

APPENDIX A

EXTRACTS FROM "AN ACT TO ORGANIZE THE MILITIA," APPROVED OCTOBER 18, 1861. LEGISLATIVE ASSEMBLY TERRITORY OF COLORADO, FIRST SESSION, SEPTEMBER AND OCTOBER, 1861.

SECTION I: Every able bodied male citizen of Colorado between the ages of eighteen and forty-five years, except those who are by this act exempt therefrom, shall be subject and liable to perform military duty as a soldier, to uphold the constitution and laws of the United States and the Organic Act and laws of this territory, according to the terms and provisions of this act. And every citizen above forty-five of age who shall accept any office in the military service shall be subject and liable to perform military duty in the office he so accepts, according to this act, until his resignation shall be accepted, or until he shall be otherwise discharged from such service.

SECTION II: The Territory of Colorado is hereby divided into two division districts, by a line running due east and west through the same, which shall pass through the town of Bradford.¹ * * * The militia men residing north of that line shall be regarded as belonging to the first division, and those residing south of that line to the second division of said militia.

SECTION III: (Contains provisions for the appointment of the Adjutant General with the rank of Brigadier General; an Inspector General with the rank of Brigadier General, and two Major Generals for each of the divisions created by Section II of the Act).

SECTION IV: (Provides for the organization of a Military Board, and brigades in the above mentioned divisions. Brigades not less than two, nor more than six in each division; Brigadier Generals to command brigades).

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SECTION VII: It shall be the duty of the Military Board to consider all matters relating to the organization, efficiency, discipline, army accoutrements, ammunition, uniform and parades of the territorial militia; to audit all bills of expenses arising from the same, and to make all estimates of expenses which they find to be necessary to be raised for that department of the public service, and to report to the legislative assembly annually.

SECTION VIII: Every brigade shall consist of not less than two regiments and every regiment shall consist of not less than six nor more than ten companies; every company shall consist of not less than fifty nor more than one hundred men. * * *.

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SECTION X: It shall be the first duty of the Adjutant General to prepare blank company rolls for enrolling companies of persons liable to perform military duty, and to transmit the same to the several brigadier generals with all possible dispatch, to the end that every person liable to perform military duty in the Territory may be enrolled and mustered into an organized company immediately.

¹The town of Bradford was situated about three miles south of the present town of Morrison, Colo., on what is now known as the Ken Karl Ranch in Arapahoe County. Bradford was abandoned in the early 'seventies.

SECTION XI: (Duty of brigadier generals on receipt of blanks to appoint some suitable person or persons in his brigade district to act as enrolling officer therein, and to proceed forthwith to enroll every person subject to military duty).

SECTION XII: (Within ten days from the receipt of the returns from the enrolling officer or officers, it was the duty of the brigadier generals to proceed in person to arrange the persons enrolled into companies and order election of officers thereof, etc.).

SECTION XIII: (Orders parades and drills, "for at least one day, according to the tactics in use in the army of the United States, in the school of the soldier and manual of arms. * * * It shall be the duty of each captain * * * to summon each and every member of said company to appear at such time and place as he shall appoint armed and equipped as the law directs for a company parade * * * at which time and place he shall proceed to drill them * * *".)

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SECTION XV: As soon as six companies in any regiment shall have had one parade, it shall be the duty of the colonel of such regiment to order a regimental muster, and to issue an order to his adjutant to summon the captains, or officers commanding such companies, to assemble at some early date and place to be designated for a regimental muster and inspection, and simultaneously with the issuing of such orders to notify the Inspector General and brigade inspector of the time and place of such muster.

SECTION XVI: It shall be the duty of the Inspector General and brigade inspector of the brigade to which such regiment belongs to attend in person at such muster, and to instruct the officers and men in the manual of arms and battalion drill and to inspect the regiment, and to make prompt returns thereof * * *.

SECTION XVII: (Authorizes the Governor to call militia into service "in case of imminent danger of, or actual invasion of the Territory by Indians, or any public enemy, or of insurrection or rebellion.")

SECTION XVIII: (Duties of Adjutant General. To issue orders, circulars or blanks as directed by the Commander-in-Chief or Military Board. To file all returns, and to keep a description of the divisions, brigades, regiments and companies. Annually to prepare a report on the condition of the militia. Salary \$300.00 per year).

SECTION XIX: (Duties of Inspector General. To keep proper registers for entering in regular order, all the arms, munitions and accoutrements found, upon inspection to be in the possession of the militia, together with all arms, etc., belonging to the Territory or to the United States. To keep an accurate account of all arms and distribute same. Salary \$500.00 per year).

