the state land office on the first Wednesday in each month, and may hold such other meetings as the board may direct, and may meet at any time on call of the president or a majority of the board. The meetings of the board shall be regulated by such rules as the board may adopt. (Laws, 1887, page 328, section 2; Mills, section 3628.)

President of
board.

President
pro tempore.

Regular
meetings.

Sec. 3. The governor shall, upon the first day of April and October of each year, appoint a committee of

Committee to
examine books.

three competent persons to examine the books and accounts of the state board of land commissioners. Said committee shall make a report in writing, which shall be delivered to the governor. (Laws, 1889, page 38, section 1; Mills, section 3662.)

Board shall
preserve records
in book.

Sec. 4. The state board of land commissioners shall cause a complete record of their proceedings to be kept in a suitable book, and shall preserve all important papers and documents pertaining to the state lands. (Laws, 1891, page 255, section 1; Mills' Sup., section 3629.)

Register, his
duties and salary

Sec. 5. The state board of land commissioners are hereby authorized to appoint a register of the state board of land commissioners, who is not a member of said board, whose salary shall be two thousand dollars per annum. It shall be the duty of the register to keep the records of the state board of land commissioners; to make out and countersign all patents and leases issued by the president of the board to purchasers and lessees of state lands, and to keep a suitable record of the same; to file and preserve bonds of lessees and those given by purchasers to secure deferred payments; to make and deliver to purchasers suitable certificates of purchase; to have the custody of the seal of the state board of land commissioners; to keep the minutes of the board, and to perform such other duties concerning the land affairs of the state as the board may direct. He shall be provided with a suitable office, office furniture, stationery and postage by the secretary of state. On or before the tenth day of

Biennial report.

December immediately preceding the meeting of the general assembly, he shall make a report of the business of his office, the transactions of the state board of land commissioners, and the land affairs of the state, showing, by tables, the land belonging to the several funds of the state, to whom sold, the amount leased, the receipts from all sources, and said reports shall contain any such other items of information concerning state lands as the state board may deem worthy of publication. Of this report there shall be published the same number as is now, or

may be hereafter required by law for the executive departments of the state. Before assuming the duties of his office, the said register shall give a bond in the sum of ten thousand dollars (\$10,000), conditioned upon the faithful discharge of his duties, and said bond shall be approved by the state board and filed with the secretary of state. In addition to the duties as aforesaid, the register shall be *ex officio* commissioner of immigration, under the direction of the state board of land commissioners, and shall collect and collate such statistics relative to the various industries and resources of the state, for publication and free distribution, as the said board may have the means to publish. (Laws, 1887, pages 329-30, section 4; Mills, section 3630.)

Register shall give bond.

Register ex-officio commissioner of immigration.

Collate statistics and publish same.

Sec. 6. The state board shall be allowed the sum of three thousand dollars (\$3,000) annually, for the employment of a deputy register, and such other clerical assistance as the business of the office may require. The duties of the deputy register shall be prescribed by the state board. (Laws, 1887, page 330, section 5; Mills, section 3631.)

Allowance for clerk hire.

Deputy register.

Sec. 7. That the board of county commissioners, or a majority thereof, of each county wherein shall be situate any of the public lands of the state which it shall be proposed to sell or lease, shall be and they are hereby constituted, together with some other responsible, disinterested person, to be selected by the state board, a board of appraisers and reviewers of any and all public lands within their county; and such commissioners shall, together with the state appraiser appointed by the state land board, appraise and value all lands that may be required to be appraised and valued in their respective counties, and certify the same to the state land board, for their assistance in disposing of the lands. (Laws, 1891, page 274, section 1; Mills' Sup., section 3631a.)

County commissioners shall be appraisers.

State appraiser.

Sec. 8. The governor of the state shall be and is hereby authorized, and in case of his absence or inability, the lieutenant governor shall be and is hereby authorized, to execute a good and sufficient deed of convey-

Governor authorized to sign deeds. In his absence, the lieutenant governor.

