

HISTORICAL SURVEY OF THE MILITIA IN IOWA 1838-1865

[The term militia is not new to the people of Iowa and the United States, but it has had various meanings at different periods in our history. Even during the same period it has been used to designate different groups of men. At the time of the adoption of the Federal Constitution the militia included nearly the whole effective fighting force of the population designated as "all able-bodied white male citizens between the ages of eighteen and forty-five". This body was wholly unorganized, and existed merely as a totality of individuals available in case of military necessity.

Out of this unorganized militia developed a militia which was based on the civil organization and included all men between the ages of eighteen and forty-five. Usually the men of one county formed a company, battalion, or regiment. This militia—which is found in Territorial Iowa—was at least an outlined organization, with an annual or semi-annual muster and drill.

During the period immediately preceding the Civil War there existed a third type of military organization which was characterized by independent volunteer companies, having no connection with each other except that the officers of all were commissioned by the Governor of the State. Strictly speaking these companies were not militia organizations; nor were they grouped into regiments and brigades. The members were supposed to drill occasionally, but their usual maneuvers consisted of elaborately costumed parades and military balls.

The militia with which we are familiar to-day is known as the National Guard, and consists of regularly organized companies which are grouped into regiments under the joint supervision of the State and Federal authorities. Enrollment in these companies is voluntary; and in no sense do they include the whole of the militia, which still, in theory, includes all able-bodied male citizens of the State between the ages of eighteen and forty-five.

Since the appearance of volunteer companies, attempts have been made to classify the militia by the use of such terms as: "Active" and "Inactive", "Organized" and "Unorganized", "Active" and "Sedentary", "Active Militia" and "Peace Establishment", "Volunteer" and "Reserve", and "Volunteer" and "Enrolled".¹—EDITOR.]

THE MILITIA IN THE UNITED STATES

The militia system of the United States was inherited from England and antedates the Revolution. As early as

¹ Smith's *Militia of the United States from 1846 to 1860* in the *Indiana Magazine of History*, Vol. XV, p. 25.

October 26, 1774, "the Colonial Assembly of Massachusetts, which had been dissolved by the Governor on September 28th, met, voted themselves a Provincial Congress, adopted a scheme for the militia, appointed several general officers, as well as a Committee of Safety to organize the militia, commission the officers and direct their operations in the field, and a Committee of Supplies to procure arms and ammunition."² In 1775 this Committee of Safety organized companies and regiments throughout Massachusetts Bay Colony. Other colonies followed this example, and the militia system was thus established in the New World. These military forces were, of course, under the complete direction and control of the individual colonies.

Thus it will be seen that while "the American Colonies possessed no Regular military force" at the opening of the Revolution, nevertheless "each colony had a force of militia."³ A majority of the men composing this militia were trained in the hardships of the frontier and were good shots and self-reliant, but owing to the lack of organization it can hardly be said that they constitute an effective fighting force for concerted and sustained action. There was also a nucleus of good officers who, having received a thorough training in the French and Indian wars, made first-class soldiers, although they hated discipline.

"The absence of a permanent force of Regular troops", according to one authority on military history, "left the revolting colonies no alternative except to have recourse to such militia as they already possessed, supplemented by whatever recruits presented themselves."⁴ Thus there were in the Revolutionary War many soldiers who had been enrolled in the colonial militia companies.

² Huidekoper's *The Military Unpreparedness of the United States*, p. 5.

³Huidekoper's *The Military Unpreparedness of the United States*, p. 3.

⁴ Huidekoper's *The Military Unpreparedness of the United States*, pp. 4, 5.

By declaring that Congress shall have the power 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", the Federal Constitution perpetuated the colonial military system.⁵ It was further provided that the President of the United States should be Commander-in-Chief of the militia whenever it was employed in the service of the United States. Indeed, more detailed provisions for the militia are found in the Constitution than for any other branch of the military service. The purposes for which it may be called out by the President are specified; and so great was the concern regarding the militia that the second amendment to the Constitution specifically provided that "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."⁶

In conformity with the provisions of the Constitution there was enacted by Congress, in May, 1792, a general law for all militia organizations entitled "An Act to provide for calling out the militia to execute the laws of the Union, suppress insurrections and repel invasions."⁷ By this act the militia system was definitely fastened upon the country. It provided that "each and every free able-bodied white male citizen of the respective States, resident therein, who is or shall be of the age of eighteen years and under the age of forty-five years, except as is hereinafter

⁵ *Constitution of the United States*, Art. I, Sec. 8.

