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WASHINGTON NATIONAL GUARD

PAMPHLET



**THE OFFICIAL HISTORY
OF
THE WASHINGTON NATIONAL GUARD
VOLUME 1
HERITAGE OF THE
WASHINGTON TERRITORIAL MILITIA**

**HEADQUARTERS MILITARY DEPARTMENT
STATE OF WASHINGTON
OFFICE OF THE ADJUTANT GENERAL
CAMP MURRAY, TACOMA 33, WASHINGTON**

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HEADQUARTERS MILITARY DEPARTMENT
STATE OF WASHINGTON
Office of The Adjutant General
Camp Murray, Tacoma 33, Washington

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FOREWORD BY THE ADJUTANT GENERAL

In October, 1885, Adjutant General Rossell G. O'Brien submitted the first known Biennial Report to Governor Watson C. Squire in accordance with laws enacted by the Legislative Assembly of Washington Territory at its previous session. Since that time, it has been assumed by almost everyone concerned that this was the beginning of the National Guard of Washington. Prior to 1955, histories, brief sketches and even a Year Book were published. However, in each instance, the story began in 1884 and used almost exclusively, information from the first and succeeding Biennial Reports for our official history.

Since 1956, our historian, has through painstaking and meticulous research found and collected thousands of documents and letters dealing with the Washington Territorial Militia as far back as 1854. While it is true that the Militia in the early days of the Territory was for the most part unorganized, the fact remains that these elements, when they were organized, were the forerunners of our present National Guard, whose history we inherit.

As a result of this collection of Indian and Civil War records, plus a collection of other records, transcribed from other official documents, which were unavailable to this Department, it is now felt that the true and complete story of our Territorial Militia and Washington National Guard can finally be told in its entirety for the first time. A very brief sketch of these discoveries was used in our 1957 Year Book, in our "Brief History" and in "The Camp Murray Story".

Due to the limitation of funds available for publishing such a voluminous history, it has been decided to publish it in mimeograph form in approximately seven volumes over an extended period of time. In this manner, our historian can concentrate on one volume at a time and at some future date, they can be consolidated and be republished in illustrated book form. In the meantime, these volumes should be retained when received and bound together to tell our story.

This Volume, the first of the series, pertains to the heritage of the National Guard and covers Militia in Ancient times, during the Medieval and Colonial Periods, and down through Oregon Provisional Government and Territorial Periods to the beginning of the Militia in Washington Territory. With this background, the reader should better understand the reasons for the existence of the National Guard and the important role it plays in both the service of the State and the Federal Government as presented in the Volumes which are to follow.

GEORGE M. HASKETT
Major General, WashARNG
The Adjutant General

INTRODUCTORY BY THE AUTHOR

In attempting to write a complete and comprehensive history of the Washington Territorial Militia and the Washington National Guard, I was faced with the same task as many of our military historians of the past and that is the fact that little or no attempt was made to record what was considered of little importance by the early day military man. This is best illustrated by an Army Inspector General's report which was appended to a report of the Secretary of War to President Ulysses S. Grant for the years 1875-76, which follows:

"It is a singular fact that, aside from the few official items contained in the archives of the War Department, the only information we have of the early history of our military posts is derived from personal reminiscences or vague tradition.

An officer assigned to command a military post finds on his arrival no record showing when, why, or by whom it was established, who have been its Commanders, or any other reliable facts in its history. This serious omission ought, in my judgment, to be corrected at once, by requiring a historical-record book to be kept at every military post, under the exclusive charge of its commander, whose duty it should be to enter therein every event of importance occurring within the scope of his Command; this book to be turned over by each post commander to his successor, and not to be removed from the post unless abandoned, and then to be forwarded to the Adjutant General for file in the War Department. Such a book properly kept, would afford easily accessible and reliable information regarding the special services of troops and their results. It would also exhibit a catalogue of errors, if any had been committed, which might serve to prevent their recurrence; these with numerous other items of record, would be important for subsequent reference.

The military significance and value of such a record will be apparent to every experienced officer, and it would not be devoid of interest to those civilians who appreciate the importance the rapid settlement and development of the resources of the West. A faithful delineation of the stirring events at those frontier posts whose garrisons have furnished the vanguards which confronted and drive back the hordes of hostile savages that opposed the advance of the tidal wave of emigration, enabling it to sweep across the continent with a momentum as irresistible as that of the Gulf Stream, must in the future possess great historic import. Who, for example, would not read with intense interest a properly authenticated narrative of the scenes that transpired in the early history of old Fort Dearborn, which once occupied the ground where the great city of Chicago now stands? And many would be equally interested in an accurate history of Forts Mackinac, Howard, Crawford, Snelling, and other posts that have figured conspicuously in the early settlement of the West. But up to this time no such record has been kept."

As can be seen by the foregoing, in attempting to find documents, letters etc., on our early Militia, I found that Territorial officials, too, apparently made little effort to record matters which they felt unimportant and which today, if the complete story is to be told, become all important. Thus, instead of going to one place where it was believed such information should exist, it has been necessary to screen vast amounts of early day newspapers, scan city and county records and read volume after volume of other material and books which might shed a light on what transpired in the Militia during the Territorial period.

Where possible, the story of the Territorial Militia of Washington and the Washington National Guard will be told by official documents with a minimum of narrative. In this Manner it will serve not only as the official history of the Washington National Guard but as a source document for the historian and student.

Tentative titles of Volumes to follow are:

VOLUME 2

WASHINGTON TERRITORIAL MILITIA AND THE INDIAN WARS OF 1855-56

VOLUME 3

WASHINGTON TERRITORIAL MILITIA IN THE CIVIL WAR

VOLUME 4

WASHINGTON NATIONAL GUARD IN THE PHILIPPINE INSURRECTION

VOLUME 5

WASHINGTON NATIONAL GUARD IN WORLD WAR I

VOLUME 6

WASHINGTON NATIONAL GUARD IN WORLD WAR II

VOLUME 7

WASHINGTON NATIONAL GUARD IN POST WORLD WAR II

In order to tell the complete history of the Washington National Guard, these Volumes will also cover the periods following and preceding these epochal wars.

VIRGIL F. FIELD
Colonel, U. S. Army, Retired
Historian

VOLUME 1
HERITAGE OF THE WASHINGTON TERRITORIAL MILITIA
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CHAPTER I

MILITIA IN ANCIENT TIMES

Hieroglyphic inscriptions uncovered on ancient monuments of the Nile Basin, whence arose the beginnings of western civilization, tell us something of the military laws of the Pharaohs. "Egypt was divided into seven castes, of which the priests formed the first caste, and the warriors the second." Egypt presents the first instance known to history of organized armies, under which provision was made by the earliest laws for the support of warriors. Military service was conferred on these men as a privilege, while at the same time a property qualification was imposed. Even the common soldier was required to possess not less than 6 acres of land which served for the support of his, family and which was free from taxation.

This brief recital, interpreted from the earliest written records of civilized society, accents the fact that, even in that early time, it was considered a privilege of free men to render military service to the homeland. Also, there is the surprising recognition of the state's reciprocal duty to recompense the soldier and his dependents. We cannot say that there was a democracy under the Pharaohs, but we can say that there was practical acknowledgement of the reciprocal obligation of the citizen for military service to the state and of the state to the citizen who serves it in arms.

However, the native Egyptian seems never to have been a good warrior, so that rulers of Egypt drifted gradually into the use of mercenaries a practice which weakened patriotism, relaxed civic vigilance, sowed the seeds of despotism, and eventually spelled the doom of national independence. Egypt paid the inevitable penalty for entrusting national defense to foreign hirelings, when, 2,000 years before Christ, great hordes of wild Bedawi (Bedouins) descended upon her land, plundered her wealth and conquered her people.

It may be recalled that, according to the Bible, when the waters of the flood assuaged, God commanded Noah to disperse his sons and replenish the earth. It was Noah's grandson, Mizraim, who went forth into the delta of the Nile, and there bred the race we have been discussing. This Genesis account of Mizraim's migration, however, only set the stage for the biblical precedent of the principal of military obligation. Scarcely had Moses led the children of Israel out of the Egyptian bondage when the Lord commanded: "Take ye the sum of all congregation of the children of Israel, after their families, by the house of their fathers, with the number of their names, every male by their polls, from 20 years and upward, all that are able to go forth to war in Israel, thou and Aaron shall number them by their armies." Thus, with divine sanction, a military enumeration was conducted by a law-giver no less than Moses himself, and Israel thereby raised a conscript army numbering 603,550.

However, it was the beleaguered King Saul who practiced the most extreme example of compulsory military service when - "there was sore war against the Philistines all the days of Saul, and when Saul saw any strange man or any valiant man, he took him unto him." Rather than a demonstration of military obligation, here is an act of military impressment which was not witnessed again until the Age of Feudalism. Nevertheless, it does illustrate the right recognized in the ancient Jewish monarchy to compel military service of an individual.

Although the earliest inhabitants of the Greek Peninsula are believed to have come out of the North and the East, it is undoubtedly true that much of the Grecian culture derived from the older Egyptian civilization, brought back by the constantly voyaging traders who roamed the Mediterranean. It is not to marvel, then, that military service was an early obligation of citizenship, whether among the more imaginative and democratic Ionians of Athens or the stolid and aristocratic Dorians of Sparta.

Perhaps there has never been a society more severally regimented than that which built the heyday of Sparta. Mere liability in law and custom was not the full extent of the Spartan's military obligation. Every youth with citizenship qualifications was consecrated to the profession of arms, and every member of the Spartan community was disciplined in his or her place in war. In contrast, the more versatile and venturesome Athenian had the time and aptitude for trade, art, literature and philosophy without neglect of his duties - and privileges - of citizenship. This privileged duty of Athenian citizenship included military training for as long as 3 years, and held every man liable for service until he attained 40 years of age. So justly and universally was the law applied that "Periclean Athens was a city of but 36,000 males of military age, yet it possessed a citizen army of 28,000". It is impressive that, in each and all of the many city-states of Hellas, none but the citizen could bear arms in defense of the state. The slave did not enjoy this privilege. The glory that was Greece was earned by brave citizen armies discharging their privileged duty at Marathon and Thermopylae, at Salamis and Plataea, half a millennium before the Christian Era.

But such glory did not always defend Greek civilization. Early wars were fought in short campaigns near at hand. Extension of trade pushed the frontiers of Greek interests farther and farther from the homeland. These lucrative interests brought increasing wealth - but required increasing military protection too. More distant campaigns necessitated longer and longer absences from the comfortable life at home. Then, too, conquered people were enslaved and brought home to serve the conquerors. The slave population so increased that it became no longer safe to leave them behind while free citizens went off to battle. It was but natural, soon, that slaves should be taken on expeditions of conquest. It was but natural, too, that more and more slaves should be used on distant battlefields to die while their masters remained at home and lived - lived lavishly, for there seemed no bottom to the barrel of conquered abundance. Greece lolled in the expensive lap of luxury. Luxury proved expensive indeed. The opulent Greek sent slaves or hired substitutes for his personal service. The one time citizen army became a full-fledged professional army of the most dangerous sort. The professional army, owing allegiance to its leaders rather than to the State, became a prey of clashing ambitions.

It was the desperation that followed the rout at Chaerona, where all Greece fell before Philip of Macedon, which provoked Demosthenes' classic "De Corona" like a last bugle call passionately intent in fanning the embers of a spirit of patriotism when he proclaimed:

"There is one source, O Athenians, of all your defeats. It is that your citizens have ceased to be soldiers. Yet you have time. Even now you may avert the catastrophe. Disband your mercenary armies, man your fleets not with off-scourings of Hellas and Asia, but with the best of your free - born citizens, and you may yet conquer - or, falling, you shall not have disgraced your Past; and shall not have disgraced those Athenians who at Salamis and Marathon were the foremost of all men in the race for freedom and deathless renown."

Athens listened respectfully, and passed brave resolutions, but then adjourned with complete indifference to her approaching subjugation. Athens did not die that day, but she drank the lethal draught of passivity which spelled her doom. All Greece had flourished during the centuries when Greeks not only recognized but practiced the principle of the citizen's privileged duty to defend the state. She had stood against the hordes of "barbarians" out of the East. She had even retained a semblance of independence after the Macedonian invasion; but, while her defensive spirit was on the ebb, a young and virile nation of the West was growing to maturity. Complacent luxury had softened Greece in body and soul for the Roman slaughter at Corinth, a rout which snuffed out the last vestige of Greek Independence for many centuries.

Greece had died of an insidious disease that affects nations no less than individuals. Greece had died for lack of will to live. As Demosthenes phrased her death pang - "your citizens have ceased to be soldiers".

