

COLORADO'S STATE LAND LAWS

1917



Issued Under the Authority of
The State Board of Land Commissioners,
John F. Vivian, Register

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COLORADO'S STATE LAND LAWS

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AN ACT

SENATE BILL NO. 389.

BY SENATOR FINCHER.

AN ACT RELATING TO THE STATE BOARD OF LAND COMMISSIONERS, AND TO PROVIDE FOR THE SELECTION, LOCATION, APPROVAL, SALE, AND VALIDATING SALES HERETOFORE MADE, LEASING AND MANAGEMENT OF STATE AND SCHOOL LANDS; CREATING CERTAIN OFFICERS OF THE STATE BOARD OF LAND COMMISSIONERS AND DEFINING THEIR DUTIES; PROVIDING FOR THE EXCHANGE OF LANDS WITH THE UNITED STATES; PROVIDING FOR THE VENUE OF SUITS BROUGHT IN RELATION TO SCHOOL LANDS; PROVIDING FOR AND AUTHORIZING THE EQUITY IN STATE OR SCHOOL LANDS TO BE TAXED, TOGETHER WITH THE IMPROVEMENTS; PROVIDING FOR THE LOCATION AND MINERAL CLAIMS UPON STATE OR SCHOOL LANDS AND SECURING OF TITLE THERETO, AND REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT THEREWITH AND ALSO THE ACT OF THE GENERAL ASSEMBLY SESSION LAWS OF 1905, PAGES 319 TO 343 INCLUSIVE, SAME BEING CHAPTER 134.

Be It Enacted By the General Assembly of the State of Colorado:

Section 1. 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.

Section 2. The State Board of Land Commissioners is authorized and empowered to employ all office force. 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 is-

sued by said Board to purchasers and lessees of State lands, and keep a suitable record of same; to file and preserve bonds of lessees and those given by purchasers to secure deferred payments; to make and deliver to purchasers a suitable certificate of purchase; to have the custody of the seal of the State Board of Land Commissioners; to keep the minutes of the said Board; to receive all moneys from the deputy register collected by such officer on account of the State Board of Land Commissioners and to pay them over to the State Treasurer, as prescribed by law, and in the absence of the deputy register to receipt for and receive all moneys payable to the State Board of Land Commissioners, and to perform such other duties concerning the land affairs of the State as the said Board may direct. It shall also be the duty of the register in any and all contested cases, at the direction of the Board, when hearings are necessary and witnesses may be required to be examined, to set a date for hearing such cases. The register shall duly advise the contestants and their accredited attorneys of the date set for such hearings, and on the date appointed the register is hereby empowered to administer oaths and to hear and receive evidence after the manner and procedure established by the United States in the district land offices, or in accordance with the rules that are or may be adopted by the Board governing such cases. All evidence given and provided in such cases before the register shall be fully transcribed and arranged at the cost of the parties to the contest, and shall form a part of the records of the office of the State Board of Land Commissioners. The register shall, as soon as convenient after such hearings, present a full transcript of the proceedings to the State Board of Land Commissioners, who shall render a decision in accordance therewith. The board shall be provided with a suitable office and office furniture by the State Board of Capitol Managers. On or before the 31st day of December immediately preceding the meeting of the General Assembly, it shall make a report of the business of said Board, 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 or information concerning State lands as the State Board of Land Commissioners may deem worthy of publication; provided, said report does not exceed the number of pages permitted by law. 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 each member of the State Board of Land Commissioners shall give a surety bond, the expense of which shall be paid by the State from the Land Commissioners' cash fund, in the sum of thirty thousand dollars (\$30,000), conditional upon the faithful discharge of his duties, and said bonds shall be approved by the Governor and State Treasurer and filed with the Secretary of State.

Section 3. The State Board of Land Commissioners shall be allowed the sum of one thousand eight hundred dollars (\$1,800.00) annually for the employment of a deputy register. It shall be the duty of the deputy register to receipt and account for all moneys payable to the State Board of Land Commissioners, and said deputy register shall pay same over to the register daily. The deputy register shall give a good and sufficient surety bond, the cost of which shall be paid by the State, to be approved by the State Board of Land Commissioners, for the faithful performance of the duties pertaining to that position, in the amount of thirty thousand dollars (\$30,000). The deputy register shall perform such other duties as may be prescribed by the State Board of Land Commissioners.