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SECTION XXVI: (Absentees from parade were to be tried by court martial appointed by Colonel or Company Commander; court to consist of one commissioned officer, one non-commissioned officer and three privates, for trial of all men who were absent from any parade or muster during the year).

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SECTION XXIX: The uniform of the officers of the Territorial Militia shall be the same as that in use in the Army of the United States, except the lettering upon the cap which shall be "M.C." (Militia of Colorado).

SECTION XXX: It shall be the duty of every colonel or commandant of a regiment, and every captain or commandant of a company, to furnish their respective commands with a stand of colors, and the necessary instruments of music. Each captain shall appoint efficient non-commissioned officers for color bearers, and the field officers of the day of any regimental parade shall elect the most efficient color bearer on that day. The commandants of regiments and companies shall have power and authority to draw upon the Treasurer of the county in which their commands are located, for the amounts by them expended in the purchase of colors, and instruments of music: *Provided*, That no more than thirty dollars shall be drawn for the colors of a regiment, and no more than ten dollars for the colors of a company; * * *.

SECTION XXXI: It shall be lawful for, and it shall be the duty of, every commandant of a regiment, battalion or company, to order out his command, and to place them under arms whenever he shall have knowledge of any insurrection or invasion by Indians, or any other enemy, or of any imminent danger thereof; and whenever the militia, or any portion thereof, shall be so called out and placed under arms, the facts and reasons thereof shall be immediately communicated to the commander-in-chief, who shall thereupon issue the proper orders respecting all subsequent movements.

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SECTION XXXIII: (Exempts from military duty, the executive and judicial officers of the territory and all other civil officers actually employed in the discharge of their official duties, Quakers, clergymen, lunatics, idiots and prisoners).

The above quoted act was the first attempt made to provide an organized military force for the territory of Colorado, and was brought about by the unsettled conditions incident to the Civil War and the constant trouble with the Indians. It was modified somewhat by another act "to organize the Militia of Colorado Territory," approved August 14, 1862, and again by an act for the same purpose approved February 10th, 1865.

This latter act contained (among others) the following provisions:

SECTION II: Whenever it shall be found necessary, in order to suppress insurrection (insurrection), repel Indian invasion, or to open communication with the eastern states, the Commander-in Chief, with the advise (advice) of the military board, may call for volunteers by companies, he may fill the quota by volunteers at large, to be officered and equiped (equipped) as provided for uniformed companies of Colorado militia. If the required number should not volunteer in either of these modes the commander-in-chief, with (the) consent of the military board, may order a parole of all enrolled companies for draft, which draft shall be public and the names drawn in the same manner as the law provides for drawing petit jurors and the sergeant of the company or sheriff of the county shall have power to inforce (enforce) the appearance (appearance) of the persons so drawn or their substitutes at the appointed rendezvous.

SECTION III: In case of any invasion, insurrection, riot, or eminent (imminent) danger thereof or threatened attack of Indians within the limits of any Division, Brigade, Regimental (Regiment) or Battalion, it shall be the duty of the commandant of such Division, Brigade, Regiment or Battalion, to order out, for defense of the Territory, the militia or any part thereof always calling first upon the uniformed militia under his command and immediately report the circumstances attending the same to his commanding officer and to the Commander-in-

Chief, and when arms have not been supplied by the Territory, the militia so called out may arm and equip themselves, the damage and loss to be paid by the territory. Provided, That the militia, nor any part thereof shall ever be taken without the limits of the Territory, and that no part of this section shall be so construed as to authorize the mounting of these companies or the fitting out of any expedition against any Indian tribe in the territory, or against any people.

SECTION IV: In case of any break of the peace, riot, turmoil, resistance of process, or apprehension of (the) eminent (imminent) danger of the same it shall be lawfull (lawful) for the sheriff of any county or the mayor of any city, to call for aid from any Brigade, Regiment, Battalion or Company, and it shall be the duty of the Commander of such Brigade, Regiment, Battalion or Company to whom such order is given to order out, in aid of the civil authorities, the military force or any part thereof under his command. Such officer shall be subject to the sheriff or public officer so requiring his service, and for refusing or neglecting to obey the order of the sheriff or public officer, or hindering or preventing his men performing such duty, every military officer so offending shall be liable to a fine of not more than five hundred dollars and imprisonment in the county jail for a period of not more than three months, and in addition thereto such officer shall be liable to be tried by court martial and sentenced to be cashiered and incapacitated forever after for holding any military commission in this Territory. Any non-commissioned officer or private like offending shall be subject to a fine (of) not more than fifty dollars, to be recovered as in action of debt and paid into the military fund of the country, deducting legal costs and charges.