So close were the ties between Greece and Rome that we find the second elected King of Rome, Tarquinius Priscus, a first-generation, immigrant from the yet unconquered Corinth. Although Rome was barely a century old, already the principle of compulsion was well established. Tarquinius' wars, and they were many, were fought by unpaid conscripted citizens who furnished their own equipment. Tarquinius was succeeded by his own ex-slave, Servius Tullius, "the great lawgiver of the Seven Kings". This former slave enrolled the whole citizenry for military service, made annual levies on the enrollment, and imposed heavy penalties for failure to report and serve. Every able bodied man between the ages of 17 and 47 was required to render active duty service for 10 to 16 years, and those from age 48 to age 60 were liable for garrison duty. Every soldier enjoyed special frights and privileges, except that the patrician right of suffrage continued to be withheld from the plebian. With citizen armies conscripted under these laws, the Seven Kings consolidated authority throughout the Italian Peninsula and later the republic prepared for the Punic Wars which wrested Sicily from Carthage, decisively defeated the professional armies of Hannibal, and finally obliterated Carthage itself.

The wars with Carthage were of such duration that armies which set forth as citizen troops returned, as professional soldiers. These vast armies of professional soldiers and their experienced leaders carried the Roman Republic to the zenith of its power. From Spain to Syria, the world was her subject. Rome grew so rich in spoils of war and tribute from conquered peoples that the Roman citizen was at one time freed of all tax burden. But the poor did not share these new-won riches equally with the great military leaders and political nobility; rather the poor become poorer as the influx of captured slaves brought cheaper competition for their already underpaid labor. Such wide economic disparity, concurrent with the lengthening frontiers of conquest produced the perfect situation for the wealthy to circumvent military compulsion by hiring substitutes, to take their places in the farthest corners of the world. This was the beginning of the end of the citizen army which raised the Republic to world position. Professional armies in the field lost contact with Rome and became tools of their generals, to whom they gave complete allegiance. The inescapable result was constant clashing of ambitions among the leaders. In major conflict of ambitions, Marius fought Sulla, then Caesar fought Pompey, Lepidus fought Brutus, and finally all power was unified in the person of Octavian after he routed Anthony at Actium to complete a cycle of Roman history. Five centuries before Actium a citizen army had thrown out a King and established a Republic. Now, professional armies overthrew the electoral power of the people and enthroned one man as ruler, who although he chose to be known only as the "first citizen" was also given the title of Augustus. One of the things done by the new emperor was the removal from the citizenry its right to bear arms. So long as the Roman state had been a democracy, all the Italians were armed; but from the time when Augustus became sole ruler, he relieved the Italians of this burden and disarmed them establishing hired troops.

Thus Roman practice of honoring all citizens by the right to bear arms died at the very dawn of the Christian Era. To Augustus, as to each of his Imperial successors, the throne seemed safest without - a citizenry trained and accustomed to arms. So, the right of the people to keep and bear arms - was taken from the Roman citizen in exchange for the soothing benefits of a despotic peace enforced by professional armies of an autocrat. In time, the luxury bought at the price of unquestioning acceptance of those crumbs of civil liberty which their masters meted out to keep them passive so wakened Rome, that, when the long-exploited "barbarians" of the North swooped down on the Eternal City, there was no trained citizen army of virile native population to save the nation. As wealth had accumulated, men had decayed - and the Dark Ages settled on a civilization that had taken a millennium to build.

Can we ascribe this fall of mighty Rome to the failure of its citizens to discharge their privileged duty to defend the state against both external and internal enemies to their freedom and to the independence of the State? We saw it happen once before in the case of Greece - and to a people with traditions equally as proud and relatively great. The growth, flower and decay of both Greece and Rome extended beyond a thousand years.

Their laws, customs, experiences and end results bear close resemblance each to the other. Perhaps they may be profit even to us, in a quick comparison of Greek and Roman history. As has doubtless been true in every primitive people, the earliest settlers of both Greece and Rome fought their wars as members of tribes whose customs and moves they supported and expressed. He who diverged from the customary behavior suffered the vengeance of his gods and the disapproval of his fellows. In both Greece and Rome a willing devotion to the principle of military compulsion accompanied the nation's rise to wealth and power. In each nation the abandonment of citizen-military service for a system of mercenary or professional soldiery was in ratio to the length of campaigns and the extension of conquered frontiers. In Rome, as in Greece, the degree of release from the obligation of the citizen to bear defensive arms was the measure of surrender of other rights of citizenship. In Greece, and in Rome, avidity for economic advantage, brought its reward of prosperity, but desire for wealth and luxury undermined the character of the people in a spiral of degeneration, bred spiritual indolence, and left the citizen without a defense against autocratic government. All the city-states of Greece were weakened when their "citizen ceased to be soldiers". Rome reached the summit of her glory while every citizen was still a soldier, then lost her security when civic complacency permitted Emperors to disarm the citizen and send professional armies on long campaigns of conquest to distant frontiers.

These soundings in ancient history indicate the invariable tendency for nations to develop in strength and security so long as they hold to the principle of the citizen's privileged duty to render military service. While military conquest produces temporary economic prosperity the combined result of excessive wealth and imperialism is the relaxation of civic responsibility and the growth of professional armies led by ambitious men. Nor, unhappily, have the latter confined their conquests to foreign fields, but eventually have invaded the rights and freedom of the citizen. Greece and Rome clearly teach that abandonment of the principle of military obligation fertilizes a breeding-ground for empire builders and provides a graveyard for personal liberty and national independence.

NOTE: The foregoing was taken almost verbatim from Special Monograph No. 1, Part 1 - A historical review of the principle of citizen compulsion in the raising of armies, written by Selective Service in 1947.

CHAPTER II

MILITIA DURING THE MEDIEVAL PERIOD

In some respects Medieval Europe may be said to have reenacted, over long centuries, certain briefer periods in the history of both Greece and Rome. The short-lived ascendancy of one or another of many states, with ever-shifting boundaries, was not unlike the turmoil among Grecian supremacy. During the disintegration of Roman authority over Western Europe there was a long period of major and minor wars between countless powers. Kingdoms and empires rose and fell, none to compare with modern nations as we know them.

But for the purpose of this history, the period of the middle Ages constitutes an intermediate period in which was germinated the Anglo Saxon culture we inherit. The slow dissipation of Roman influence made possible the development of new nations with new languages and novel cultural elements. Feudalism was born of this dissipation and of absentee rule. Nationalism was entirely submerged. The instinctive yearning of men for an object of their devotion found satisfaction in a wildfire of religious hysteria which produced the phenomenon of the Crusades. Each of these developments had its effect on the military responsibility of the individual.

Feudalism as a social and economic system and a system of government differed sharply from the nationalism of Greece and Rome. Citizenship was a privilege unknown to the dependent of a feudal lord, and there was no place for patriotism or the spirit of freedom or pride of patriotism in the feudalistic system. Under feudalism, the villein and serf rendered service to the arms of his feudal lord, not as a privileged duty of citizenship, but as one more penalty of serfdom. Each feudal lord was an absolute ruler within his own demesne. Each feudal lord however, owed fealty to a higher lord, and this overlord to a sovereign.

While the power of the lord over his serfs was absolute and immediate the overlord or sovereign of a country could place but doubtful trust to his vassals. True, the sovereign could levy against each of his lords a quota of fighting men to provide, but compliance with the levy was not always prompt or dependable. To minimize this uncertainty, the sovereign required a mercenary army for reinforcement. Necessity for funds to support these personal armies gave rise to the system of scutage, a form of taxation in lieu of personal service which enabled the sovereign to maintain formidable personal forces of professionals or mercenaries. The personal army of the monarch not only protected his realm but policed its populace. The King was the head of State, and all within the State were his subjects.

This system was usually effective as a guaranty of the monarch's absolutism, but it provoked hatred instead of loyalty on the part of the liegemen and minions alike. The once profession of arms universally respected lost its glamour for the common soldier and became a detested occupation which only attracted the scum of society. Timid men were cowed by such an army, but men of spirit held it in contempt only awaiting opportunity for self-assertion. Their opportunity arrived only occasionally, when the throne was so endangered that a frightened monarch placed arms in their hands to survive an emergency. On such occasions the public was again disarmed only with difficulty, and only after the concessions of some civil rights from the sovereign. Thus, by painful process, the common man gradually regained a degree of self respect which whetted his appetite for the rights of citizenship, which his ancestors had surrendered with their arms long centuries before.

Throughout the first thousand years of the Christian Era, autocratic governments rose and fell with their big and little tyrants. And always the common man was left without any of those civic rights which had brought greatness to Greece and Rome. Always, too, the armies which fought ceaseless war were professional armies or untrained and undisciplined mobs impressed to face an emergency.

Early in the second millennium of the Christian Era, however, a novel method of raising armies was introduced. The new system appealed to both prince and pauper. Perhaps the pauper sought to escape

the poverty, oppression and servility which were his lot under feudalism. Some say, but it may be doubted, that it was "a spirit of chivalry" which possessed many of the knighthood when, with protestations of unselfish sacrifice they sought glory - or excitement in a remarkable series of military expeditions. Whatever the reason, both prince and pauper rushed voluntarily, and with fanatical enthusiasm, to fill the ranks with thousands and thousands of volunteers. And the wars continued sporadically for 200 years. Never before or since has volunteering been so productive of military manpower, undisciplined and untrained though it was.

All this began when Peter the Hermit received the sanction of Pope Urban II for a crusade to rescue the Holy Sepulcher from the Turkish infidels. The first crusade was led by the principle dukes of Europe, thereafter the - ruling monarchs of all Christendom took part in person. At length tens of thousands of children died in the same cause, trying to accomplish where their elders had failed for yet another hundred years.

Failing though they did and spectacularly - the Crusades were more than a fruitless spectacle. Besides giving a lift to the spirits of men, they brought about a new intercommunication of nations, touched off modern commercial progress and disclosed the older arts and sciences of the East to scholars of the newer West. Militarily, the Crusades disclosed the extravagant waste of the volunteer system in sending men to war undisciplined and untrained in the use of arms.

Justly proud as Americans are of the "American Way of Life", the fact that early colonial and federal customs and institutions were transplanted largely from the British Isles indicates that review of British practice of the principle of citizen obligation for military service is essential to an understanding of the development of Militia in the United States. England, more than any other nation provides the geographical, political and historical link between our own civilization and that of other European peoples, both ancient and modern. In the assimilation of laws and usages that come from older civilizations across the Channel, England made modifications to suit her own uses and introduced new practices as her own people gathered experience. We must know something, then, of its English episode, if we are to comprehend fully the evolution of the principles which has brought us to the twentieth century National Guard laws.

Pytheas, the Greek voyager in search of tin, was probably the first civilized man to touch British soil. His visit was entirely commercial and he found the early Britons both friendly and hospitable, as has usually been true of first meetings of civilized men with semi barbarous people. When Caesar came as an invader, three centuries later, however, he found an infusion of Belgae who had been pushed across the straits by the steady pressure of the more powerful Germanic tribes. The Roman invaders were met by conscripted warriors who withstood conquest for a hundred years. The Britons fought with unexampled fury, even the women mingling in the fray, and the Druids themselves struck terror into the soldiers by the violence of their imprecations. Withdrawal of the Romans at the beginning of the fifth century was followed by Saxon and Danish invasions; and it was not until the end of the ninth century that Alfred won the war of liberation and unified the first free England.

Alfred the Great accomplished his epochal feat largely because of the national spirit and government organization which had been developing for two centuries in the seven kingdoms of North Umbria, Mercia, East Anglia, Essex, Sussex, Wessex and Kent. The realm was divided into the township, the borough, the hundred and the shire. The township was the smaller unit, a sort of emigrating unit of independent settlers - a plantation, we might have called it, in our colonial structure. Certain obligations called *trineda necessitas*, were imposed upon the township, including the sending of a contingent of soldiers to the national host in the event of war. For purposes of both peace and war a group of townships formed the hundred, and above the hundred stood the shire. The military force of the shire was represented by the *fyrð* (militia), which was a mobilization of all freemen of the shire between the ages of 16 and 60, each family marching together in the township fighting unit which was led by the town reeve, or *tungerefa* (town sheriff). Militia leaders were often elected, though usually appointed to the lower grades by the lord or, in the case of the higher command, by the King himself with the consent of the *witenagemot* - wise counselors.

Thus, there existed a democratic military organization, in spite of the fact that English society was basically divided into freemen and slaves, and even the freemen were again divided into the land and the landless, the gentle and the simple folk. "Landless men of whatever rank were obliged to attach themselves to a Lord; and for the sake of peace many landed men were also in the habit of putting themselves under the protection of their more powerful neighbors, there was the beginning of a system in which all ranks of society would be bound together by a chain of mutual dependence and protection". The whole social scheme pictures a semi-feudalism which, however, preserves a dignity of citizenship England never lost, even during the long centuries of its disappearance in continental Europe. Never, though, was the principle of military liability allowed to die.

King Canute, the Dane, later introduced a new military element by instituting a royal bodyguard of select forces called "huscarls", and relegated the fyrd to subordinate importance in the national defense. "The huscarls were in fact a standing army". Later in the century, King Harold marched with an army of regular troops and untrained militia - to meet William of Normandy and suffer defeat at Hastings. Military writers generally express the opinion that this eventful fight was lost when the untrained thegns of the fyrd fell dupes to a tricky Norman stratagem, broke ranks and exposed Harold's huscarls to a flank attack of William's archers. Whatever the contempt of his professional soldiers for this English national militia, however, William himself made important use of the fyrd in his conquest of Maine just seven years after Hastings. His son William II, too, used the fyrd extensively in repulsing the Scots and in suppressing revolt among the Norman barons who had come to England with his father.