Section 4. 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 or patent of conveyance, transferring any and all lands which shall, or may be ordered sold, or which shall be sold and disposed of by the State Board of Land Commissioners under the statutes of this State. Such deed or patent shall be attested by the Secretary of State, countersigned by the register, and have the great seal of the State and the seal of the State Board of Land Commissioners thereto attached, but need not be acknowledged. The certified copy of the record of any such deed or patent shall be receivable in evidence in all courts of record in this State, the same as the original.

Section 5. 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.

Section 6. There shall be appointed by the State Board of Land Commissioners such appraisers of State lands as are necessary, who shall be under the direction of the State Board of Land Commissioners, and who shall be paid fifteen hundred dollars (\$1,500.00) each per annum for such services. There shall also be appropriated the sum of one thousand dollars (\$1,000.00) per annum for the purpose of defraying the expenses of said appraisers when visiting the different portions of the State in the discharge of their duties.

Section 7. The State Board of Land Commissioners is hereby authorized and empowered to collect the fees herein fixed for the issuance of leases, patents, certificates of purchase, right of way deeds, recording assignments, making township plats, filing bonds, and for the filing of all documents necessary to be filed in said

office, to-wit: Filing application to lease for each 160 acres or fraction thereof, \$.50—Filing application to purchase for each 160 acres or fraction thereof, \$.50—Accepting and approving bond, \$1.00—Issuing lease, each 160 acres or fraction thereof, \$1.00—For each additional 160 acres or fraction thereof in the same lease, \$.50—For issuing patent or certificates of purchase, each 160 acres or fraction thereof, \$2.00—Assignment fee, \$1.00—Patent for town lot, one or more, \$2.00—Right of way deeds, easements, etc., \$5.00—For issuing permission to make improvements in excess of amount allowed by the terms of the lease, \$2.00. Certified copies of any instrument or of the records shall be furnished at the rate of 20 cents per folio and \$1.00 for the certification. Each application for lease must be accompanied by the advertising fee of five dollars, in addition to the filing fee. All applications for purchase must be accompanied by an appraisement fee of ten dollars in addition to the filing fee. If the board orders a sale to be made, the applicant shall be required to pay an advertising fee of seventeen dollars. All township plats shall be furnished at 50 cents each. For subdividing mineral lands into lots of ten acres each for the purpose of leasing, upon the application of any person, a deposit of ten dollars for each lot shall be required. All moneys collected by the State Register and deputy in pursuance of any action or resolution of the board, shall be paid into the State Treasury, as provided by law. All aforesaid fees shall be paid in advance to the deputy register and be transmitted and accounted for by said deputy to the register of the board, as in the case of other funds, and the said register shall turn the same into the State Treasury, as in the case of money collected for rent and partial payments on certificates of purchase. And it shall be the duty of the State Treasurer to receive said funds and credit the same to the Land Commissioners' cash fund, to be paid out by him on warrants drawn by the Auditor of State. It shall be the duty of said Auditor to draw warrants against said fund in payment of such vouchers as may be audited and allowed by the State Board of Land Commissioners and certified to by the President and Register of the State Board of Land Commissioners.

Section 8. The State Board of Land Commissioners may lease any portion of the land of the State at a rental to be determined by it, except as hereinafter provided. The lessee shall pay the annual rental to the State Board of Land Commissioners, who shall receipt for the same in the lease. Upon receiving such annual rental, the State Board shall transmit the same to the State Treasurer, as provided by law, and take his receipt therefor. If stone, 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, 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.

Section 9. All leases of State or school land shall be conditioned upon the payment of rent 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 lessees, such notice being sent to the last known postoffice address of lessee, as given by himself to the register of the State Board of Land Commissioners.