Attested by
secretary of
state. Certified
copy of record
evidence in
court.

ance, transferring in fee, without covenants, any and all lands which shall or may be ordered sold, or which shall be sold and disposed of by the state land board under the statutes of this state. Such deeds shall be attested by the secretary of state, and have the great seal of the state thereto attached, but need not be acknowledged. The certified copy of the record of any such deed shall be receivable in evidence in all courts of record in this state, the same as the original. (Laws, 1891, page 274, section 2; Mills' Sup., section 3631b.)

Board shall fix
compensation of
appraisers.

Sec. 9. The state board of land commissioners shall provide, by rule for the amount of compensation of appraisers, which compensation shall be paid by the person or persons applying for the land. (Laws, 1891, page 274, section 3; Mills' Sup., section 3631c.)

Fees authorized.

Sec. 10. The state board is hereby authorized to collect the following fees in connection with the business of the office, to wit:

Bonds.

For making and approving each bond, the sum of one dollar (\$1).

Duplicate leases.

For making duplicate leases, each, the sum of one dollar (\$1).

Duplicate
certificates of
purchase.

For duplicates of certificates of purchase, each, the sum of two dollars (\$2).

For issuing more than one certificate on each purchase of state land made by one party, the sum of two dollars (\$2), for each additional certificate of purchase so issued.

Certified copies.

For making certified copies of papers or records, the same fees as are now provided by law to be charged by the secretary of state, for like services.

Fees used for
encouraging
immigration.

The funds arising from the above fees shall be paid into the land commissioners' general fund, and may be used for the purpose of encouraging immigration, and such other purposes as the said state board of land commissioners may direct. (Laws, 1887, page 330, section 6; Mills, section 3632.)

Board shall
select lands
granted to state.

Sec. 11. It shall be the duty of the state board of land commissioners to select and locate all lands which

are now, or may be hereafter, granted to this state by the general government, for any purpose whatever, and the board shall take the necessary steps to secure the approval of such selections by the proper officers of the general government. In making such selections, the board may employ such agents and means as may be necessary to acquaint the board with the character of the lands selected; and the board may provide to have the lands belonging to the state classified and appraised. (Laws, 1887, pages 330, 331, section 7; Mills, section 3633.)

LEASE.

Sec. 12. The state board of land commissioners may lease any portion of the land of the state, at a rental of not less than 10 per cent., per annum on the valuation fixed by the state board, except as hereinafter provided. The lessee shall pay the annual rental to the state land board, who shall receipt for the same on the lease, and file a duplicate receipt with the state auditor. Upon receiving such annual rental, the state board shall immediately transmit the same to the state treasurer and take his receipt therefor. If stone, coal, coal oil, gas, or other mineral not herein mentioned, be found upon the state land, such land may be leased for the purpose of obtaining therefrom the stone, coal, coal oil, gas, or other mineral, for such length of time, and conditioned upon the payment to the state board of such royalty upon the product as the state board of land commissioners may determine. (Laws, 1887, page 331, section 8; Mills, section 3634.)

Leasing, and rates of same.

Rentals deposited with state treasurer.

Royalty for stone, coal, oil, gas, and other minerals fixed by board.

Sec. 13. All leases of state land, except mineral leases, shall be conditional, upon the payment of rent annually, in advance, and the violation of this condition shall work a forfeiture of the lease, at the option of the state board of land commissioners, after thirty days' notice to the lessee, such notice being sent to the postoffice of lessee, as given by himself to the register of state

All leases, save mineral, must be paid annually in advance.

Forfeiture for non-payment.

lands when the lease is issued. (Laws, 1887, page 331, section 9; Mills, section 3635.)

Lease limited to ten years.

Renewal of same. How renewed.