The reign of restless and capable King Henry II effected a far-reaching military reorganization. While no king since the conquest had been without his personal guard of huscarls, the feudal array remained a regular part of the military baronial power against the throne. For the double purpose of discouraging the military efficiency of the barons and encouraging the military efficiency of the freemen of the fyrd which had repeatedly proved its loyalty to the crown, King Henry II issued the Assize of Arms in 1181 which follows hereinafter:

THE ASSIZE (ASSEMBLY) OF ARMS

"1. Let every holder of a knight's fee have a hauberk (coat of mail or armor), a helmet, a shield and a lance. And let every knight have as many hauberks, helmets, shields and lances, as he has knight's fees in his demesne.

2. Also, let every free layman, who holds chattels or rent to the value of 16 marks, have a hauberk, a helmet, a shield and a lance. Also let every free layman who holds chattels or rent worth 10 marks have an aubergel (neck and chest protector of mail or armor) and a headpiece of iron, and a lance.

3. Also, let all burgesses and the whole body of freemen have quilted doublets and a headpiece of iron, and a lance.

4. Moreover, let each and every one of them swear that before the Feast of St. Hilary (13 January) he will possess these arms and will bear allegiance to the lord King, Henry, namely the son of Empress Maud, and that he will bear these arms in his service according to his order and in allegiance to the lord King and his realm. And let none of those who hold these arms sell them or pledge them or offer them, or in any other way alienate them; neither let a lord in any way deprive his men of them either by forfeiture or gift or as surety or in any other manner.

5. If anyone bearing these arms shall have died, let his arms remain for his heir. But if the heir should not be of age to use arms, should the need arise, let him who has him in ward likewise have custody of his arms, and let him find a man who can use them in the service of the lord King, until the heir be of age to bear arms, and then let him have them.

6. Every burgess who has more arms than he ought to have according to this assize, will sell them or give them away or, otherwise bestow them on such a man as will retain them for the service of the lord King of England. And let none of them keep more arms than he ought to have according to this assize.

7. Item, let no Jew keep in his possession a hauberk or an aubergel, but let him sell them or give them away or otherwise dispose of them that they may remain in the King's service.

8. Item, let no one carry arms out of England except by order of the lord King; neither let anyone sell arms to anyone who will carry them out of England.

9. Item, let the justices cause oaths to be sworn by lawful knights and other free and lawful men of the hundreds or boroughs, as many as they deem fit, who shall have chattels of such value as makes it necessary for him to have a hauberk and aubergel, a lance, and a shield, according as has been said, namely that, one by one they will give their names of all their hundreds and neighborhoods and boroughs who have 16 marks either in chattels or rent, and likewise of those who have 10 marks. And afterwards, let the justices cause to be enrolled all those who have sworn an oath and others, who have this amount of chattels or rents, are also what arms they ought to possess according to the value of their chattels or rents, and afterwards, in their presence and in their hearing as a body, let the justices cause this assize concerning the bearing of arms be read, and let them swear an oath that they will have these arms according to the value of their chattels or rents, and that they will hold them in the service of the lord King in accordance with the said assize at the command and allegiance of the lord King, Henry, and of his realm. If indeed it should happen that any of those ought to possess these arms are not present in the county at the time the justices shall be in that county, let the justices appoint him a time in another county to come before them. And if he shall not have come to them in any county through which they may pass, and shall not have been in this land; let a time be appointed him at Westminster in the Octave of Michaelmas (29 September) there to take his oath, as he values his life and all his possessions. And let order be given him to have arms according as he ought to have before the Feast of Hilary.

10. Item, let the justices cause it to be announced throughout all the counties through which they may pass that those who have not these arms according as has been said, the lord King will seize their persons but will on no account take from them their land or their chattels.

11. Item, let no one swear concerning lawful and free men who has not 16 marks or 10 marks in chattels.

12. Item, let the justices command throughout all the counties that no one, as he values his life and his possessions, may buy or sell any ship with intent to take it out of England, or may export timber or cause it to be exported out of England. And the King commands that none shall be accepted for the oath of arms except a free man."

About 100 years later, Edward I brought Henry's Assize of Arms up-to-date. Every man between 15 and 60 was to provide himself with arms, which included the following stipulation: "The man with land worth 15 pounds and 40 marks of goods was required to have a hauberk, a helmet of iron, a sword, a knife and a horse; If he had land worth but ten pounds and only 20 marks of goods, he was required to have all the above except the horse; if he had land worth 5 pounds, the hauberk changes to a doublet; if he only possessed land worth 2 pounds, then a sword, bow and arrows and a knife were the limit required of him. There was no exception, however, of any freeman".

During the 16th century in England volunteering for service was established - a practice which had its roots in the aftermath of those zealous expeditions remembered as the Crusades. The oldest such volunteer group dates from 1537, when they were chartered "The Fraternity of Guild of St. George; Masters and Rulers of the said Science of Artillery as aforesaid rehearsed for Long-bow; Cross-bow and Hand Guns", whose heritage descended to "The Honorable Artillery Company of London" which rendered distinguished service in World War I.

CHAPTER III

MILITIA DURING THE COLONIAL PERIOD

Each of the 13 American colonies had compulsory military training and service laws whose origin traced back to the English militia system. The early colonists of America naturally brought with them this military institution which formed an essential part of the frontier life. The necessity of defending themselves against Indian attacks and against other nations contending for our land in the new world, caused the American colonies to adopt laws obligating all able-bodied males for Colonial Militia Men from 16 to 60, were organized into "trained bands" similar to those in England and these "bands" became the Colonial Militia.

Virginia appears to have enacted the first militia laws in March of 1623 which provided for defense of dwellings, arming of citizens, posting of sentinels and the levying against plantation owners for men for operations against the Indians.

In February of 1645, the following was enacted at James City by the Grand Assembly:

ACT VIII

Be it enacted by the Governour, Counsell and Burgesses of this Grand Assembly that the countys of the Isle of Wight, Vpper Norff; and Lower Norff; shall prosecute the enemie and defend those parts from Vpper Chipoaks downewards by constant marches vpon the Indians, and the inhabitants of Lawnes Creek vpwards to the falls of the south side of the river shall do the like from Vpper Chipoaks to the vtmost extent on that side. And that the Leifts and deputy Leifts or the major part of them be the counsell of warr of the aforesaid associating countys and limitts vnder the Governour and Counsell; And that the warr be managed equallie and proportionably, respect being had to the frontiers, And that the same counsell of warr shall have power to leavie such and soe manie men, arms, ammuniton and other necessaries as emergencie of occasions shall require. And in case of any of the said Leifts, or Deputy Leifts, shall abuse their trust, And just complaint made thereof that they shall be subject to punishment by the Governour and Counsell or General Assembly, And that the election of the commanders in chiefs be from time to time referred to the Governour and Counsell. And be it further enacted by the authority aforesaid that for the manageing the warr on the north side of the river, That evrie 15 tithable persons shall sett forth, compleatly furnish and maintain, one soldier, vntil such time as the Governor and Counsell shall find cause to increase or diminish the number; And because there shall be no scruple or evasion who are and who are not tithable. It is resolved by this General Assembly, That all negro men and women, and all other men from the age of 16 to 60 shall be judged tithable; And in case any person or persons within their familys, that such delinquents shall forfeit double pay for every tithable person soe concealed; And where fifteen are joyned to set forth one and cannot agree among themselves. That in such case the counsell of warr shall press whom they shall think fitt; And whereas some difference may arise concerning the pay of the soldier sett forth; It shall be lawful for the 14 to compound and agree with him as they and he shall think fitt, And in case of disagreement that then the counsell of warr shall allow the soldier such satisfaction on from the 14 as them shall seem convenient; And the said counsell of warr shall have power to arme the soldier with all necessaries out of the said fifteen men, provided that the soldier be responsible for his arms (in case he shall negligently loose or spoyle them) out of his salary; And to avoid all doubts and controversies that may arise in case of death of any soldier, whether he be servant or other; Be it enacted by the authoritie aforesaid that any soldier slayne in the service his whole yeares sallary shall be due if he were hired for so long time as he did serve, and the remainder by a public leavie;

And in case he be only sick, maymed or hurt, that then the county of which he went to pay his cure to the chirurgeon that shall be employed about him; And if it so fall out that a dimunition of the armes shall be expedient, That then the least number maintaining a soldier shall be first relieved.

The foregoing early laws for the Militia of Virginia is typical of laws of the other colonies. During the period preceding the Revolutionary war, some 65 separate and distinct military enactments can be identified with the colony of Virginia; Massachusetts had 96; Connecticut 101; Rhode Island, 42; New Hampshire 54; North Carolina 37; South Carolina 5; Georgia 10; Maryland 39; New York 81; New Jersey 2; Pennsylvania 1; Delaware 4.

A recapitulation of the history of the 13 colonies indicates that the early settlers thereof were fully cognizant that the one chance for their colonies to survive was for constituted authority to compel every able-bodied man to serve in the common defense. They were quick to realize that their survival depended upon "a citizenry trained and accustomed to arms". From Cape Cod to Cape Fear there was no statutory denial of the fundamental power of the government to enforce the obligation of the citizen to defend the State.

Of interest is the fact that originally none of the colonies exempted from service able-bodied freemen "of what sort soever" but, as the frontiers moved inland and populations increased, selection was practiced and certain exemptions were allowed. It is noteworthy too that, as prosperity increased and life became easier, avoidances crept into the law in the form of substitution for personal service, voluntarism with bounties, pay in lieu of service, and the like.

Irrefutable and convincing proof of the fact that compulsory military training and service are legitimate ancestors in the family tree of American tradition is evidenced by the passage of about 500 laws in the 13 Original Colonies in the period preceding the Revolutionary War.

For fighting men to use in the War of Independence, it was necessary to depend upon the militia forces of the 13 colonies, each of which was reluctant to give any power to a central government. Some of the difficulties encountered in mobilizing the militia which effected the efficiency were: Officers were required to provide their own weapons, ammunition, horses and equipment; enlistments were for short terms; and the fact that the men formed essentially a local defense force under the control of each separate colony. This operated against the concept of an efficient Federal Army. Accordingly the Continental Congress enacted the following Resolution on July 18, 1775:

"Resolved, That it be recommended to the inhabitants of all united English Colonies in North America, that all able bodied effective men, between sixteen and fifty years of age in each colony, immediately form themselves into regular companies of Militia, to consist of one Captain, two Lieutenants, one ensign, four serjeants, four corporals, one clerk, one drummer, one fifer, and about 68 privates.

That the officers of each company be chosen by the respective companies.

That each soldier be furnished with a good musket, that will carry an ounce ball, with a bayonet, steel ramrod, worm, priming wire and brush fitted thereto, a cutting sword or tomhawk, a cartridge-box, that will contain 23 rounds of cartridges, twelve flints and a knapsack.

That the Companies be formed into Regiments or Battalions, officered with a Colonel, Lieutenant Colonel, two Majors, an Adjutant, and Quartermaster.

That all officers above the rank of Captain, be appointed by their respective provincial assemblies or conventions or in their recess by the committees of safety appointed by assemblies or conventions.

That all officers be commissioned by the provincial Assemblies or conventions, or in their recess by the committees of safety appointed by assemblies or conventions.

That all the Militia take proper care to acquire military skill, and be well prepared for defense by being each man provided with one pound of good gun powder, and four pounds of ball, fitted to, his gun.

That one-fourth part of the Militia in every Colony, be selected for Minutemen, of such persons as are willing to enter into this necessary service, armed into companies and Battalions, and their officers chosen and commissioned as aforesaid, to be ready on the shortest notice, to march to any place where their assistance may be required, for the defense, of their own or neighboring colony; And as these Minutemen may eventually be called into action before the whole body of Militia are sufficiently trained, it is recommended that a more particular and diligent attention be paid to their instruction in military discipline.

That such of the Minutemen, as desire it, be relieved by new draughts as aforesaid, from the whole body of Militia, once in four months.

As there are some people, who, from religious principles, cannot bear arms in any case, this Congress intend no violence to their consciences, but earnestly recommend it to them, to contribute liberally in this time of universal calamity, to the relief of their distressed brethren in the several colonies, and to do all other services to their oppressed Country, which they can consistently with their religious principles.

That it be recommended to the Assemblies or Conventions in the respective colonies to provide, as soon as possible, sufficient stores of ammunition for their colonies; Also that they devise proper means for furnishing with Arms, such effective men as are poor and unable to furnish themselves.

That it be recommended to each Colony to appoint a committee of safety, to superintend and direct all matters necessary for the security and defense of their respective colonies, in the recess of their assemblies or conventions. That each colony, at their own expense, make such provision by armed vessel or otherwise, as their respective assemblies, conventions, or committees of safety shall judge expedient and suitable to their circumstances and situations, for the protection of their harbours and navigation on their sea coasts, against all unlawful invasions, attacks, and depredations, from cutters and ships of war.