Section 10. No lease of State or school land for grazing purposes shall be for a longer term than twenty years and no lease of State or school land for agricultural purposes shall be for a longer period than ten years, except as hereinafter provided. When any lease expires by limitation, the holder thereof may renew the same in manner as follows: At any time within ninety 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 of Land Commissioners; provided, that nothing in this section shall prohibit the State Board of Land Commissioners from leasing any of the State land 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 any time during the term of said lease, upon the same terms and in the same manner as though said lease had not been executed; or, it may, in its discretion, withdraw such land from sale during the full term of the lease.

Section 11. 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; provided, 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.

Section 12. Lands within city boundaries may be leased for a term not exceeding fifty years. All such leased lands shall be re-appraised and classified at least every five years, and the lessee of

all such lands shall pay any increased rental or forfeit the land so held. When any lease expires by limitation the holder thereof may renew the same in manner as follows: At any time within the ninety 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 the State Board of Land Commissioners 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 of Land Commissioners; Provided, that nothing in this section shall prohibit the State Board of Land Commissioners 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 of Land Commissioners may, in its discretion, offer said land for sale at the end of any period of five years, upon the application of the lessee, during the term of said lease, upon the same terms and in the same manner as though said lease had not been executed.

Section 13. All corporations, companies or persons using or occupying any State or school lands without lease, and all corporations, companies or persons who shall use or occupy State or school lands for more than thirty days after the cancellation or expiration of a lease, and any corporation, company or person who shall construct a reservoir, ditch, railroad, public highway, telegraph or telephone line, or in any manner occupy or enter upon lands belonging to the State of Colorado, without first having secured the authority and permission of the State Board of Land Commissioners to so occupy said land for such purpose, shall be regarded as trespassers, and, upon conviction thereof, shall be fined in the sum of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00), and each day shall be considered a separate offense, and in each case, where a bond has been furnished to the State Board of Land Commissioners, the bondsmen of the lessee shall be equally liable with himself, and in addition to the foregoing penalty the State shall be allowed to collect as rental for the use of such lands a sum equal to the appraised value thereof for rental purposes, as fixed by the State Board of Land Commissioners, and which value shall not be less than five cents per acre per annum. All suits under the provisions of this act shall be instituted under the direction of the Attorney General in the name of the People of the State of Colorado.

Section 14. 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, parcels of not less than the least legal sub-division may be sold when the State Board is of the opinion that the best interests 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; Pro-

vided, that school lands shall not be offered for sale, except upon the conditions hereinafter provided for the sale of other State lands.

Section 15. The State Board of Land Commissioners may cause any portion of the State or school 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.

Section 16. Any State lands needed by the United States for irrigation works, other than right of ways for roads, bridges, canals, ditches, tunnels, pipe lines, telephone and transmission lines, shall be sold to the United States at a price not less than three dollars and fifty cents (\$3.50) per acre and without advertising or offering same at public auction, and the State Board of Land Commissioners shall direct the Governor, Secretary of State and register to execute and sign, as provided in this act, on behalf of the State, a proper deed or other instrument of writing for such lands.

Section 17. That [the] State Board of Land Commissioners may at any time direct the sale of any State lands, except as provided in 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; Provided, that no lands belonging to the State, within the areas to be irrigated from works constructed or controlled by the United States or its duly authorized agents, shall hereafter be sold except in conformity with the classification of farm units by the United States. After the withdrawal of lands by the United States for any irrigation project, no application for the purchase of State lands within the limits of such withdrawal shall be accepted, except upon the conditions prescribed in this section. All sales under this act, except those to the United States, shall be advertised in four consecutive issues of some weekly paper of the county in which such land is situated, if there be such paper; if not, then in some 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 cases the land shall be offered in legal subdivisions and 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. If any land be sold on which surface improvements shall have been made by a lessee, said improvements shall be appraised under the direction of the State Board. When lands on which such improvements have been made are sold, the purchasers, if other than the owner of said improvements, shall pay the ap-

praised value of said improvements to the owner thereof, taking a receipt therefor, and he shall deposit such receipt with the State Board of Land Commissioners before he shall be entitled to a patent or certificate of purchase. All such receipts shall be filed and preserved in the office of the State Board of Land Commissioners.