Sec. 14. No lease of state land shall be for a longer term than ten years. When any lease expires by limitation, the holder thereof may renew the same in manner as follows: At any time within the thirty days next preceding the expiration of the lease, the lessee, or his assigns shall notify the register of his desire to renew said lease; if the lessee and state board agree as to the valuation of the land, a new lease may be issued bearing even date with the expiration of the old one, and upon like conditions; *Provided, always*, That the former valuation shall not be decreased without the consent of the state board; *Provided*, That nothing in this section shall prohibit the state board from leasing any of the state lands to such party or parties as shall secure to the state the greatest annual revenue; *Provided, further*, That the state board may in its discretion offer said land for sale at the end of any period of five (5) years, during the term of said lease, upon the same terms and in the same manner as though said lease had not been executed. (Laws, 1895, pages 199-200, section 1; Mills' Sup., section 3636.)

Board may sell leased land.

Tenant must pay for improvements of former tenant.

Value of improvements fixed by board.

Mistakes in money paid corrected.

Sec. 15. Should any one apply to lease any of the lands belonging to the state upon which there are improvements belonging to another party before a lease shall issue, he shall file in the office of the state board of land commissioners a receipt showing that the price of said improvements, as agreed upon by the parties, or fixed by the state board, has been paid to the owner thereof in full, or shall make satisfactory proof that he has tendered to such owner the price of said improvements, so agreed upon, or fixed by the board. If, by any mistake or error, any money has been, or shall hereafter, be paid on account of any sale or lease of state lands it shall be the duty of the board to draw a voucher in favor of the party paying said money; and on presentation of such voucher the auditor shall draw his warrant upon the state treasurer for the amount, and the state treasurer shall pay the same out of the fund into which

such money was deposited or placed. If through any fraud, deceit, or misrepresentation, any party, or parties, shall procure the issuing of any lease for state lands, the board shall have the authority to cancel any such lease. (Laws, 1887, page 332, section 11; Mills, section 3637.)

Fraudulent representations a cause for cancellation.

SALE.

Sec. 16. All lands granted by congress to the state for the support of common schools, being sections sixteen and thirty-six, and all that may be selected in lieu of said sections, are hereby withdrawn from market, and the sale thereof prohibited; *Provided*, Any parcel of such land may be sold when the state board is of the opinion that the best interest of the school fund will be served by offering such parcel for sale. *Provided, further*, That such land shall only be sold at public auction, and at not less than three and one-half dollars per acre. *Provided*, That school lands shall not be offered for sale except upon the conditions hereinafter provided for the sale of other state lands. (Laws, 1887, pages 332, 333, section 12; Mills, section 3638.)

School lands withdrawn from sale.

Board may sell, if it deems best for school interest.

All sales must be public.

Sec. 17. The state board of land commissioners may cause any portion of state lands to be laid out in lots and blocks, to be sold from time to time, at public auction, to actual settlers only, or to persons who shall improve the same, in such quantities, and at such times as shall enable the state to realize the best prices for such land, and such land shall not be sold except in lots or blocks, as herein provided. (Laws, 1887, page 333, section 13; Mills, section 3639.)

Lands may be laid out in lots and blocks.

Sold to actual settlers only.

Sec. 18. The state board of land commissioners may at any time direct the sale of any state lands, except as provided in sections 12 and 13 of this act, in such parcels to actual settlers only, or to persons who shall improve the same, as they shall deem for the best interests of the state and the promotion of the settlement thereof. All sales under this act shall be adver-

State lands sold to actual settlers.