⁶ *Constitution of the United States*, Amendment II.

⁷ *United States Statutes at Large*, Vol. I, p. 264; *Smith's Militia of the United States from 1846 to 1860 in the Indiana Magazine of History*, Vol. XV, p. 21.

excepted, shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company within whose bounds such citizen shall reside, and that within twelve months after the passing of this act; and it shall at all times hereafter be the duty of every such captain or commanding officer of a company to enrol every such citizen as aforesaid, and also those who shall from time to time arrive at the age of eighteen years, and being of the age of eighteen years, and under the age of forty-five years, except as before excepted, shall come to reside within his bounds, and shall without delay notify such citizens of the said enrollment by a proper non-commissioned officer of the company, by whom such notice may be proved.'⁸

This law also prescribed the arms and equipment of the various grades to be procured by the members of the militia. It provided that "the vice-president of the United States, the officers, judicial and executive of the United States, the members of both houses of congress and their respective officers, all custom house officers, with their clerks, all post officers and stage drivers, who are employed in the care and conveyance of the mail of the post office of the United States, all ferrymen employed at any ferry on the post road, all inspectors of exports, all pilots, all mariners actually employed in the sea service of any citizen or merchant of the United States, and all persons who now are or may hereafter be by the laws of the respective states, shall be and are hereby exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years." In addition, special exemption was granted to Shakers and Quakers.⁹

A schedule of organization and officers was suggested

⁸ *United States Statutes at Large*, Vol. I, p. 264.

⁹ *United States Statutes at Large*, Vol. I, p. 264.

but not prescribed by the militia law of 1792. Regimental and battalion musters and inspections were required. It was made the duty of the Adjutant General of each State to make returns of the militia to the Commander-in-Chief of the State and to the President of the United States.¹⁰ In 1803 these returns were required to be made annually and were to include statistics of the arms and ammunition as well as the number of men. In 1808 an annual appropriation of \$200,000 was made by the general government for equipping the militia—the amount of equipment provided for each State being based upon annual returns. In 1816 the regulations of the act of 1792 with respect to the field officers were changed by assigning a Colonel to a regiment in place of a Lieutenant Colonel. Four years later the discipline and field exercise of the Regular Army were prescribed for use by the State militia.¹¹

The militia law of 1792 proved to be both ineffective and inadequate: indeed, its provisions were almost wholly unenforced. No material modification of the law was secured, however, until 1903—although frequent attempts were made to revise or modify it. It is said that no subject, except finance, was more discussed prior to the Civil War.

In the meantime voluntary State action supplied to some extent the lack of legislation by Congress. State organizations sprang up as purely local units; national control dwindled; and there was in reality no such thing as a national militia. As early as 1840 it was generally conceded

¹⁰ By the Ordinance of 1787 the Governors of the Territories and States in the Northwest Territory were made Commanders-in-Chief of their militias. This was true of the original States, too, and that precedent has been followed to date.—*Ordinance of 1787*.

¹¹ *United States Statutes at Large*, Vol. III, p. 295; Smith's *Militia of the United States from 1846 to 1860* in the *Indiana Magazine of History*, Vol. XV, p. 21.

that the system of universal membership in a militia which was obligated to train but one day in the year was a failure. During his administration President Van Buren wrote that "the principal objections to the present system appear to arise from the great and unnecessary extent of the enrolment of the militia held to actual service and who are required to muster and do duty a certain number of days in the year, and from the want of adequate means of inducement to secure a proper instruction; by reason of which this heavy tax is not only rendered in a great degree useless, but is also unreasonably burdensome. . . .

"How far the existing organization and laws passed by the States in pursuance thereof have proved successful in accomplishing the great object in view, viz: the instruction and improvement of citizen soldiers in military tactics, you are able to judge for yourselves. The results were a short time since summed up. . . . [by General Cass, when Secretary of War] 'It is vain to expect that the whole adult population of the country can, or will furnish themselves with the articles required by law; or that their collection, for any number of days they can afford to devote to this object, and under the usual circumstances of such assemblages, can produce any beneficial effects to themselves or their country. Already, in a number of States, the system has sunk under the weight of public opinion'."¹² President Van Buren suggested the recruiting of active militia companies by volunteer enlistment as the logical solution of the problem.