Section 18. 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 sales, cash on the day of sale; on lands, 10 per cent. of the purchase money on the day of the sale, the balance in eighteen equal annual payments, at 6 per cent. per annum. The State Board of Land Commissioners may, in its discretion, reserve in the advertisement of sale of any state or school land, rights of way for irrigation and drainage ditches, canals, reservoirs and other structures and for any roads or highways, and it may and is hereby authorized to reserve to the State of Colorado all rights to any and all minerals, ores and metals of any kind and character and all coal, asphaltum, oil, gas or other like substances in or under said land and the right of ingress and egress for the purpose of mining, together with enough of the surface of the same as may be necessary for the proper and convenient working of such minerals and substances. All patents and certificates of purchase on state or school lands heretofore issued and in which a reservation of rights to minerals, ores and metals of any kind or character whatsoever or coal, asphaltum, oil, gas and other like substances has been made, are hereby validated; Provided, that the holders of such certificates of purchase or the owners of said lands so patented shall by contract, deed or other agreement acknowledge or reconvey to the State the minerals and substances so reserved, and the State Board of Land Commissioners is hereby authorized to accept on behalf of the State such deeds and conveyances and to make such agreements as may be necessary to carry out the provisions of this act. When the conditions hereinbefore prescribed have been complied with, the State Board of Land Commissioners 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 certificates shall be signed by the President and countersigned by the register of the Board, and a record of the same kept by him in a suitable book. Whenever a purchaser of any State land has complied with all 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, attested by the Secretary of State, and countersigned by the register, and have the great seal of the State and the seal of the State Board of Land Commissioners thereto attached; and when so signed, such patent shall convey a good and sufficient title; Provided, that no patent shall be issued for less than the legal sub-division, as shown by the United States official survey, except for town lots.

Section 19. Whenever any purchaser of land shall default for a period of thirty days in any of the payments of either principal or interest due upon the certificate of purchase issued to him, said certificate may be forfeited and the lands reverted to the State of Colorado upon a notice to that effect mailed to the last known post-office address of said purchaser, and which notice shall allow him thirty days additional in which to pay the indebtedness to the State.

Section 20. If any purchaser of State land, after receiving a certificate of purchase, as provided in Section 19 of this act, fails to make any one of the payments stipulated therein, and the same remains unpaid for thirty days after the time when it should have been paid, as specified in such certificate, the State Board of Land Commissioners may sell the lands 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.

Section 21. All moneys due and payable to the State Board of Land Commissioners shall be paid at the office of the State Board of Land Commissioners in the State Capitol in the City and County of Denver, Colorado, and all actions for the recovery of same, or for the cancellation of certificates of purchase, or for the cancellation of leases, or for the recovery of the possession of the land, actions of forcible entry and detainer, or ejectment, shall be brought in any court of competent jurisdiction in the City and County of Denver, in the State of Colorado.

Section 22. When, in the judgment of the State Board of Land Commissioners, a bond by the purchaser of State lands is necessary, the Board shall require such purchaser to give a bond upon such conditions as the Board may determine. In leasing State lands, the Board shall require of the lessee such a bond as shall secure the State against loss of rents or other 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 becomes 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 shares, is expressly prohibited.

Section 23. Whenever a certificate of purchase shall be lost or wrongfully withheld by any person from the owner thereof, the State Board of Land Commissioners may receive evidence of such loss or wrongful detention and 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.

Section 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.

Section 25. All lands sold under the provisions of this act, or any interest therein, shall be subject to taxation, and the register of the State Board of Land Commissioners shall furnish to the County Assessor of each county on the first day of May of each year a list of the equities owned or acquired in all lands so sold, to whom sold, the price per acre and the amount paid. Each county shall pay the expense incurred in compiling such list.

Section 26. In case any lands sold under the provisions of this act are reverted to the State of Colorado for any cause whatsoever the register of the State Board of Land Commissioners shall at once notify the County Treasurer of the county in which the land is situated, and upon receipt of such notice it shall be the duty of the County Treasurer to at once rebate all taxes that have been charged against the lands so reverted.