That it be recommended to the makers of arms for the use of the Militia, that they make good substantial muskets, with barrels three feet and half in length, that will carry an ounce ball, and fitted with a good bayonet and steel ram-rod, and that the making of such arms be encouraged in these United Colonies.

Where in any colony a militia is already formed under regulations approved of by the convention of such colony, or by such assemblies as are annually elective, we refer to the discretion of such conventions or assembly, either to adopt the foregoing resolutions in the whole or in part, or to continue their former, as they, on consideration of all circumstances, shall think best."

Writing to the Continental Congress in December 1776, General Washington blamed short enlistments and " a mistaken dependence upon Militia" as the cause of misfortune and accumulation of debt, and of the Militia said that they "come in you cannot tell how, go you cannot tell when, and act you cannot tell where, consume your provisions, exhaust your stores, and leave you at the critical moment." This wartime experience led General Washington to conclude that a well regulated militia, was essential for the defense of the country, a sentiment he expressed to Alexander Hamilton in 1783.

Although George Washington considered the poorly organized militia of the Revolution a "broken staff" which could not be depended upon, he favored a well-regulated militia as the basis for effective national defense.

In his sentiments on a peace establishment, he wrote:

"It may be laid down as a primary position, and the basis of our system that every citizen who enjoys the protection of a free government, owed not only a proportion of his property, but even his personal services to the defense of it, and consequently that the Citizens of America (with some exceptions) from 18 to 50 years of age should be borne on the Militia Rolls, provided with uniform arms, and so far accustomed to the use of them, that the total strength of the country might be called forth at short notice - * * * and duly organized into commands - * * *. They ought to be regularly mustered and trained, and to have their arms and accoutrements inspected at certain appointed times - * * *- and able-bodied young men, between the age of 18 and 25 - * * * drafted to form a Corps in every state - * * * to be employed whenever it may become necessary in the service of their country - * * *".

CHAPTER IV

EARLY MILITIA OF THE UNITED STATES

With the ratification of the Constitution of the United States on 17 September 1787, the following was provided:

Sec. 8 (1) The Congress shall have the power to lay and collect taxes, duties, Imposts and Excises, to pay the debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts, and Excises shall be uniform throughout the United States;

* * * * *

Sec. 8 (11) To declare war, grant letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

Sec. 8 (12) To raise and support Armies, but no Appropriation of Money to that use shall be for a longer Term than two years;

Sec. 8 (13) To provide and maintain a Navy;

Sec. 8 (14) To make Rules for the Government and Regulation of the land and naval forces;

Sec. 8 (15) To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

Sec. 8 (16) To provide for organizing, arming, and disciplining the Militia and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

* * * * *

Sec. 2(1) The President shall be Commander in Chief of the Army and Navy of the United States and of the Militia of the several States when called into the actual Service of the United States;

* * * * *

AMENDMENT II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

* * * * *

A well-regulated Militia was advocated by Washington, Jefferson, and Madison, and attempts were made to enact a law to insure an effective citizen army which would be called up in case of need. However, public opinion would not support an efficient militia System which gave more power to the Federal Government.

In the meantime, however, based upon the Constitution, Congress enacted the following act which set the Federal seal of approval on the old Militia organization with all its known weaknesses:

ACT OF MAY 8, 1792

SE: 1625 R. S. Every able-bodied male citizen of the respective States, resident therein, who is of the age of eighteen years, and under the age of forty five years, shall be enrolled.

SE: 1626 R. S. It shall be the duty of every Captain or Commanding Officer to enroll every such citizen residing within the bounds of his company, and all those who may, from time to time, arrive at the age of eighteen years, or who, being the age of eighteen years and under the age of forty five years come to reside within his bounds.

SEC 1627 R. S. Every Captain or Commanding Officer shall, without delay, notify every such citizen of his enrollment, by of proper non-commissioned officer of his company, who may prove the notice. And any notice or warning to a citizen enrolled, to attend a Company, Battalion, or Regimental muster, which is according to the laws of the State in which it is given for that purpose, shall be deemed a legal notice of his enrollment.

SEC 1628 R. S. Every citizen shall, after notice of his enrollment, be constantly provided with a good musket or fire-lock of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or fire-lock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot pouch and powder horn, twenty balls suited to the bore of his rifle, and a quarter of pound of powder; and shall appear, so armed, accoutered, and provided when called out to exercise, or in service, except that when called out on company days to exercise only he may appear without knapsack. And all arms, ammunition, and accouterment so provided and required shall be exempted from all suits, distresses, executions, or sales for debt or for payment of taxes. Each commissioned officer shall be armed with a sword or hanger and spontoon.

SE: 1629 R. S. The Vice President of the United States; the officers judicial and Executive of the Government of the United States; the members of both Houses of Congress, and their respective officers; all Custom-house officers with their clerks; all Postmasters and persons employed in the transportation of mail; all ferrymen employed at any ferry on Post-roads; All Inspectors of Exports; All artificers and workmen employed in the armories and arsenal of the United States; All Pilots; All mariners employed in the sea service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective States, shall be exempted from Militia duty, notwithstanding their being above the age of eighteen, and under forty five years.

SE: 1630 R. S. The Militia of each State shall be arranged into Divisions, Brigades, Regiments, Battalions, and Companies, as the Legislature of the State may direct. Each Brigade may consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty four privates. Each division, brigade, and regiment shall be numbered at the formation thereof; and a record of such numbers shall be made in the Adjutant General's office of the State. When in the field, or in service in the State, each division, brigade and regiment shall respectively take rank according to its number, reckoning the first or lowest number highest in rank.

SEC 1631 R. S. The Militia shall be officered by the respective States as follows: To the Militia of each State, one Quartermaster-General; to each Division, one Major General, two aide-de-camp with rank of Major; one Division Inspector with rank of Lieutenant Colonel, and one division quartermaster with rank of Major; To each Brigade, one Brigadier General, one Brigade Inspector, to serve also as Brigade Major with the rank of Major, one Quartermaster of Brigade with rank of Captain, and one aide-de-camp with rank of Captain; To each Regiment of two Battalions, one Colonel, one Lieutenant Colonel, one Major, and one Chaplain; To only one Battalion a Major who shall command same; To each company, one Captain, one Lieutenant; one Ensign, four sergeants, four corporals, one drummer, and one fifer or bugler. And there shall be a Regimental Staff, to consist of one Adjutant and one Quartermaster, to rank as Lieutenants, one paymaster, one surgeon, one surgeons mate, one Sergeant Major; one drum major, and one fife major.

SEC 1632 R. S. There shall be formed for each battalion at least one company of grenadiers, light infantry or riflemen, and for each Division at least one company of artillery and one troop of horse. For each company of Artillery there shall be one Captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer and one fifer. The officers shall be armed with a sword or hanger, a fusee, bayonet, and belt, with a cartridge box to contain twelve cartridges; and each private shall furnish himself with all the equipments of a private in the Infantry until proper ordnance and field artillery are provided. For each troop of horse there shall be one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers shall furnish themselves with good horses of at least fourteen hands and a half high, a good saddle, bridle, mail pillion and valise holsters, and a breastplate and crupper, a pair of boots and spurs, a pair of pistols, a saber, and a cartridge box, to contain twelve cartridges for pistols. Each Company of Artillery and troop of horse shall be formed of volunteers from the Brigade, at the discretion of the Commander in Chief of the State, not exceeding one company of each to a regiment, nor more in number than one-eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense; the color and fashion to be determined by the Brigadier commanding the Brigade to which they belong.

SEC 1633 R. S. Each battalion and regiment shall be provided with the State and Regimental colors by the field officers and each company, with a drum and fife, or bugle horn, by the commissioned officers of the company, in such manner as the Legislature of the respective States may direct.

SEC 1634 R. S. There shall be appointed in each State an Adjutant General, whose duty it shall be to distribute all orders from the Commander-in-Chief of the State to the several Corps; to attend all musters when the Commander in Chief of the State reviews the Militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by law; to furnish blank forms of returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the State, returns of the Militia under their command; And to make proper abstracts from such returns and lay the same annually before the Commander in Chief of the State.

SEC1635 R. S. The several officers of the Divisions, Brigades, Regiments, and Battalions shall report, in their returns of the corps under their command, the actual condition of their arms, accouterments, and ammunition, their delinquencies, and every other particular relating to the general advancement of good order and discipline, and shall make the same in the usual manner.

SEC 1636 R. S. It shall be the duty of the Adjutant General in each State to make returns of the Militia of the State, with their arms, accouterments and ammunition, agreeable to the provisions of law, to the President of the United States, annually, on or before the first Monday in January; and it shall be the duty of the Secretary of War, from time to time, to give such directions to the Adjutants General of the Militia as may, in his opinion, be necessary to produce a uniformity in such returns.

SEC 1637 R. S. The system of discipline and field exercise which is ordered to be observed in the different corps of infantry, artillery, and riflemen of the Regular Army shall also be observed in such corps, respectively, in the Militia.

SEC 1638 R. S. All commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, their rank shall be determined by lot to be drawn by them before the commanding officer of the Brigade, Regiment, Battalion, Company or Detachment.

SEC 1639 R. S. If any person whether officer or soldier belonging to the Militia in any State and called into the service of the United States be wounded or disabled while in actual service, he shall be taken care of and provided for at public expense.

SEC 1640 R. S. It shall be the duty of the Brigade Inspector to attend regimental and battalion meetings of the Militia composing the several brigades during the time when they are under arms, to inspect their arms, ammunition and accouterments, to superintend their exercises and maneuvers, and introduce throughout the brigade the system of military discipline prescribed by law and such orders as they receive from the Commander in Chief of the State; and to make returns to the Adjutant General of the State at least once in every year of the Militia of the Brigade to which he belongs, reporting there - in the actual condition of the arms, accouterments, and ammunition of the several corps and every other particular which, in his judgment, may relate to their government and the general advancement of good order and military discipline.

SEC 1641 R. S. All corps of artillery, cavalry, and infantry, now existing in any State, which, by any law, custom, or usage thereof, have not been incorporated with the militia, or are not governed by the general regulations thereof, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the Militia."

Based upon the foregoing Act, these self-armed men were called out to exercise on an annual "Muster Day" when they usually held a great celebration. This reserve force from which an Army was to be raised in the event of invasion was largely undisciplined, lacking in uniformity of weapons, equipment, and pay, and was over organized into innumerable regiments, brigades and divisions which had a maximum number of untrained officers.

Threats of internal disorder, such as the "Whiskey Rebellion" (1794) and invasion from without by the English, Spanish, or French forces resulted in further legislation in 1794, 1797, 1798, and 1803. In general these amending Acts authorized the President to require the State Governors to organize, arm and equip 80,000 to 100,000 effective Militia, although they were not to compel the men to serve longer than 3 months in anyone tour of duty. Volunteers were encouraged and enlistments were sought offering bounties, pay for three months, and the promise of 160 acres of land to men who would serve their full term of enlistment.

Thomas Jefferson expressed his concern about a properly trained Reserve in his annual message to The Congress on 3 December 1805:

"In the meantime, you will consider whether it would not be expedient for a state of peace as well as of war so to organize or class the Militia as would enable us on any sudden emergency to call for the services of the younger portions, unencumbered with the old and those having families. Upward of 300,000 able-bodied men between the ages of 18 and 26 years, which the last census shows we may now count within our limits, will furnish a competent number for offense or defense in any point where they may be wanted, and will give time for raising regular forces after the necessity of them shall become certain; and the reducing to the early period of life all its active service cannot but be desirable to our younger citizens of the present as well as the future times, inasmuch as it engaged to them in more advanced age a quiet and undisposed repose in the bosom of their families. I cannot then but earnestly recommend to your early consideration the expediency of so modifying our Militia system, as by a separation of the more active part from that which is less so we may draw from it when necessary an efficient corps fit to real and active service, and to be called to in regular rotation."

On April 23, 1808, The Congress passed another Act which provided for the first time, funds for arming and equipping the whole body of the Militia of the United States. Thus the sum of \$200,000 was appropriated annually thereafter for this purpose.

In 1810, President Madison urged the establishment of a well organized Militia along the lines suggested by his predecessors, but no action had been taken by The Congress to strengthen the military forces of the Nation by the time war broke out in 1812.

When hostilities began, the army lacked 28,917 of attaining its authorized strength of 35,603. The Congress sought to expand the small regular army by calling for 30,000 volunteers and 80,000 Militia. As in the Revolutionary war, resort was made to short term enlistments and to bounties, but even these measures did not result in an effective armed force. At no time did the enemy have more than 30,000 men in the war, yet because of the untrained condition of our troops, some 527,000 United States participants took three years to achieve victory.

The foregoing experience led to the adoption of the so-called "expansible standing army" idea which was advanced in December 1820 by Secretary of War John C. Calhoun and which was espoused by military leaders in both the Mexican War and the Civil War. However, as in the Revolutionary War, the leaders of these wars were again hampered by the short term enlistments of the Volunteers.

