

L A W S

PASSED AT THE

SECOND SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF COLORADO,

CONVENED AT DENVER,

ON THE

FIRST DAY OF JANUARY, A. D. 1879.

PUBLISHED BY AUTHORITY.

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1879.

each of said bodies so holding jointly may unite in bringing suit in their own names for the benefit of the masonic bodies over which they preside.

SEC. 4. This act shall be deemed to apply to the Independent Order of Odd Fellows as well as to the masonic fraternity. This act applicable to Odd Fellows.

SEC. 5. It is hereby declared that an emergency exists for the immediate taking effect of this act; it shall, therefore, be in force from and after its passage. Emergency.

Approved February 14, 1879.

AN ACT

Concerning the Enrollment and Organization of the Militia of the State, prescribing the District and Number and Rank of the Officers thereof, and Defining the Duties of such Officers

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

ARTICLE I.

MILITARY DISTRICTS—STAFF OF THE COMMANDER-IN-CHIEF.

SECTION 1. The state shall be divided into two military divisions or districts, as follows, viz.: How military districts divided.

By a line running due east and west through the same, which shall pass through the town of Bradford; the portion of the state lying north of said line constituting the first, and that south of it, the second division.

SEC. 2. The governor shall be commander-in-chief of the militia, and shall have the power, by and with the consent of the senate, to appoint one major-general and one or more brigadiers-general for each division, as may be required; one adjutant-general with the rank of brigadier-general, one inspector-general, who shall act as paymaster-general, both of the latter with the rank of colonel, and shall have power to fill vacancies in these offices when the senate is not in session; the commander-in-chief shall also What officers to compose Governor's staff.

ARTICLE VIII.

MISCELLANEOUS.

- SECTION 1. State military board, how constituted ; duties, etc.
- SEC. 2. Militia ; when required to aid civil authorities. [Duties of military board.]
- SEC. 3. Must obey call of the civil authorities. [National Guard, how maintained.]
- SEC. 4. Men ; how notified to appear. [Militia ; when required to aid civil authorities.]
- SEC. 5. Penalties for disobedience.
- SEC. 6. Blank forms, books, etc. ; by whom furnished. [Men ; how notified to appear.]
- SEC. 7. Adjutants and first sergeants to record returns. [Penalty for neglect or refusal to serve notice or appear.]
- SEC. 8. Quarterly returns. [Blank forms ; by whom furnished.]
- SEC. 9. Certain reports required. [Adjutants and first sergeants to record returns, etc.]
- SEC. 10. Treasurers of organizations to give bond. [Annual returns.]
- SEC. 11. Copies of this act to be printed and distributed. [Certain reports required.]
- SEC. 12. Penalty for breaking into military store-houses. [Treasurers of organizations to give bond.]
- SEC. 13. Paymaster's bonds. [Copies of this act to be printed and distributed.]
- SEC. 14. Transportation, etc., to encampments ; how paid. [Penalty for breaking into military store-houses.]
- SEC. 15. Compensation for parades. [Paymaster's bonds.]
- SEC. 16. Allowance for attendance on courts-martial. [Transportation, etc., to encampments ; how paid.]

ammunition used thereat, shall be paid for from the state military fund.

Compensation
for parades.

SEC. 17. All companies, troops and batteries are entitled to pay for parades when made under proper authority; *Provided*, that the total number of days so paid for in any one year, including those spent in encampment, shall not exceed ten.

Allowance for
attendance on
courts martial.

SEC. 18. Officers ordered on courts-martial, either from general or brigade headquarters, or witnesses in attendance thereon, shall be entitled to pay under section twelve, of article seven, of this act, and mileage in going to and returning therefrom.

Freedom from
arrest.

SEC. 19. No person belonging to the military forces of the state shall be arrested on any civil process while going to, remaining at, or returning from any place at which he may be required to attend for military duty.

Free passage
over toll-roads,
etc.

SEC. 20. All persons belonging to the military forces of the state, going to or returning from any parade, encampment, drill or meeting, which they may be required by law to attend, shall, together with their conveyances and the military property of the state, be allowed to pass free through all toll gates and over all toll bridges and roads.

Exemptions.

SEC. 21. Every member of the Colorado National Guard shall be exempt from jury duty during his term of service, and every such person who shall have so served three years and been honorably discharged, shall forever after be exempt from involuntary jury duty.

Recovery of mili-
tary property.

SEC. 22. Any person who shall purchase, retain or have in custody or possession, without right, any military property belonging to the state, and shall, after proper demand, refuse to deliver the same to any officer entitled to take possession thereof, shall be liable to an action for the recovery of such military property, and to a penalty of not less than ten nor more than one hundred dollars.

Unlawful armed
assemblage.

SEC. 23. It shall not be lawful for any body of men whatsoever, other than the regularly organized national guard or militia, or the troops of the United States, to associate themselves together as a military company or organization,

or to parade in public with arms, in any city or town in the state, without the license of the governor therefor, which may at any time be revoked, nor shall it be lawful for any city or town to raise or appropriate any money towards arming, equipping, uniforming, or in any way supporting or sustaining, or providing drill rooms or armories for any such bodies of men.

Unlawful for city or town to aid body of men not regularly organized.

SEC. 24. Whoever offends against the provisions of the preceding section, or belongs to or parades with any such unauthorized body of men with arms, shall be punished by a fine not exceeding the sum of ten dollars, or by imprisonment for a term not exceeding six months.

Penalty for aiding or joining such.

SEC. 25. Chapter sixty-five (65) of the General Laws of Colorado is hereby repealed.

Repeal.

SEC. 26. Every officer or soldier wounded or disabled, and the widow and children of every officer or soldier killed while in the service of the state, shall be suitably provided for by the General Assembly.

Provision for officer, soldier, etc., wounded or disabled.

SEC. 27. Every officer or soldier wounded or disabled while in the service, and under the orders of the sheriff of any county, or mayor of any city, shall be taken care of and provided for at the expense of the county where such service was rendered.

When wounded or disabled under orders of sheriff or mayor.

SEC. 28. The enrollment of the militia provided for in section two of this act, shall be made at the expense of the military fund; and the treasurer in each county shall deduct all necessary expense in making such enrollment, from any militia fund so collected.

Expense of enrollment to be paid from military fund.

SEC. 29. Except expenses incurred in case of any troops being out for actual service, no liability shall be incurred under this act other than [may] be paid out of the military fund hereby provided. The military board shall take care [that] the provisions of this section be not violated.

SEC. 30. The consent of the senate being required in certain appointments under this act, and the good of the service requiring it, this act shall take effect from and after its passage.

Emergency.

Approved February 8, 1879.