Popular interest in the militia has varied considerably in intensity. In the early days, following the Revolution, spirit ran high and the militia was well supported. As new States were organized they speedily incorporated into their

¹² Extracts from a letter written by President Martin Van Buren to citizens of Elizabeth City County, Virginia, in the *Iowa Territorial Gazette and Advertiser* (Burlington), August 29, 1840.

laws provisions for militia organization. This was generally as far as the matter went. Even the frontier States seemed satisfied that with the old district plan of militia—whose only utility lay in its inadequate facilities for taking the census—they were sufficiently protected from the dangers of Indian attacks.

“Following the stormy times of the war of 1812–15”, says one writer, “there came a period of comparative quiet in militia circles during which time little or nothing was done to improve the system. . . . A number of States tried to awaken Congress to action but without avail and for some time no progress was made.”¹³ While no definite date can be set for the beginning of this decline in interest in the militia, “certain it is that the decline began many years before the Mexican war. The causes for it were many—lack of military necessity; rareness of drill days; expense, and commutation and fines. As the memory of the War of 1812 faded gradually from the public mind, the military spirit also declined. Then it was that the hardships worked by the system became noticeable. The drills in most cases were held on only one day in the year, and that usually in April or October. It took all morning to get the roll called, and it was not until two o’clock that the actual drilling occurred and then the officers in command many times appeared late in the day. In many cases that in itself would have made little difference, for often the officers knew little more than the men, but the loss of time was a real burden. One case at least is on record where the officer in charge was in the habit of reading the orders from printed cards.”¹⁴

¹³ Clarke’s *Official History of the Militia and the National Guard of the State of Pennsylvania*, Vol. II, p. 29.

¹⁴ Smith’s *Militia of the United States from 1846 to 1860* in the *Indiana Magazine of History*, Vol. XV, p. 22.

The special drill and parade days were everywhere regarded as indicative of the interest in the militia. Governor Joseph Ritner of Pennsylvania, in his annual message of 1836, stated that while he was "not among those who judge of its usefulness or efficiency from the motley appearance of a regiment at May parade", nevertheless "it must be borne in mind that all warlike movements in time of peace have more or less of an unnecessary, if not ridiculous appearance. It is only when the stern note of the war drum calls men to defend their homes and kindred, that military parade assumes the character of real necessity." He suggested "the propriety of so amending the law for regulating parades, that all useless waste of time and money may be avoided."¹⁵ It was in this same State, twelve years earlier, that "the Eighty-fourth Regiment, as a joke, and to ridicule the militia, elected John Pluck, an ignorant hostler, its Colonel. . . . Colonel Pluck issued orders for a parade of the First Battalion, under Lieutenant Colonel Norbury, on May 1st, and of the Second Battalion, under his own command, May 19. When Colonel Pluck's battalion paraded, numbers of persons appeared in fantastic costumes, armed with ponderous imitations of weapons."¹⁶

Indeed, from early times "the annual muster day had been the chief social time for the entire neighborhood, the dancing and barbecue always attracting quite as much as the serious business of the day. This festive side of the occasion became more and more prominent as the memory of past wars gradually faded, and the officers took their duties less and less seriously. The appearance of a body

¹⁵ Clarke's *Official History of the Militia and the National Guard of the State of Pennsylvania*, Vol. II, p. 37.

¹⁶ Clarke's *Official History of the Militia and the National Guard of the State of Pennsylvania*, Vol. II, p. 32.

of militia on training day has been likened to a burlesque on all things military."¹⁷ Their arms were usually as ludicrous as their costumes, their customary weapon giving them the name of "corn-stalk militia".

By 1840 the condition of the militia began to alarm some interested people, and as a result Congress appointed a committee to investigate the condition of the militia and to make suggestions for its improvement. Although the report of this committee got no decent hearing in Congress, many of the States heeded its advice.¹⁸ Volunteer companies now came into general favor. Nowhere were they a success, however, and so the whole system again collapsed. Immediately after the Mexican War there was a slight revival of interest in military affairs and volunteer companies were again organized. During the decade preceding the Civil War there was likewise a decided upward trend in military spirit when people began to realize that they possessed no military strength.

Soon after the Civil War the organized militia in the various States came to be known as the National Guard. This designation is said to have originated at the time Lafayette visited America in 1824, when the famous Seventh Regiment of the New York militia adopted this name in his honor — after the "Garde Nationale". In 1862 the State of New York adopted the term to describe its organized militia. Other States followed this example, and to-day in most States the active militia is known as the National Guard.