Sales advertised.

tised in four consecutive issues of some weekly newspaper of the county in which such land is situated, if there be such paper, if not, then in some other paper published in an adjoining county, and in such other papers as the board may direct. The advertisement shall state the time, place and terms of sale, and the minimum price per acre fixed by the board of each parcel, below which no bid shall be received; *Provided*, That in all sales the land shall be offered in legal subdivisions of not more than one hundred and sixty (160) acres; provided, that sales of state lands shall be made to citizens of the United States and to those who have declared their intention to become such only. The state board may also sell the timber upon any lands belonging to the state upon the same conditions as are provided for the sale of state lands; *Provided*, That payment in full must be made by the purchaser on the day of sale, and the penalty for failure to make such payment shall be the same as is provided for failure to make payment in the purchase of state lands. If any land be sold on which surface improvements have been made by a lessee, said improvements shall be appraised under the direction of the state board. When lands on which improvements have been made as above are sold, the purchaser, if other than the owner of said improvements, shall pay the appraised value of said improvements to the owner thereof, taking a receipt therefor, and he shall deposit such receipt with the state board before he shall be entitled to a patent or certificate of purchase. All such receipts shall be filed and preserved in the office of state board of land commissioners. (Laws, 1887, pages 333, 334, section 14; Laws, 1889, page 34, section 1; Mills, section 3640.)

Sales only in subdivisions of 160 acres.

Timber sales.

Timber must be all cash down.

Improvements appraised.

Receipts for improvements filed.

Sales at capitol.

Terms of payment on sales.

Sec. 19. All sales of state lands shall be held at the state capitol, unless otherwise directed by the state board of land commissioners. Terms of payment shall be as follows, viz: Timber lands, cash on the day of sale: on other lands selling for three dollars and fifty cents to twenty-five dollars per acre, 10 per cent., of the

purchase money on the day of sale, the balance in eighteen equal annual payments at 6 per cent. per annum. Lands selling at more than twenty-five dollars and less than seventy-five dollars per acre, 20 per cent. cash on day of sale, the balance in fourteen equal annual payments at 7 per cent. per annum or the purchaser may make full payment with accrued interest at any time. Lands selling at seventy-five dollars and upwards, 30 per cent. cash, and balance in seven equal annual payments at 7 per cent. interest, or the purchaser may make full payment with accrued interest, at any time. When the conditions hereinbefore prescribed have been complied with, the state board shall make and deliver to the purchaser a certificate of purchase containing the name of the purchaser, a description of the land purchased, the sum paid, the amount remaining due, and the date at which each of the deferred payments falls due, and the amount thereof: such certificate shall be signed by the governor and countersigned by the register, and a record of the same kept by him in a suitable book. Whenever a purchaser of any state land has complied with all of the conditions of the sale, and paid all purchase money with the lawful interest thereon, he shall receive a patent for the land purchased; such patent shall be signed by the governor, and countersigned by the register, attested with the seal of the state board of land commissioners; and when so signed such patent shall convey a good and sufficient title in fee simple: *Provided*, That the governor and register shall be authorized to issue certificates of purchase in lieu of receipts temporarily issued subsequent to April 17, 1889, for money paid on account of lands heretofore sold by the state board of land commissioners under existing law and patents in lieu of final receipts so issued during the same period on account of payment in full for lands sold, on presentation of such receipt by the legal owners thereof. (Laws, 1891, pages 256-257, section 1; Mills' Sup., section 3641.)

Purchaser may make full payment at any time.

Board shall execute certificate of purchase.

Patent issues when payments are all made.

Certificates issued in lieu of receipts.

Sec. 20. If any purchaser of state land, after receiving a certificate of purchase, as provided in section 15, of

Land may be
resold on failure
to make
payments.

Payments
forfeited to
state.

Purchase money
paid to state
treasurer for
permanent fund.

Interest money
for income fund.

Treasurer must
invest funds.

Board may
require bonds.

Bond shall
secure waste
and unlawful
detention.

Lessee not
allowed to cut
timber in excess.

this act, fail to make any one of the payments stipulated therein, and the same remains unpaid for one year after the time when it should have been paid, as specified in such certificate, the state board of land commissioners may sell the land again; *Provided*, That in case of a sale, all previous payments made on account of such land shall be forfeited to the state; the land shall revert to the state, and the title thereof shall be in the state as if no sale had ever been made. (Laws, 1887, pages 334, 335, section 16; Mills, section 3642.)