CHAPTER V

EARLY MILITIA IN THE "OREGON COUNTRY"

Just as the early colonists had brought with them from England a military institution which formed an essential part of frontier life, the early immigrants to the "Oregon Country" came with the knowledge that they too could establish laws to provide Militia for their mutual protection.

In 1841, the population of American settlers was centered around the Methodist mission in Willamette Valley. At that time there were no American settlers north of the Columbia River. The population consisted of about 36 Protestant ministers or lay members with their families, about 32 other settlers, some, with families, for a total of about 140 men, women and children.

On February 15, 1841, Ewing Young, one of the earliest settlers, died leaving no known heirs. Accordingly, immediately following his funeral on February 17th, most of the American citizens attended a meeting at the mission to determine what should be done with his estate. Mr. Young had been head of the Willamette Cattle Company having brought the first band of horses and cattle into Oregon in 1834 and left a considerable estate for those days. Several officers were chosen at this meeting by the people, the most important being Doctor Ira L. Babcock, who was appointed "Supreme Judge with probate powers", with instructions to act in accordance "with the Laws of New York" until a code of Laws could be prepared. At this meeting a Committee was also appointed to frame a Constitution for a Provisional Government. However, it was not until February 2, 1843 that positive action was initiated to establish this "Provisional Government". In the meantime the population had swelled to almost 300 people by the arrival of Dr. Elijah White and his party. At this meeting, another Committee of 12 persons was appointed to "Take under consideration the propriety of taking measures for the Civil and Military protection of this Colony", and to render their report at a meeting to be held at Champoeg on May 2, 1843. At this meeting a vote was taken as to whether or not a "Provisional Government" should be adopted. The vote was 52 for and 50 against. At the meeting on 5th of July 1843, a code of laws was effected "until such time as the United States shall extend their jurisdiction over us". Also at this meeting, David Hill, Alanson Beers and Joseph Gale were elected as an Executive Committee with power to grant pardons and reprieves for offenses against the laws of the territory; to call out the Militia force of the territory to repel invasion or suppress insurrection; to take care that laws are faithfully executed; and to recommend such laws as they may consider necessary, to the representatives of the people, for their action.

Also at this meeting the following Civil and Militia Laws were adopted and the following named individuals elected to officer a Battalion of Militia:

EXTRACT OF THE LAWS OF THE PROVISIONAL GOVERNMENT OF OREGON

SEC I. We, the people of Oregon Territory, for purposes of mutual protection, and to secure peace and prosperity among ourselves agree to adopt the following laws and regulations, until such time as the United States of America extend their jurisdiction over us. Be it therefore enacted by the free citizens of Oregon Territory, that the said territory, for the purpose of temporary government, be divided into not less than 3, nor more than 5, districts; subject to be extended to a greater number when an increase of population shall require it. For the purpose of fixing the principles of civil and religious liberty, as the basis of all laws and constitutions of government that may hereafter be adopted. Be it enacted that the following articles be considered as articles of compact, among the free citizens of this territory.

ART. 1. No person, demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments.

ART. 2. The inhabitant of said territory shall always be entitled to the benefits of the writ of habeas corpus, and trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings, according to the course of common law. All persons shall beailable, unless for the capitol offenses, where the proof shall be evident, or the presumption great. All fines shall be moderate and no cruel or unusual punishments inflicted. No man shall be deprived of his liberty but by the judgement of his peers, or the law of the land; and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And in the preservation of the rights and property it is understood and declared that no law ought ever be made, or have force in said territory, that shall in any manner interfere with or affect private contracts or engagements, bona fide, without fraud, previously formed.

ART. 3. Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall be ever encouraged. The utmost good faith shall always be observed toward Indians. Their land and property shall never be taken from them without their consent; and in their property, rights, and liberty they shall never be invaded or disturbed unless in just and lawful wars, authorized by the representatives of the people but laws founded on justice and humanity shall from time to time be made for preventing injustice being done to them, and for preserving peace and friendship with them.

ART. 4. There shall be neither slaves nor involuntary servitude in said territory otherwise than for the punishment of crimes whereof the party shall have been duly convicted.

SEC. II

ART. 1. Be it enacted by the authority aforesaid, that the officers elected on the 2nd of May, inst., shall continue in office until the second Tuesday in May 1844, and until others are elected and qualified.

ART. 2. Be it further enacted that an election of civil and military officers shall be held annually on the second Tuesday in May in the seven districts at such places as shall be designated by law.

ART. 3. Each officer heretofore elected, or hereafter to be elected, shall, before entering upon the duties of his office, take an oath or affirmation, to support the laws of the territory, and faithfully discharge the duties of his office.

ART. 4. Every free male descendent of a white man of the age of 21 years and upwards, who shall have been an inhabitant of this territory at the time of its organization, shall be entitled to vote at the election of officers, civil and military, and be eligible to any office in the territory, provided, that all persons of the description entitled to vote by the provisions of this section, who shall have emigrated to this country after organization, shall be entitled to the rights of citizens after having resided 6 months in the territory.

ART. 5. The executive power shall be vested in a committee of 3 persons, elected by the qualified voters at the annual election who shall have power to grant pardons and reprieves for offenses against the laws of the territory, to call out the military force of the territory to repel invasion, or suppress insurrection, to take care that laws are faithfully executed, and to recommend such laws as they may consider necessary, to the representatives of the people, for their action. Two members of the committee shall constitute a quorum to transact business.

ART. 6. The legislative power shall be vested in a committee of 9 persons, who shall be elected by the qualified electors at the annual election, giving to each district a representation in ratio to its population, excluding Indians; and the said members of the committee shall reside in the district for which they shall be chosen.

ART. 7. The judicial power shall be vested in a supreme court, consisting of a supreme judge and 2 justices of the peace. The jurisdiction of the supreme court shall be both appellate and original. That of the probate court and justices of the peace as limited by law provided that individual justices of the peace shall not have jurisdiction of any matter of controversy when the title or boundary of land may be in dispute, or where the sum claimed exceeds \$50.

ART. 8. Pertains to duties of Recorder.

ART. 9. Pertains to the duties of Treasurer.

ART. 10. Pertains to expenditures.

ART. 11. Pertains to receipts.

ART. 12. Provided that the Laws of Iowa would govern unless otherwise provided for by Oregon Territory Laws.

ART. 13. Pertains to weights and measures.

ART. 14. Pertains to wills and administration.

ART. 15. Pertains to vagrants.

ART. 16. Establishes sessions of the Supreme Court.

ART. 17. Pertains to marriages and sets minimum age of males at 16 and females 14.

ART. 18. Pertains to elections, locations of polls, etc.

ART. 19. Pertains to certified laws of Iowa and directs the promulgation of doings of the Territory and the submission thereof to the seat of the U. S. Government in Washington.

MILITIA OFFICERS ELECTED

Major: John Howard

Captains: William McCarty

C. McRoy

Sidney Smith

AN "ACT" ADOPTED BY THE PEOPLE OF OREGON TERRITORY AT A PUBLIC
MEETING HELD AT WILLAMETTE ON JULY 5, 1843

THE MILITIA

ART. 1. The Militia of this Territory shall be arranged into one Battalion, consisting of three or more companies of Mounted Riflemen.

ART. 2. That in case of the removal of the Major by death or otherwise, it shall be the duty of the Executive Committee to appoint another, whose duty it shall be to serve in the place of such removed officer, until the annual election.

ART. 3. When a portion of the country is so distant or so situated, that in the opinion of the Executive Committee, it would be inconvenient for the persons residing therein to belong to an organized company, they shall be organized into a separate company, under the command of a Captain, appointed by themselves, and give due notice to the Major of the Battalion, and be subject to the same laws and regulations as the other companies of the Battalion.

ART. 4. All companies shall meet once each year for company inspection on the last Tuesday in September well mounted, with good rifle or musket and accouterments for company inspection and military execution.

ART. 5. It shall be the duty of the Major to notify each Captain and of Captains to notify each member of the day and place of each annual meeting of his Battalion and Company at least six days previous to each meeting.

ART. 6. It shall be the duty of each male inhabitant, over the age of sixteen years and under sixty, who wishes to be considered a citizen, to cause himself to be enrolled by giving his name to the proper officers of the Militia and serve under same, except such as are hereafter excepted.

ART. 7. The fines shall be laid on all who fail to adhere to the commands of the Executive committee and the same shall be expended for ammunition and arms without delay, and some person appointed to take charge of the magazine, wherever the Executive Committee shall direct its location.

ART. 8. It shall be the duty of the Executive Committee to appoint a Surgeon of the Battalion, who shall serve in his profession, when so ordered by the Executive Committee.

ART. 9. It shall be lawful for any commissioned officer in case of invasion or insurrection, to order out the militia under his command - provided, that he has sufficient reasons for so doing and gives immediate notice thereof to the Executive Committee.

ART. 10. The Militia of the Territory shall, with the advice and consent of the Executive Committee, be subject to the call of the authorized agents of the United States Government until she may send troops to support the same.

The above "Act" was amended on 26 June 1844 to provide for an organization of a Regiment of two Battalions and six or more companies, under the command of a Colonel.

On March 4, 1841 a band of savages attacked and brutally murdered several citizens at Willamette Falls. On March 9, 1844, the citizens of the Champoeg District held a meeting at the La Chappell residence and organized and placed into the service of Oregon Territory the first company of Militia in the Northwest.

This Company, known as the "Oregon Rangers" was composed initially of 3 officers and 25 men. The officer's commissions were signed by the three of the Executive Committee who titled themselves "Commanders in Chief of all the Militia and Volunteer Companies of Oregon". The "Rangers" furnished own horses and equipment, and in case of actual services rendered, received \$2.00 per day, and for each day's drill \$1.00. However, they forfeited \$2.00 each drill they failed to attend. The unit held its first drill on March 11, when the following turned out:

T. D. KAISER - Captain
J. L. MORRISON - First Lieutenant
R. J. CASON - Ensign
W. H. GRAY - First Sergeant

Charles P. Matt	John Edmonds	J. M. Garrison
Ira C. Hutchins	Nineveh Ford	Joseph Holman
R. H. Elkin	William J. Martin	John Ford
Peter Brainard	James Martin	Charles E. Pickett
Nathan Sutton	Webley Hauxhurst	John B. Kaiser
William Delany	John Anderson	Daniel Waldo
James R. Patterson	Joel Turnham	Lindsey Applegate

History does not record any outstanding deeds of this Company. However, early historians state that "the Company held its first drill at the Oregon Institute; that its organization had a stabilizing effect on the settlers as well as the employees of the Hudson's Bay Company; that the company made several excursions against the Indians suspected of stealing cattle; and that the company, reorganized under Captain Charles Bennett, with 45 officers and men acquitted themselves creditably in a parade in Salem on 4 July 1846, despite the inclemency of the weather".

In 1844, P. G. Stewart, O. Russell and W. J. Bailey were elected as the Executive Committee and "Commanders-in-Chief" of the Oregon Militia.

At the election in 1845, the people elected George Abernathy Governor and Commander-in-Chief of "Oregon Country".

CHAPTER VI
MILITIA IN THE CAYUSE AND ROGUE RIVER WARS

On the 7th of December 1847, the Provisional Legislature of "Oregon Country" convened at Oregon City to determine what action should be taken against the perpetrators of the massacre of Dr. Marcus Whitman, his wife, and followers at Waiilatpu Mission (near Walla Walla) on 29 November 1847. Upon being informed of the details of the massacre, the Provisional Legislature adopted a Resolution submitted by J. W. Nesmith of Polk County. This resolution required the Governor, George Abernathy, to raise, arm and equip a company of Militia riflemen, with their Captain and subaltern officers, and dispatch them immediately to occupy the Mission station at the Dalles on the Columbia River and hold possession of same until reinforcements arrived at that point.

The Company was enlisted at once, sworn in and officered the following day. By noon of the 9th of December, the Company was equipped and the same afternoon departed for Vancouver by boat under the command of Captain H. A. G. Lee.

At another session on 9 December 1847, the Legislature passed a Bill authorizing the Governor to raise "A Regiment of Militia Volunteers". However, due to the objections of the Governor, the Bill was returned for amendment to limit the size of the Regiment to 500 men. The amended Bill was passed the same morning and the processes to enroll and equip the militia began. The Regiment was to rendezvous at Oregon City on the 25th of December 1847 and proceed thence with all possible dispatch to Walla Walla Valley. Text of the bill was as follows:

BILL PASSED BY THE OREGON PROVISIONAL LEGISLATURE

ON DECEMBER 7, 1847

SEC. 1. That the Governor of Oregon Territory be and is hereby authorized and required forthwith to issue you his proclamation to the people of said territory to raise a Regiment of riflemen by volunteer enlistment, not to exceed five hundred men, to be subject to the rules and articles of war of the United States Army, and whose term of service shall expire at the end of ten months, unless sooner discharged by the proclamation of the governor.

SEC. 2. That said Regiment of volunteers shall rendezvous at Oregon City on the twenty fifth day of December, A. D. 1847, and proceed thence with all possible dispatch to the Walla Walla Valley for the purpose of punishing the Indians, to what tribe or tribes soever they may belong, who may have aided or abetted in the massacre of Dr. Marcus Whitman and his wife, and others at Waiilatpu, or be otherwise employed as the Governor may direct.