Section 27. The funds arising from the sale of public school, University and Agricultural College lands, shall be held intact for the benefit of the funds for which such lands were granted and shall be known as permanent funds, 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 provisions, may be invested in the same manner as the school fund.

Section 28. All moneys arising from the leasing of Agricultural College, University or public school lands which are now, or may hereafter be, received by the State Treasurer, 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.

Section 29. The State Board of Land Commissioners may grant the right of way across or upon any portion of State land, upon such terms as the Board shall determine, for any ditch, reservoir, railroad, public highway, telegraph or telephone or pipe line, and may grant land for the purpose of building district school houses, and may execute and sign as provided by this act, on behalf of the State, a proper deed or other instrument of writing, for such right of way or grant; Provided, that this section shall not be construed to grant authority to convey any such land, except for the purposes above set forth; and, provided further, that whenever lands granted for any of the purposes mentioned in this section shall cease to be used for such purposes, said lands shall revert to

the State of Colorado, upon notice to that effect being served at their last known postoffice address upon the person to whom such grant was made.

Section 30. For the purpose of furnishing irrigation for State lands, the State Board of Land Commissioners is hereby authorized, when, in their judgment, the interest of the State may be subserved thereby, to sell at public sale, at such place as the Board may fix, at not less than the appraised value thereof, which in no case shall be less than the minimum price of three dollars and fifty cents (\$3.50) per acre, any tract of arid land belonging to the State; Provided, that not more than one-half section of land shall be sold, and in alternate quarter sections to any responsible person or persons, on condition that said person or persons construct an irrigating ditch in such locality, and of sufficient capacity to furnish water for the entire tract, and so located that said tract may be irrigated therefrom; Provided, that before any of the State lands shall be offered for sale, the party desiring to purchase said lands and construct a ditch shall enter into a contract with the Board guaranteeing to bid at least the minimum price per acre, and to complete such ditch within given time, which time shall be fixed by the Board in the contract. The contract shall further provide that the party constructing such ditch shall furnish water for the remaining one-half of the State lands at such reasonable rates as the Board and the parties holding such ditch or canal may agree upon. Such contract shall be drawn by the Attorney General, and signed by the President and register of the Board, and by the party desiring to construct such ditch; and provided, further, that if any person, other than the person making application for the purchase of said lands shall be the highest bidder at the 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 of any of said lands pass from the State until the ditch shall have been completed and accepted by the Board.

Section 31. The State Board of Land Commissioners are hereby authorized and directed to establish under the jurisdiction of the Register of the State Board of Land Commissioners a mineral department, which shall be under the direct supervision of the head of the Department of Mining in the Colorado School of Mines, who shall also be State Mining Engineer of Colorado. The State Board of Land Commissioners, with the advice of the State Mining

Engineer, shall appoint as Assistant State Mining Engineer a man of thorough training and recognized ability in the art and technology of mining engineering. It shall be the duty of the State Mining Engineer to inspect in person, or through his assistant, all mines and other works operated under leases from the State of Colorado for the production of precious metals, coal, iron, oil, or other mineral products upon which rentals are due to the State on a basis or royalty upon the production therefrom, as often from time to time as he shall deem it necessary for the purpose of estimating and checking royalties therefrom, and keep such maps of the workings of all mines as will give the Land Department full information concerning same. Lessees of all lands, including coal lands, shall be required to furnish the State Mining Engineer with copies or blue-prints of all maps of underground surveys of leased land made or authorized by such lessee, including engineer's field notes certified to by the engineer who made such survey. He shall supervise all mining and require the same to be done in accordance with the best methods of mining. He shall also check the royalties reported as due under such lease for the preceding month and compare the same with the surveys and other inspections made by him and shall report on or before the 20th day of each month the result of such examinations and checking to the State Board of Land Commissioners. Every mine and other works upon a public domain of the State of Colorado held under lease therefrom by any person, association, copartnership, or co-operation [corporation], shall be at all times subject to the inspection of the State Mining Engineer. He shall inspect and examine all lands held under lease from the State of Colorado providing for the payment of royalties from the production therefrom and report to the State Board of Land Commissioners the condition of said lands, the amount of work and development done thereon by such lessees, and make such recommendations of and thereto as he may deem advisable. The salary of the State Mining Engineer shall be \$500 per annum as remuneration for the proper performance of the executive work of the mineral department. He shall also be entitled to \$10 per diem for work other than that pertaining to the executive functions of his office. The salary of the Assistant State Mining Engineer shall not exceed \$2,000 per annum. A further sum of \$1,000 annually shall be allowed the State Mining Engineer for the employment of an assistant, other than the Assistant State Mining Engineer, when needed for survey[s], to be paid only upon voucher approved by the State Board of Land Commissioners, countersigned by the register. The State Mining Engineer and his assistants shall be reimbursed all necessary traveling and other expenses incurred while in the actual service of the mineral department of the State Board of Land Commissioners.