Sec. 21. All purchase moneys arising from the sale of land, shall be paid by the state board to the treasurer, who shall receipt for the same, and the same shall be by him credited to the permanent fund to which the land sold belonged. All interest on purchase money, and all rents received from lands leased, shall be paid by the state board to the state treasurer, and by him credited to the income fund to which the land belonged. All such funds, whether permanent or income, unless otherwise disposed of by law, shall be invested by the state treasurer, *First*, In the bonds of the state of Colorado; *Second*, In the interest bearing warrants of the state of Colorado; *Provided, however*, That such bonds or warrants shall be purchased only at a price not to exceed par, and the interest only shall be used for the purpose for which the grant was made. (Laws, 1887, page 335, section 17; Mills, section 3643.)

Sec. 22. When, in the judgment of the state board, a bond by the purchaser of state lands is necessary, the state board shall require such purchaser to give a bond, upon such conditions as the board may determine. In leasing state lands, the state board shall require of the lessee such a bond as shall secure the state against loss or waste, or occupation of the land for more than thirty days after the cancellation or expiration of the lease of said lessee, unless the said lessee become the purchaser of the land, and in no case shall the lessee be allowed to cut or use more timber than shall be necessary for the improvement of the land, or for fuel for the use of the

family of the lessee, and the cutting and hauling of timber to saw mills, to be sawed on the shares, is expressly prohibited. (Laws, 1887, page 335, section 18; Mills, section 3644.)

Fuel for family of lessee. Mill sawing on shares prohibited.

Sec. 23. Whenever a certificate of purchase shall be lost or wrongfully withheld by any person from the owner thereof, the state board may receive evidence of such loss or wrongful detention, and upon satisfactory proof of the fact, may cause a certificate of purchase, or patent, as the case may be, to issue to such person as shall appear to them to be the proprietor of the land described in the original certificate of purchase. (Laws, 1887, pages 335, 336, section 19; Mills, section 3645.)

Certificate lost remedied by issue of another.

Sec. 24. The state board of land commissioners may hear and determine the claims of all persons who may claim to be entitled, in whole or in part, to any lands owned by this state, and the decisions of said board shall be held to be final, until set aside by a court of competent jurisdiction; and the board shall also have power to establish such rules and regulations as in their opinion may be proper, to prevent fraudulent applications. (Laws, 1887, page 336, section 20; Mills, section 3646.)

Board may hear and determine causes.

Board has power to establish rules.

Sec. 25. That all lands sold under the provisions of this act, or any interest therein, shall be exempt from taxation for and during the period of time in which the title to said land is vested in the state of Colorado, and in case any land sold under the provisions of this act shall not, within one year after date of sale, be actually settled upon, or in good faith improved, according to the spirit of this act, such land shall revert to the state, and the purchaser shall be entitled to repayment of any purchase-money, deducting the amount required to pay the lease on such land for the time held by purchase at the same rate as provided for leasing school lands he may have paid on the same. (Laws, 1887, page 336, section 21; Laws, 1889, pages 313, 314, section 1; Mills, section 3647.)

State and school lands exempt from taxation.

Unoccupied or unimproved land reverts to state.

Sec. 26. All expenses incurred by the state board of land commissioners, or by any person employed by said

Expenses, how paid.

board, in accordance with the provisions of this act, shall be paid by the state treasurer, on warrants drawn by the state auditor, on vouchers approved by the state board. (Laws, 1887, page 336, section 22; Mills, section 3648.)

Trespassers.

Sec. 27. All persons using or occupying any state land without a lease, and all persons who shall use or occupy state lands for more than thirty days after the cancellation or expiration of a lease, shall be regarded as trespassers, and upon conviction shall be fined in a sum of not less than twenty-five dollars, and in the last mentioned case, the bondsman of the lessee shall be equally liable with himself. All suits under the provisions of this act shall be instituted by the attorney general, in the name of the people of the state of Colorado. (Laws, 1887, page 336, section 23; Mills, section 3649.)