SEC. 3. That the Legislature of Oregon shall appoint one colonel, one lieutenant colonel, and one major to officer said Regiment of volunteers when raised by the governor as provided for in the first section of this Bill; and further that the Legislature also appoint a commissary-general, whose duty is shall be to keep a regular account of the disbursements of all the funds placed at his disposal, and faithfully perform all other duties pertaining to his office, and who shall perform the duties of quartermaster-general for the army.

SEC. 4. Said Regiment shall be organized into companies, to consist each of not more than one hundred or less than fifty men; and each company shall elect their own officers, to wit: One Captain, one First and one Second Lieutenant, one orderly sergeant and four duty sergeants.

SEC. 5. That Jess Applegate, A. J. Lovejoy, and George L. Curry be and are authorized and empowered to negotiate a loan not to exceed one hundred thousand dollars for the purpose carrying out the provisions of this act; and that said commission be and are authorized to pledge the faith of the territory for the payment of such sum as may be negotiated for by said commissioners, on the most practicable terms, payable within three years from the date of said loan, unless sooner discharged by the Government of the United States.

SEC. 6. Said loan may be negotiated for gold and, silver or such goods as may be necessary for the use of the army; Provided, however, that the holder of such goods be required to deduct from the loan the value of the goods negotiated for, but remaining in his hands at cessation of hostilities.

Due to lack of finances, the governor was only able to muster about 100 additional volunteers by 25 December. At a secret session held that date, the Provisional Legislature authorized the Governor to issue the following proclamation.

PROCLAMATION OF 25 DECEMBER 1847

In consequence of the low state of the finances of this country, and the general impression being "that the Indians of the upper country were not united, a small force was thought sufficient to proceed to Walla Walla to punish the Cayuse Indians, and a proclamation was issued by me asking for one hundred men, since which information has been received here which leads to the belief that the Indians have united, and the force ordered out in that case being insufficient, I therefore call on the citizens of the territory to furnish five hundred men and appoint the following persons brevet captains to enroll such citizens as may wish to enlist, viz. , Wesley Shannon, John Ford and Thomas McKay, Champoeg County; John Owens, Wm. Williams and John Stewart, Polk County; Philip Thompson, George Nelson, and Felix Scott, Yamhill County; Isaac W. Smith and Benjamin Q. Tucker, Tualatin County; James Officer; Clackamas County. The "enlistments" to be for six months, unless sooner discharged by proclamation.

Each man will furnish his own horse, arms, clothing, and blankets. The companies will bring all the ammunition, percussion caps, and camp equipage they can, for which they will receive a receipt from the commissary-general. The Colonel in command will remain in Oregon City until the first companies arrive at Portland, when he will take command, and proceed forthwith to Walla Walla. The Lieutenant Colonel will remain until the rear companies arrive at or near Portland, when he will take command and proceed to Walla Walla.

Companies will rendezvous at Portland or opposite Portland on or before the eighth day of January, 1848. Whenever a sufficient number of volunteers arrive on the ground at Portland they will organize and proceed to elect their officers, viz., one captain, one first lieutenant, one second lieutenant, one orderly sergeant, and four duty sergeants.

Companies will consist of eighty-five men, rank and file. If any company should be formed in the counties smaller or larger they will be regulated after they arrive on the ground. As the a commissary-general will not be able to furnish a sufficient quantity of provisions for the army, the citizens of the territory are called on to deliver to his agents all the provisions they can, that the operations of the troops may not be impeded for want of provisions. Agents will be appointed by him in Salem, Yamhill Ferry, Champoeg, Butte, and Portland.

In witness whereof, I have signed my name and affixed the seal of the territory at Oregon City, this twenty-fifth day of December, 1847.

GEORGE ABERNATHY

At a session on 26 December 1847, the Provisional Legislature elected Cornelius Gilliam, Colonel, to command the First Regiment of Oregon Riflemen; James Waters, Lieutenant Colonel; Captain H. A. G. Lee, Major; A. L. Lovejoy, Adjutant General; and Indian Agent Joel Palmer Commissary-General.

Based upon the governor's proclamation of 25 December, two hundred and thirty men responded and were organized into four companies. The company then at the Dalles was designated the First Company. The Second Company was commanded by Captain Lawrence Hall; the Third by Captain John W. Owen; the Fourth by Captain H. J. G. Maxon (later Major of Washington Territorial Militia); and the Fifth by Captain Philip F. Thompson. Following their organization and equipping, these companies, under the Regimental Commander, Colonel Gilliam, proceeded to the Dalles via Vancouver.

By the 1st of February, six more companies had been organized and had either arrived or were enroute to Oregon City. The Companies were the Sixth under the command of Captain Thomas McKay and composed mostly of Canadians; the Seventh under Captain Levin N. English from Marion County; the Eighth under Captain William Martin, also from Marion County; the Ninth from Clackamas County under the command of Captain William Shaw (father of Colonel B. F. Shaw, Wash. Terr. Militia who was a member of his father's company); the Tenth from Marion County under Captain J. M. Garrison; and the Eleventh under Captain George W. Burnett from Willamette.

In the meantime, Colonel Gilliam, with troops at Camp Lee (The Dalles) moved on 24 January for Walla Walla Valley. Enroute they engaged the Indians in a fight on the 25th and 26th but progressed along and arrived on the Walla Walla River on the 28th of January, 1848. After several attempts to secure peace with the Indians through a Peace Commission, with the understanding that the guilty Indians would be surrendered, Colonel Gilliam, with about two companies left Waiilatpu on the 20th of March for the purpose of protecting supplies for movement to Walla Walla Valley (Camp Walters). While preparing to camp near Umatilla that night. Colonel Gilliam was drawing a rope from the wagon with which to tether his horse when it caught upon the trigger of a gun lying in the bottom of the wagon, discharging it, the bullet entering his body and causing instant death. Major Lee and Captain McKay conducted his remains to Willamette Valley and reported the recent developments and condition of troops to Adjutant General Lovejoy and Governor Abernathy.

In the meantime, three more companies were mustered into service based upon another proclamation issued by the Governor based upon Lee's request when he was appointed Colonel of the Regiment following Colonel Gilliam's death. These companies were not numbered and were under the command of Captains J. W. Nesmith, William P. Hugh and Felix Scott. Captain Scott's Company was known as the Independent Rifle Rangers.

Colonel Lee, with these fresh troops, arrived back at Waiilatpu about the 9th of May, 1848 where he found dissension among the troops because he had been promoted over Lieut. Colonel Waters. In view of this reaction he immediately returned his commission to the governor and agreed to serve as a Lieutenant Colonel under Waters. Lee's commission also included an appointment by the governor as Superintendent of Indian affairs vice Palmer resigned. Lee's instructions as Superintendent were to try and make peace with the tribes but at the same time seek out and apprehend the murderers of Dr. Whitman and party. News of Lee's appointment coupled with the arrival of additional volunteers brought about a settlement with the Nez Percés. Colonel Waters wrote the governor that "the friendship of the Indians increases with our numbers".

Treaties were also consummated with the Walla Walla and Cayuses with the understanding that the Volunteers would continue to hold the country until the murderers were punished, the stolen property returned, and that which was destroyed paid for. In the meantime, plans and preparations went forward for pursuit of the murderers who were believed to have taken refuge in the Nez Perce country. On the 17th of May, 1848, over 400 men set out upon the march to the "Clearwater". The following morning after camping at "Coppie"; Lee with Captain Thompson and 125 men proceeded toward Red Wolfe's camp on the Snake River crossing to be ready to intercept the flight of the fugitives to the mountains, while the main body would reach to the river at the mouth of the Palouse, and crossing there, prevent them from escaping down the Columbia.

Upon arrival of Lee at Red Wolfe's crossing, he was informed that the guilty Cayuses had fled, leaving behind all of their property, mostly at Lapwai. Lee succeeded with the assistance of the Nez Percés in driving some 118 horses and 40 head of cattle back to Waiilatpu. Before leaving Lapwai, Lee offered a reward of several hundred dollars for apprehension of the murderers, or any two of the principals with a lesser amount for capture of one or for information leading to their capture. The reward was principally the money value in blankets and shirts donated by the Volunteers.

By this time it was evident that the campaign would have to be brought to a close without the capture of the murderers because of the harvests to be gathered in Willamette Valley. Accordingly, the Regiment, less one company which was left to guard Forts Waters and Lee, until the arrival of United States Troops, proceeded back to Willamette Valley where on July 5, 1848, a proclamation was issued for their discharge.

On August 14, 1848, Oregon was created a Territory and Joseph Lane was appointed Governor by President Polk. Oregon's first territorial governor was born in North Carolina and entered the military service during the Mexican War from Indiana as Colonel of the 2nd Indiana Volunteers on 25 June 1846. He was promoted to Brigadier General on July 1, 1846 and to Brevet Major General Oct. 9, 1847 for gallant and meritorious conduct in the battle of Huamantla, Mexico.

On March 3, 1849, Governor Lane issued a Proclamation announcing that the new Territorial Government of Oregon was formed. He immediately issued another proclamation calling for an election of members of the first Territorial Legislature. The counties of Vancouver and Lewis, north of the Columbia and Clatsop on the southside formed one district. Samuel F. McKean of Clatsop was elected to the Council and Michael T. Simmons was elected Representative. The first Territorial Legislature convened in Oregon City on July 16, 1849 and remained in session for one hundred days. During this session Vancouver County was changed to Clarke County. All of what is now Washington, except Clarke County, was the third district and was then Lewis County. Chief Justice Bryant who had been attached to the third district by Governor Lane arrived at Fort Nisqually on the 10th of September, 1849 and proceeded to conduct a trial at Fort Steilacoom where six Indians were tried for the murders of settlers. Two were found guilty and hanged and the other four released for lack of evidence. Thus the first legal court was established and conducted in what is now the State of Washington. On May 2, 1850, the alleged murderers of Dr. Whitman and party were brought to Oregon City for trial. Based upon testimony of the escaped members of the Whitman party, all five Indians charged with the massacre were found guilty and hanged. Thus the Indians were shown for a second time that justice would certainly overtake them.

In the meantime, and prior to the above mentioned trials, Companies L and M, 1st Regiment of United States Artillery was sent to Fort Vancouver from Benicia Arsenal, California. These troops, under the command of Major John Samuel Hatheway, U. S. Army, numbered one hundred sixty one officers and men and arrived at Fort Vancouver in July, 1849, following which a part of his command took station at Astoria under the command of Captain Bennett Hoskin Hill. This command in August 1849 was moved to and established Fort Steilacoom in time to assist in the first of the trials mentioned above. Both of these officers were graduates of West Point. Major Hatheway graduated on 1 July 1812 and was brevetted Major for gallantry in the battles of Contreras and Churubusco, Mexico. He died on 31 March 1853. Captain Hill was a graduate of the class of 1833 and rose to the rank of Brigadier General during the Civil War.

During the heavy migration to Oregon Country in the mid-1840's, the settlers petitioned The Congress to provide military protection over the emigrant trail, due to the many massacres by the Indians. As a result a regiment of Mounted Rifles was activated in Fort Leavenworth for this purpose, but, was diverted for service in the War with Mexico. Following this war, another regiment, known as the Oregon Regiment of Mounted Rifles was again recruited at Fort Leavenworth and departed for the Territory of Oregon on 10 May 1849. The strength of this regiment upon departure was six hundred officers and men, thirty one teamsters, several women laundresses, guides, train agents and nearly two thousand horses and mules, plus subsistence for the whole. The regiment was commanded by Brevet Lieutenant Colonel William Wing Loring, who later rose to the rank of Major General in the Confederate Army. Enroute to Oregon Territory, two companies were left to garrison Forts Laramie and Hall. 70 men died or deserted to California enroute. Also 45 freight wagons and some 300 horses and mules were lost enroute. Arriving at Vancouver in October of 1849, they found no quarters at Fort Vancouver and had to be housed at Oregon City during the winter of 1849-50. In the meantime, arrangements had been made by the Commanding General of the Department of the Pacific, Brigadier General Persifor F. Smith, to move the artillery company from Fort Vancouver to Astoria and send the Rifle Regiment to Fort Vancouver. However, before these arrangements could be completed, most of the men deserted to go to the gold rush in California. The remnants of the regiment were finally removed to Fort Vancouver which was declared a United States Military Reservation in October, 1850. In May of 1851, two companies of this regiment were moved to The Dalles and officially established Fort Dalles as a federal Military Reservation.

In the meantime, in 1850, The Congress passed an Act extinguishing Indian titles in Oregon west of the Cascades, and the President immediately appointed Anson Dart, Superintendent of Indian Affairs, who arrived in Oregon in October, 1850.

A commission was also created, consisting of the newly appointed Governor, John P. Gaines, Alonzo A. Skinner and Beverly S. Allen, to make treaties with the Indians west of the Cascades. According to their instructions, the object of the government was to remove the complaint of the settlers that they could not acquire perfect titles to their lands until the Indian title was extinguished. For this cause they were to treat with the small tribes in the Willamette Valley first and separately.