Section 32. Any person, association, copartnership or corporation leasing and operating coal lands under the provisions of this act shall pay to the deputy register of the State Board of Land Commissioners a minimum price of not less than ten (10) cents for each

and every ton of coal mined from said lands, to be paid monthly, on or before the 25th day of each month, for the coal mined during the preceding calendar month. Should the person, association, co-partnership or corporation so leasing coal land fail to mine during any one year the minimum amount that may be provided for in the terms of the lease, then the amount so paid shall be applied and deemed as an advance payment of royalty upon coal actually mined in any subsequent year in excess of the minimum provided for in said lease. The term ton, as herein used, means twenty-seven (27) cubic feet of coal, measured in the solid, and shall be ascertained by the measurements of the space from which the coal is mined, deducting therefrom all space occupied by slate or other impurities. Such measurements shall be made monthly by the superintendent of the mineral department, according to the provisions of this act; Provided, however, that when possible and when the State Board of Land Commissioners shall so order, the coal tonnage may be determined by the coal miners' pay roll check numbers or railroad shipments, and such miners' check numbers and coal tonnage determined by weight at the mine tipple, shall be clearly set forth and enumerated in the required monthly sworn royalty statements.

Section 33. Locations of mineral claims not exceeding three hundred feet wide and fifteen hundred feet long each, or of three ten-acre sub-divisions or mineral lots, may be made upon unleased mineral lands belonging to the State of Colorado, as hereinafter provided. The discoverer of a body of mineral, in either a lead, lode, ledge, deposit, vein or contact, shall immediately post conspicuously a notice declaring that he has made such discovery on the date attached to said notice. The locator shall be allowed ninety days from such date in which to perform assessment work by shaft or tunnel, which assessment work shall not be at a less cost than one hundred dollars in each year, and to survey and set the corner posts of said claim, and to file a certificate of location with the register of the State Board of Land Commissioners, which certificate shall be recorded in said office, and an entry made upon the plat and tract books of such location; such procedure shall empower the locator to retain possession of and operate said claim for a period of one year, at the end of which time he shall be required to take a lease upon such terms as may be agreed upon by the State Board of Land Commissioners.

Section 34. The State Board of Land Commissioners is hereby authorized and empowered to exchange any lands, the income from which is devoted to the public schools of the State of Colorado, the State University, the State Agricultural College, Penitentiary, internal improvements, saline or any other lands which may be under the control of said State Board of Land Commissioners, and which may have been granted to said State of Colorado by the Congress of the United States, for such unappropriated federal lands in the State of Colorado as the State Board of Land Commissioners may select; and the register of said land Board is

hereby empowered to sign all papers necessary to such transfer, under the direction of said Board.

Section 35. All acts and parts of acts in conflict with the provisions of this act and the act of the General Assembly Laws of 1905, pages 319 to 343 inclusive, are hereby repealed.

Section 36. In the opinion of the General Assambly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

JAMES A. PULLIAM,
President of the Senate.

BOON BEST,
Speaker of the House of Representatives.

JULIUS C. GUNTER,
Governor of the State of Colorado.

Approved April 19th, 1917, at 9:50 o'clock A. M.