Fine for trespass.

Attorney general shall institute proceedings.

Funds for school, university, agricultural college lands held intact.

Sec. 28. The funds arising from the sale of the public school, university and agricultural college lands, shall be held intact for the benefit of the funds for which such lands were granted, and the interest and rentals only shall be expended for the purposes of the grant. The funds arising from the sale, leasing, and income of all other state lands shall be disposed of as shall be provided by law, but, in the absence of any other provision, may be invested in the same manner as the school fund. (Laws, 1887, page 337, section 24; Mills, section 3650.)

Other funds invested.

Agricultural college, university or school lands interest funds.

Sec. 29. All moneys arising from the leasing of agricultural college, university, or public school lands which are now, or may hereafter, be received into the state treasury, shall be treated in all respects in the same manner as is provided by law for the disposition of the interest on the proceeds arising from the sale of the same class of lands. (Laws, 1887, page 337, section 25; Mills, section 3651.)

Board may grant right of way.

Sec. 30. The state board of land commissioners may grant the right of way across or upon any portion of the state land, upon such terms as the board shall determine, for any ditch, reservoir, railroad, public highway, or telegraph line, and may grant land for the pur-

Grants for district school houses.

May sell arid land other than school for irrigation purposes.

Purchaser must construct ditch.

Purchaser shall furnish water for state's land.

5 4 3 2 1 0 9 8 7 6 5 4 3 2 1 0

Purchaser must
furnish bond.

public sale thereof, such bidder shall, within such reasonable time as the board may fix, enter into a contract and bond, as required by the provisions of this act, for the construction of said ditch and for the furnishing of water therefrom; and in the event of his failure to furnish a satisfactory bond and enter into the said contract within the time fixed, then such bid shall be disregarded and such public sale shall be void and of no effect. The board shall make the sale upon like conditions as other state lands are sold, and shall require a good and sufficient bond from the party desiring to construct such ditch, conditioned for the faithful performance of the contract and the conditions of the sale. And in no case shall the title to any of said lands pass from the state until the ditch shall have been completed and accepted by the board. (Laws, 1889, pages 381, 382, section 1; Mills, section 3657.)

Ditch accepted
by board.

Board shall
regulate
distribution of
water.

Sec. 32. Until otherwise authorized by law, the board of land commissioners is hereby directed to regulate the distribution of water from state canals and reservoirs under such rules and regulations as said board shall deem to be for the best interest of the state. "And to charge and collect rental for the carriage of water therein." (Laws, 1893, page 404, section 1; Mills' Sup., section 3657a.)

Penalty for
cutting timber
on state land.

Sec. 33. Any person who shall cut or remove any timber from any state land without authority so to do by the state board of land commissioners, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not less than three dollars nor more than three hundred dollars, or by imprisonment in the county jail for a term not less than thirty days nor more than three months, or by both such fine and imprisonment, for the mutilation or destruction (destruction) of each tree. (Laws, 1897, page 265, section 1.)

Jurisdiction of
courts in timber
cutting cases.

Sec. 34. Justice courts, county courts and district courts, shall have jurisdiction for the trial of offenses under this act, and it shall be the duty of the county super-

intendent of schools to make complaint whenever he shall be informed of any violation of this act, and of the district attorney and his deputies to prosecute the same. (Laws, 1897, page 265, section 2.)

Sec. 35. That when any person hath heretofore, or shall hereafter, settle upon and improve any of the public lands which have been, or shall hereafter be, donated by act of congress to public uses, for educational or other purposes, and upon any sale of such lands by public authority, subsequent to such settlement and improvement, if the person settling upon such lands shall not become the purchaser, the person becoming the purchaser of such lands shall pay to such settler the reasonable value of his improvements thereon. (Revised Statutes, 1868, page 535, section 19; General Laws, 1877, pages 717, 718, section 2142; General Statutes, 1883, page 788, section 2692; Mills, section 3624.)