The road to California, traveled continually to the gold rush, became more and more unsafe through all the region roamed over by the Shasta, Rogue River tribes and their allies. Notwithstanding the treaty entered into between Governor Lane and the Chief of the Rogue River Indians the previous year, great caution was necessary in selecting and guarding camping places and crossing streams. If a party wishing to cross a river constructed a ferry boat and left it tied up for a party in the rear, the latter on arriving found it gone. While making another, guard had to be maintained, in spite of which, their horses and pack animals were likely to be stampeded. When a part of their outfit was ferried over, guard had to be maintained on both sides of the stream which divided their forces and increased their peril. These annoyances and occasional conflicts led to irritation on the part of the miners, who, as they grew stronger, were less careful of their conduct towards the Indians, who were only too ready to find provocation in their contempt of the white man.

Finally, in May of 1851, contempt was turned into desire for vengeance by the treacherous murder of David Dilley, one of a party of three white men and two professedly friendly Rogue River Indians, while encamped for the night the Indians stealthily arose, seized Dilley's gun and shot him dead as he slept. The other two white men who were unarmed escaped back to a party in the rear, and the news was sent to Shasta where a company of Volunteers was formed headed by a Captain Long, who crossed the Siskiyou, killed two Indians, one a sub-chief, and took several prisoners as hostages for the delivery of the murderers.

Demanding the surrender of the murderers was well enough, but the demand being accompanied or preceded by revenge, gave the head chief a plausible ground for refusing to give up the guilty parties. Further, he threatened to destroy Long's Company of Volunteers, which remained at the crossing of the Rogue River, awaiting turn of events. He was not molested, but at a ferry south of this one, several skirmishes occurred. One party of twenty six men was attacked June 1, 1851 and one Indian was killed in the encounter. On the day following, at the same place, three different parties were set upon and robbed, one of which lost four men in the skirmish.

On June 3rd, Dr. James McBride and thirty one men, returning from the gold mines were attacked in a camp south of the Rogue River. There was but seventeen guns in the party, while the Indians were two hundred strong, and had in addition to bows and arrows, about as many firearms. They were led by a Chief known as "Chucklehead" the battle commencing at day break and lasting for four hours and a half, until "Chucklehead" was killed when the Indians withdrew. No loss of life or serious wounds were sustained by the white men, but, about sixteen hundred dollar's property and gold dust were carried off by the Indians.

This series of incidents resulted in the dispatch of Major Philip Kearney and two companies of the 1st U. S. Dragoons. These troops, augmented by Volunteers of General Lane engaged in a skirmish with the Indians on June 17th near the Rogue River. On the 23rd, another engagement took place at Table Rock. An all out attack was planned for 25th, but upon arrival at the Indian Camp they found all the Indians had disappeared. Taking up their trail, Kearney's regulars managed to bring back some 30 Indian prisoners to Camp Stuart, which had been named in honor of Captain James Stuart, who was mortally wounded in the engagement of June 17th and died the following day. The prisoners were turned over to General Lane of the Volunteers for delivery to Governor Gaines at Oregon City.

By means of these prisoners, Governor Gaines induced eleven of the head men and about 100 followers to consent to a treaty which the Indians agreed to submit to the jurisdiction and accept the protection of the United States and to restore the property stolen from white people. Upon agreement, the captive families were returned.

In the meantime, about 1 June 1851, Captain William Tichenor arrived at Port Orford with his ship, the "Sea Gull" and left nine men with supplies, intending to bring reinforcements to settle there on his next trip. Upon his departure, the Indians assembled at Port Orford to drive out the nine men. The white men held the ground through several engagements, but because they were so far outnumbered, they managed to escape up the coast and finally reached the mouth of the Umpqua River, famished, suffering and exhausted. In the meantime, Captain Tichenor returned with some 40 settlers to find the men gone. Assuming they were dead, he left the settlers there and returned for more. By August, the strength of citizens had been increased to about seventy, well armed, and capable of repulsing Indian assaults.

In September of 1851, a group of Settlers set out to explore the Rogue River country, avoiding the Indians, until they were finally ambushed by the Indians near the mouth of the Coquille River. 5 were killed and 3 escaped. In the meantime, a detachment of troops from Astoria was dispatched to aid the citizens in the Port Orford area. However, this handful of troops rendered little service to the settlers. They did make an attempt to apprehend the Indians responsible for the Coquille massacre. Attempts to treat with these Indians also ended in failure.

As a result of the Coquille massacre, General Ethan Allen Hitchcock, Commanding General of the Pacific Department, ordered a larger military force to Port Orford. This force consisted of Company C, 1st Dragoons, mounted and Companies A and E, dismounted. These troops under the command of Lieutenant Colonel Silas Casey arrived during the period 22-27 October 1851. Casey, a graduate of West Point in 1822 was brevetted a Major for gallantry in action at the battles of Contreras and Churubusco and Lieutenant Colonel for gallant and meritorious conduct in the battle of Chapultepec, Mexico in 1847. He was later to play an important part in the Indian Wars of Washington and in the Civil War. In the latter he was brevetted a Brigadier General for gallantry in action and to Major General for meritorious conduct at the battle of Fair Oaks, Virginia.

On the 1st of November, Colonel Casey commenced his march to the Coquille and arrived in the vicinity on the 3rd, guided by a survivor of the massacre. On the 5th the Indians gathered for an all-out fight in an attempt to drive the troops from the country. He pursued them for several days without success. Finally on the 21st of November, by use of boats, his troops surprised the Indians and succeeded in killing some fifteen or twenty in a short battle. This seemed to have a demoralizing effect on the Indians and no more attempts were made to attack the troops. The troops returned to Port Orford from where they were ordered back to California, departing in early December. Estimated cost of this expedition was \$25,000. The Rogue River Indians remained fairly peaceful for the next few years, but in 1855-56, started their depredations again, necessitating the return of elements of the 1st Dragoons and 4th Infantry to punish them. Many Oregon Volunteer Militiamen also assisted.

CHAPTER VII

ORGANIZATION OF THE MILITIA IN WASHINGTON TERRITORY

On August 29, 1851, a group of pioneers met at Cowlitz Prairie, Oregon Territory and framed a memorial to The Congress favoring the creation of a separate territory north of the Columbia River. The next year, on October 26th, a convention assembled at Monticello (Longview) and voted the following memorial to The Congress:

"To the Honorable, the Senate and House of Representatives of the United States in Congress assembled:

The Memorial of the undersigned, delegates of the Citizens of Northern Oregon, in convention assembled, respectfully represent to your honorable bodies, that it is the earnest desire of your petitioners, and of the said citizens, that all the portion of Oregon Territory lying north of the Columbia River, and west of the great northern branch thereof, should be organized as a separate territory, under the name and style of the Territory of Columbia.

In support of the prayer of this Memorial, your petitioners would respectfully urge the following, among many reasons:

FIRST. That the present Territory of Oregon contains an area of 341,000 square miles, and is entirely too large in extent of territory to be embraced within the limits of one State.

SECOND. That said Territory possesses a seacoast of 650 miles in extent. The country east of the Cascade Mountains, is bound to that on the coast, by the strongest ties of interest, and inasmuch as your petitioners believe that the Territory must inevitably be divided at no distant day, they are of the opinion that it would be unjust, that one State should possess so large a seaboard, to the exclusion of that of the interior.

THIRD. The Territory embraced within the boundaries of the proposed Territory of Columbia, containing an area of about 32,000 miles, is in the opinion of your petitioners, about a fair and just medium to territory extent to form one State.

FOURTH. The proposed Territory of Columbia presents natural resources, capable of supporting a population at least as large as that of any state in the Union, possessing an equal extent of territory.

FIFTH. Those portions of Oregon Territory lying respectively north and south of the Columbia River, must from geographical position, always rival each other in commercial advantages, and their respective citizens; must, as they are now, and always have been, be actuated by a spirit of opposition.

SIXTH. The southern part of Oregon Territory having a majority of voters have controlled the Territorial Legislature, and Northern Oregon has never received any benefit from the appropriations made by Congress for said Territory which were subject to the disposition of said legislature.

SEVENTH. The seat of the Territorial Legislature is now situated, by nearest practicable route, at a distance of four hundred miles from a large portion of the citizens of Northern Oregon.

EIGHTH. A great part of the legislation suitable to the south is, for local reasons, opposed to the interests of the north, inasmuch as the south has a majority of votes, and representatives are always bound to reflect the will of their constituents, your petitioners can entertain no reasonable hopes that their legislative wants will ever be properly regarded under the present organization.

NINTH. Experience has, in the opinion of your petitioners, well established the principle that in States having a moderate sized territory, the wants of the people are more easily made known to their representatives; there is less danger of a conflict between sectional interests; are more prompt and adequate legislation can always be obtained.

In conclusion, your petitioners would respectfully represent that Northern Oregon, with its great natural resources, presenting such unparalleled inducements to immigrants and with its present large population, constantly and rapidly increasing, by immigration, is of sufficient importance, in a national point of view, to merit the fostering the Congress, and its interests are so numerous and so entirely distinct in their character as to demand the attention of a separate and independent legislature.

Wherefore your petitioners pray that your honorable bodies will at an early day pass a law, organizing the district of country above described under a Territorial Government, to be named the "Territory of Columbia".

Done in convention assembled at the Town of Monticello, Oregon Territory, this 25th day of November, A. D. 1852.

R. V. WHITE
Secretary

G. N. McCONAHA
President of Convention

C. S. HATHAWAY

B. C. ARMSTRONG

A. COOK

S. S. FORD, SR.

A. F. SCOTT

W. A. L. McCORKLE

WILLIAM N. BELL

N. OSTRANDER

L. K. COLLINS

E. L. FERRICK

N. STONE

H. MILES

A. H. HALE

Q. A. BROOKS

E. J. ALLEN

E. H. WINSLOW

J. R. JACKSON

A. A. DENNY

A. WYLIE

G. B. ROBERTS

Before the foregoing Memorial reached Washington D. C., Oregon territorial Delegate Lane on December 6th, introduced a resolution asking The Congress to "investigate" the expedience of dividing Oregon. There was some opposition from the Whigs and Republicans, but the Democrats, who were in the majority, favored the idea. At the suggestion of Stanton of Kentucky, the name was changed from Columbia to Washington. Steven A. Douglas proposed but did not insist upon, adoption of the name "Washingtonia" in order to avoid possible confusion with the name of the national capitol. On March 2, 1853, President Millard Fillmore signed the Bill, creating Washington Territory with an area of 193,071 square miles, including the present state, Northern Idaho, and, Western Montana. Isaac I. Stevens was appointed Governor, and on November 28, 1853, Olympia was proclaimed the Capitol. The white population of the Territory at that time was 3,965.

A review of the division of the new territory into counties indicates that at the meeting at Champoege on 5 July 1843 established it as a part of Clackamas District; on August 12, 1845 it was designated Vancouver District; on December 18, 1845, it was changed to Lewis County; on February 4, 1851, Pacific County was created from Northern and Eastern part of Lewis County; On December 22, 1852, Thurston County was divided creating Pierce, King and Island Counties; and also Jefferson County; On February 1, 1853 the boundary of Lewis County was extended eastward to the Cascades. Thus the creation of Washington Territory had the effect of allocating all of the territory east of the Cascades to Lewis County. The eastern portion was later created as Walla Walla County.

The Organic Act to establish the Territory of Washington was approved also on March 2, 1853. The Act contained twenty one sections and covered Boundaries, Executive Authority, Secretary, Legislative authority and power, Voting, Enactment of Laws, appointment of County Officers, eligibility of members of the Legislature, Judicial Power, Attorney General, Appointments, Laws established by Oregon Territory, Legislative Assembly Sessions, Delegates to Congress, Court Proceedings, Law Enforcement Officials, Salaries, Judicial Districts, Bonding of Officials, Surveys of land and concurrent jurisdiction with Oregon on the Columbia River.

Of interest to this Volume is paragraph 2 of the Organic Act which follows:

* * * * *

"SEC. 2. AND BE IT FURTHER ENACTED, That the executive power and authority in and over said Territory of Washington shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be apptd. and qualified, unless sooner removed by the President of the United States. The Governor Shall reside in said Territory, shall be the Commander-in-Chief of the Militia thereof, shall perform the duties and receive the emoluments of Superintendent of Indian Affairs; he may grant pardons and remit fines and forfeitures for offenses against the laws of said Territory and respites for offenses against the laws of the United States until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under laws of the said Territory, where, by law, such commissions shall be required, and shall take care that laws be faithfully executed."

* * * * *

Based upon the above authority, underlined, it is apparent that The Congress or the President foresaw the need for Militia in the Territory, inasmuch as the Laws of 1792 did not provide for Militia to be established in a Territory unless authorized by The Congress or The President. His right to establish the Militia appears to have been questioned by certain individuals, and Governor Stevens was backed up by the Organic Act.

The first Governor of the Territory of Washington, Isaac Stevens, was a military man. He graduated from West Point on July 1, 1839 as number one cadet in his class. He resigned his commission as First Lieutenant of Engineers and as Brevet Major, United States Army on March 16, 1853 to accept the Governorship of Washington Territory, tendered by President Franklin Pierce on March 17, 1853. The appointment included, ex officio, the Superintendency of Indian Affairs in the territory and also the head of a Survey Mission over the Northern Route during his journey to the Territory. Governor Stevens arrived in Olympia on October 25, 1853 following his survey of the Northern Route. Some of his territorial officers had preceded him here, namely, Charles M. Mason, Secretary of State, Edward Lander, Chief Justice; Victor Monroe, Associate Justice; J. V. Clendenin, District Attorney; J. Patton Anderson, Marshal; and Simpson P. Moses, Collector of Customs.

Upon assuming the duties of his office he immediately started the organization of a civil government by issuing a Proclamation establishing election districts with an election date of January 30, 1854. Delegates and members of the Legislature elected were to meet in Olympia on February 28, 1854.

The Legislature convened on the appointed day and Governor Stevens in his first message recommended, among others, the adoption of a code of laws, a school system with military training in the higher schools and, the organization of the Militia. In justification of the latter he said:

"It seems to me, also of the first importance, that a Territorial militia be organized, and that in the higher schools which may be included in an educational system, opportunities be afforded to learn the elements of the military art. The nation depends on the patriotism and the valor of its citizens for defense in time of war. Only a small portion of its members can be organized in times of peace, and that simply to maintain a nucleus which may be indefinitely extended in case of emergency, and to continue the march of these improvements, which have entirely changed the methods of conducting war. An efficient militia system is especially necessary in this Territory, which, on the occurrence of war, must, for a time, almost entirely rely upon itself. A general enrollment of the militia, the organization of volunteer corps of artillerists and riflemen, in detachments at exposed points, and increased to platoons, companies, battalions, and regiments with the increase in population, two or more heavy guns placed in battery, at points exposed to attacks of hostile enemies, is recommended as the system adapted to the present scanty population of the Territory. By the laws of Congress, the Territory will be entitled to arms for its militia, and to light guns for its artillery, and it is confidently believed, that in the peculiar exposed condition of this coast, it will furnish heavy guns. I am persuaded that, with such a system, and with governmental aid to be derived from the efficient militia posts, which would serve as schools of the military art to the youth and citizens of the Territory the establishment of depots of heavy guns and powder on this sound and the Columbia River from permanent works and from the services of officers of ability and character in our geographical surveys and our military roads, no hostile foot will be able to land upon our soil, though we maintain the conflict single handed, without additional aid from home, against whatever power may be brought against us. Let this be your fixed determination, and to it let every step we take in organizing our militia system, tend."

All of Governor Steven's recommendations, except the formation of the Militia were enacted into legislation during the first session. This was unfortunate inasmuch as it left the people of the Territory in almost a defenseless condition when the Indian Wars broke out less than two years later. During the second session which convened on December 5, 1854 Governor Stevens again urged the Legislative Assembly to enact laws for the formation of the Militia. He pointed out the danger of Indian hostilities and presented the following evidence that the Federal Government had refused his request for arms during his recent visit to Washington, D. C., because the Militia of the Territory was not organized by Territorial Law:

Washington Aug. 15, 1854

Hon Jefferson Davis,
Secretary of War, Washington, D.C.

Sir: Arms and ammunition are much needed on Puget Sound; in order that the settlers may protect themselves from Indian depredations.

The Militia of the Territory has not yet been organized, though efficient steps to this end will be taken the coming winter.

If under these circumstances arms and ammunition can be issued, I will request that it be done without delay. I will suggest that one thousand stand of arms and one hundred thousand cartridges, with a few revolvers be placed in depot at Fort Steilacoom, in charge of the Commandant, subject to the requisition of the Government of the Territory.

I am, sir, very respectfully your most obedient servant,

Isaac I. Stevens
Governor Washington Territory

War Department Washington
August 18, 1854

Sir: I have the honor to acknowledge the receipt of your letter of the 15th instant, asking that arms and ammunition may be placed in depot at Fort Steilacoom, in charge of the Governor of Washington Territory.

In reply, I have to inform you that under the law for arming the militia, the territory is not entitled to and cannot be supplied with arms until the return of the effective militia therein is received.

Very respectfully, your obedient servant.

Jefferson Davis,
Secretary of War

His Excellency, I. I. Stevens
Governor of Washington Territory

After considerable discussion, the Legislative Assembly, on January 26, 1855, approved the following Act, and on the following day at a joint session elected George Gibbs of Steilacoom, Brigadier General of the Washington Territory Militia:

AN ACT TO ORGANIZE THE MILITIA

SEC 1 - The Territory Districted; Brigadier General to be elected; His term of office.

SEC 2 - Colonel, Lieutenant Colonel and Major to be elected in each Council District; such officers to organize regiments and companies within the districts.

SEC 3 - Captains to appoint Sergeant and Corporals.

SEC 4 - Officer to be commissioned by the Governor; term of office.

SEC 5 - Regimental return to be made; Brigade general report to the Governor.

SEC 6 - Rules and Regulations to be prescribed by Governor and the Brigadier General

SEC 7 - Volunteer Companies; how to be formed.

SEC 8 - Public Arms; how sent to each County.

SEC 9 - County Commissioners to take care of public arms.

SEC 10 - An Adjutant, Quartermaster, Commissary General to be elected; Quartermaster General's duties.

ACT TO ORGANIZE THE MILITIA (CONTINUED)

SEC 11- All commissioned officers to be commissioned by the Governor and to take oath.

SEC 12 - Vacancies to be filled by the Governor's appointment.

SEC 13 - Where the person elected does not qualify; office declared vacant.

SEC 14 - Companies to elect their own officers.

SEC 1 - Be it enacted by the Legislative Assembly of the Territory of Washington, that the Territory of Washington shall constitute one Military District for Brigade purposes, in which the Legislature, on joint ballot, shall elect a resident citizen thereof, Brigadier General, who shall hold his office for three years, unless removed by the Legislature; and each Council District in said Territory shall constitute one regimental district.

SEC 2 - At the next annual election the legal voters in each Council District shall elect in the usual mode of electing officers, one Colonel, one Lieutenant Colonel, and one Major, who shall assemble at such place within the District as a majority of them shall select within three months after their election, and proceed to lay off their regimental district into convenient company districts, containing as near one hundred white males, as may be, between the ages of fifteen and sixty years capable of bearing arms, and shall appoint one Captain and two Lieutenants, in each district as officers therein.

SEC 3 - Such Captain shall appoint four sergeants and four corporals in each Company, who shall continue in office one year.

SEC 4 - All such officers, except Sergeants and Corporals, shall be commissioned by the Governor, and shall continue in office for the term of one year unless bodily infirmity or unsoundness of mind prevent them from discharging active duty, or they be removed by a court martial for other good cause.

SEC 5 - In each year every Captain shall make out a list of all the persons in his district subject to bear arms, and forward copy thereof to Colonel of his regiment, who shall thereupon make out and forward to the Brigadier General a regimental return, showing the number of each rank and grade composing his regiment. It shall be the duty of the Brigadier General to report annually to the Governor, the state of the Militia, the number of regiments and the number of the different rank and grade in each, together with such other information as shall be in his possession relating thereto.

SEC 6 - The Governor and the Brigadier General shall, from time to time, Prescribe all Rules and Regulations not herein provided, necessary for the calling and conducting, courts martial.

SEC 7 - Volunteer Companies may be formed in the bounds of any regiment under such rules and regulations prescribed by the colonel thereof and approved by the Brigadier General.

SEC 8 - On application of the Board of Commissioners of any county by the certified copy of their orders therefore, the Governor shall cause to be sent to each county at its expense its quota of public arms

SEC 9 - Such County Commissioners' shall have the care of all public arms with in their respective counties and may transfer them under such regulations as they may prescribe to such volunteer companies, battalions or regiments, on having the safe keeping and

return, thereof, when demanded by the authorized agent of the Board, secured by bond, and approved sureties.

SEC 10 - The Legislature shall elect an Adjutant, Quartermaster and Commissary General, and such, Quartermaster General shall have the custody of all public arms not distributed to the several counties, and shall preserve same in good order in some suitable room as the seat of government until they, are legally disposed of, for which he shall have a reasonable compensation allowed him by the Legislative Assembly.

SEC 11 - All Commissioned officers provided for in this Act shall be commissioned: by the Governor, and on receiving their commission each shall take an oath to be endorsed on the back thereof, before an Officer authorized to administer oaths, that he will support the Constitution of the United States, and faithfully discharge the, duties of his of office according to law.

SEC 12 - The Governor shall fill all vacancies caused by death, absence, resignation or other disability of officers mentioned in this Act; and in regimental and company districts where the people fail to elect officers provided by this Act, it shall be the duty of the Governor to fill such vacancies by appointment.

SEC 13 - If any person elected to an office provided for in this Act shall fail to qualify within thirty days after his appointment or election, the office shall be deemed vacant, and it shall be competent for the Governor to fill the same by appointment.

SEC 14 - Nothing in this Act shall be construed as to prevent companies from electing their own officers after they have been organized.

PASSED JANUARY 26, 1855

Based upon the foregoing Act and his election as Brigadier General of the Washington Territorial Militia, George Gibbs published the following NOTICE in the newspapers of the Territory to effect the initial organization:

NOTICE

The Act of the last session, entitled "An Act to Organize the Militia", provides that at the next annual election, the legal voters in each Council District shall elect one Colonel, one Lieutenant Colonel and one Major, who shall within three months thereafter layoff their regimental district into convenient Company districts, containing as near as may be, one hundred white males between the ages of 15 and 60 years old, capable of bearing arms, and shall appoint one Captain and two Lieutenants in each district as officers therein. Captains of Companies are required to make out lists of persons in their respective districts subject to military duty, and deliver same to their Colonel, who is to forward to the Brigadier General, returns of the regiment. Volunteer Companies may be formed within bounds of regiments, under regulations to be prescribed by the Colonels, and approved by the Brigadier General.

No requisition for arms can be made upon the government of the United States until the enrollment is effected under the provisions of this Act, but, in the meantime, steps have been taken to expedite the business, as also to obtain such books and information as may be useful to officers in effecting the organization of their regiments and companies. -***

Without wishing to trench upon the authority of regiments in the formation of the Volunteer Companies, the undersigned would urgently recommend that such companies be encouraged to organize as speedily as possible, and that notice be forwarded to him of the kind of arms desired by each, that requisition be founded thereon.

GEORGE GIBBS, Brigadier General

Steilacoom, March 18, 1855

HEADQUARTERS MILITIA, WASHINGTON TERRITORY
Olympia, Feby 12, 1855

Sir:

The legislature of this territory having seen fit to appoint me Brigadier General of the Militia and to devolve upon me in the absence or other appointments the duty of organizing the system, I take the liberty of requesting from you copies of the laws of the State of New York on the Militia, of the regulations adopted by some of the volunteer or uniformed companies for their own government and of the regulations and forms used in your own and other officers of the service, in fact any material which in your opinion will serve to aid in establishing our system upon a good basis and of which you may be able to spare copies.

It is in contemplation to arm such companies as are enrolled on the prairies east of the Cascades as Cavalry, probably Mounted Riflemen and those in the forest country of the western side as foot rifles, an arrangement best suited to the character of our country and population. The poverty of the citizens and the sparseness of settlement will prevent our obtaining artillery of which there is great necessity and which otherwise we should introduce as a leading feature. Any suggestions from yourself upon the subject of organization will be very gratefully received, as well as information whether other states have introduced improvements which you think desire able to adopt.

I have the honor to be,

Sir, your obedient servant,

GEORGE GIBBS

TO THE ADJUTANT GENERAL
OF THE STATE OF NEW YORK

Based upon General Gibbs Notice to hold elections and lay off the military districts, it is quite apparent that the elections were held, although there is little record of some of these actions and no record of the enrollments. However, the following elections are of record: Benjamin F. Shaw was either elected or appointed Colonel of Thurston County District; Colonel Isaac N. Ebey for Island-Jefferson County District; Colonel A. B. Moses for Pierce-King County District; Colonel S. S. Sanders for Lewis-Chehalis District; Colonel H. K. Stevens for Pacific-Cowlitz-Wahkiakum District; and Colonel Reuben Riggs for Clark District. The organization apparently satisfied the War Department inasmuch as the Legislative Assembly was informed in December of 1855 that Washington Territory's quota was 2137 Muskets, 100 Rifles, 30 Cavalry Sabers and 208,000 caps for the Fiscal Year ending 30 June 1856. At the time the announcement was made, 1,000 Muskets had been received by General Gibbs at Fort Vancouver Ordnance Depot and were in the process of being distributed to the Counties.

The prompt and efficient action taken by General Gibbs and other Territorial Officials in at least establishing the nucleus of a Militia is credited by many early historians as saving the citizens of Washington Territory from complete annihilation in the Indian Wars of 1855-56.

CHAPTER VIII

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