County superintendent's duty to bring suit.

Settler must be reimbursed by subsequent purchaser.

Sec. 36. Whenever the parties cannot agree as to the reasonable value of such improvements, the same shall be recoverable by an action of *assumpsit* in the district court of the proper county. (Revised Statutes, 1868, page 535, section 20; General Laws, 1877, page 718, section 2143; General Statutes, 1883, page 789, section 2693; Mills, section 3625.)

Parties failing to agree, improvements may be recovered for by *assumpsit*.

Sec. 37. Nothing herein contained shall be construed to interfere with the right of the purchaser of any such lands to the immediate possession thereof, upon the completion of his purchase. (Revised Statutes, 1868, page 535, section 21; General Laws, 1877, page 718, section 2144; General Statutes, 1883, page 789, section 2694; Mills, section 3626.)

Purchaser may take immediate possession.

LAND OFFICE RULES.

RATES AND RULES FOR LEASING.

Minimum leasing rates are as follows: For grazing lands, having no stock water, that is, running streams or springs, five cents per acre; with stock water, eight cents per acre. No grazing or agricultural lease shall be executed for less than forty acres, and in no case shall a grazing lease contain a permit to cultivate any portion of the land embraced in said lease. Rental for grazing and agricultural leases must be paid annually in advance. A bond shall be required in all cases and a fee of \$1 must accompany remittance for first year's rental.

For agricultural leases, the minimum rental is twenty cents per acre.

Parties desiring to lease will be furnished blanks by applying for same to the register.

Application blanks must be attested by a notary public or clerk of court of record.

For right of improvements in excess of those granted by the rules, tenant must secure consent of register in writing.

Improvements are held to be something that can be removed from the land, although alfalfa is allowed for at varying prices, according to stand, nature of soil, locality, etc. In no case is an artesian well to be considered an improvement for which allowance shall be made.

Water rights shall only be deemed improvements when made appurtenant to the land, certificates of stock, if any, to be deposited with the register, and value of water rights will be estimated by the appraiser of the land office.

The holding of a grazing or agricultural lease conveys no right to the timber on the land. Cutting of the

same, save after first having secured the written consent of the register for the purpose of needed improvements, shall work a forfeiture of the lease and render the tenant liable to a prosecution under the law of 1897, which makes such cutting punishable by fine and imprisonment.

When only minimum rate shall be offered, the first applicant shall be entitled to the lease. When more than one person applies for a lease, notice will be given that sealed bids will be received, and the party offering to pay the highest rental will be awarded the lease, if, in the judgment of the board, such highest bid is the best rental price that can be secured. All such sealed bids must be accompanied by cash, draft or check, payable, without discount, at a Denver bank.

MINERAL LEASES.

The state of Colorado has had granted to it many thousand acres of mineral land which was not known to be mineral at the date of the grant. To these lands the state's title is clear and has been so declared by every commissioner of the general land office when the state's title has been attacked.

These lands are leased in lots of ten (10) acres each for eight years on the following terms: A deposit of \$10 per lot for survey fee and \$1 for bond; rent of \$10 per lot for first year, payable semi-annually in advance.

Tenant must begin work on or before sixty (60) days after issue of lease, with not less than two men working underground.

Must work same with "due diligence," the intent being that mineral lands shall not be held for speculative purposes; no specific amount of work has been established as the rule. Lessee of several lots may work group by tunnel the same as under United States laws.

No charge for royalty first year unless ore shall have been discovered in marketable quantities, in which event, royalty of 10 per cent. on mill returns will be charged. For second year and every year thereafter,

tenant must pay 10 per cent. royalty on at least \$250 worth of ore, and the same rate on all ore produced, royalty to be computed on mill returns; payment of this royalty is all that is exacted after the first year.

When thirty-two (32) lots shall have been leased in any section, the register will have the same surveyed under supervision of state engineer. Until such number shall have been leased, tenant takes his own chances as to location.

No survey fee is exacted from lessee of a lot upon which former tenant paid the same.

Cancellation without action of board will result from failure to pay rental on date when due, or failure to file with register semi-annual statements of ores mined and milled. Blank statements will be furnished by this office on application.

Always send lease with remittance so that credit may be endorsed thereon.

Make checks, drafts, etc., payable to "State Board of Land Commissioners."

Leases in force prior to May 4, 1897, are to be construed in the light of their terms and of the rules in force at time of their issue. All such, however, come under the provisions of the revised rules that payments must be made on date when due.

SALE OF LANDS.

Lands under control of the state board of land commissioners embrace school lands, being sections 16 and 36, and indemnity lands selected in lieu of sections 16 and 36 lost to the state, which are held sacred to the school fund in common with the original grant; internal improvement, agricultural college, public building, state university and penitentiary lands are known as state lands, as distinguished from school lands.

School lands are sold only when the board shall deem their sale for the best interest of the school fund. Application blanks may be obtained from the register, and after being duly attested and sent to this office, will

be referred to the appraiser to report value of land. In no case shall an application be considered wherein the offer is less than \$5 per acre. The appraiser's report will be to the board, which may approve or disapprove the same. No minimum price has been fixed for state lands.

IMPROVEMENTS.

The improvements allowed hereafter to be placed upon lands by lessees, for which they can require payment by lessees or purchasers, other than themselves, are defined in the following schedule, the portion of which applicable to the kinds of lease mentioned shall hereafter be made part thereof.

Grazing Leases—Fences—Not exceeding in value seventy-five dollars (\$75) per mile. Necessary corrals.

Agricultural Leases—Fences (outer) on government subdivision lines or following county roads, not exceeding per mile \$100.

Necessary inside fences not exceeding per mile \$75.

Water rights, reservoirs, dykes and laterals and setting out of fruit trees only allowed in exceptional cases, and after plat has been filed with the register, showing location and other particulars, and estimated cost of same, and written permission for construction or planting of same, has been given by the register. All improvements to be actually upon the land and all water rights to be appurtenant thereto. Houses, barns and all other buildings and improvements at actual cash value, and unless permission to make same has first been obtained from the register, in manner above stated, not to exceed in aggregate value \$600.

FEES UNDER THE CAREY ACT.

Any individual or corporation making an application for segregation of land, under the Carey or arid land act, shall deposit with the register of the state board of land commissioners, in advance, a sum sufficient to

cover the expenses of examination and report by the state engineer, as provided for by law; such moneys to be refunded in case the project in hand shall be prosecuted to a successful conclusion. In case of a favorable report by the state engineer, with reference to the feasibility of the plan, and the acceptance of the proposal by the state board of land commissioners, the petitioner shall deposit, with the secretary of the board, a certified check, payable to the state treasurer, as a guarantee of financial ability and good faith of the petitioner to carry out the proposed work; said deposit to be as follows:

“Two hundred and fifty dollars for all quantities of land of 10,000 acres or less.

“Five hundred dollars for all quantities of land from 10,000 to 20,000 acres.

“Seven hundred and fifty dollars for all quantities of land from 20,000 to 50,000 acres.

“One thousand dollars for all quantities of land from 50,000 to 75,000 acres.

“Fifteen hundred dollars for all quantities of land from 75,000 to 100,000 acres.

“Two thousand dollars for all quantities of land from 100,000 to 150,000 acres.

“Twenty-five hundred dollars for all amounts of land in excess of 150,000 acres.

“Said deposit to be forfeited to the state in case of failure to enter into a contract with the state board of land commissioners in accordance with the submitted proposals, if the same are accepted; otherwise the deposit to be returned to the petitioner.