In 1887 the annual appropriation of \$200,000, which had been made in 1808 for the equipment of the militia, was in-

¹⁷ Smith's *Militia of the United States from 1846 to 1860* in the *Indiana Magazine of History*, Vol. XV, p. 31.

¹⁸ Smith's *Militia of the United States from 1846 to 1860* in the *Indiana Magazine of History*, Vol. XV, p. 24.

creased to \$400,000. This fund was to be apportioned among the States in proportion to the number of Senators and Representatives to which they were entitled in the Congress of the United States.¹⁹ In 1900 this appropriation was fixed at a million dollars annually.²⁰

Finally, in 1903, a fundamental change in the militia law was undertaken by Congress in an "Act to promote the efficiency of the Militia"—better known as the "Dick Bill".²¹ The fundamental purpose of this act was to unify and bring into harmony the different branches of the military establishment—to make the militia and the Regular Army serve the same end. It was not to take the place of State action, but to supplement that action.

This act provided that the "militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-five years of age, and shall be divided into two classes—the organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, and the remainder to be known as the Reserve Militia."²² Throughout the act, however, the terms "National Guard" and "Militia" are used interchangeably to designate the organized militia.

The act further provided that within five years after its passage the organization, armament, and discipline of the National Guard should be the same as that of the Regular

¹⁹ *United States Statutes at Large*, Vol. XXIV, pp. 401, 402.

²⁰ *United States Statutes at Large*, Vol. XXXI, p. 662.

²¹ So named after Major General Charles Dick, of the Ohio National Guard, then a member of the House of Representatives and chairman of the Committee on the Militia.

²² *United States Statutes at Large*, Vol. XXXII, Pt. 1, p. 775.

Army. Arms, ammunition, and military supplies were to be issued to the organized militia of the States by the United States government. Inspection of militia companies by army officers was prescribed. There was also provision for the participation of the militia or National Guard in joint maneuvers with the Regular Army²³ under the command of a Regular Army officer. Members of the militia companies were required "to participate in practice marches or go into camp of instruction at least five consecutive days, and to assemble for drill and instruction at company, battalion, or regimental armories or rendezvous or for target practice not less than twenty-four times" each year.

While it had some defects the Dick Bill was a great advance in militia legislation. In an address before the Fifth Annual Convention of the Interstate National Guard Association of the United States, held at Columbus, Ohio, on May 4 and 5, 1903, Secretary of War Elihu Root explained the idea and importance of this law, and gave the following summary concerning the militia from early times to 1903:

In determining what is the leading idea, the controlling purpose of this law, it is necessary to go into the condition which the law met—into the history of the militia of the United States. It is familiar to us all that the original idea of the founders of the Republic was, that the entire body—the male population of the country—should constitute the militia; that we should rely very little upon a standing army, but that the able-bodied male citizens

²³ "In the closing 80's effort was made by the War Department to assist the militia, by allowing portions of the Regular Army of certain large garrisons to participate in encampments with State troops.

"This plan of voluntary cooperative effort, by tacit understanding between the Regular Army and the militia in certain sections, was begun and conducted for some time without any official formal sanction of either State or Federal law, and went on from year to year, on a more or less limited scale, without any officially announced prearranged plans of coordinated effort."—*Annual Report of the War Department, 1917, Vol. I, p. 847.*

of the United States between the ages of eighteen and forty-five,—each one of them—should be a member of the militia; each one of them should keep in his own home the gun and the powder horn and the bullets and the various accouterments necessary to enable him to go out and defend his country when he was called.

We all know, too, that the expectation failed to be realized in practice. We know that almost immediately after the passage of the original militia bill, in 1792, the Presidents of the United States, down, seriatim, commenced to ask Congress for further legislation regarding the militia; that Washington asked for it; Jefferson asked for it; Madison asked for it; and almost every administration since has sought to strengthen it.

The original militia system, based upon that idea, never worked, and as time passed on and the conditions of life became more complicated, it became less and less possible that it should be operative, until it was absolutely a dead letter, absolutely obsolete; so that we presented the extraordinary spectacle of a great country, a great people, whose principles were opposed to the maintenance of any considerable standing army, relying upon a citizen soldiery for its defense, and yet which had no law under which any preparation for defense whatever was made.

That was the situation which existed, so far as the national preparation for defense went, down to the last session of the last Congress [1903].

In the meantime there had grown up in the states themselves bodies of state troops, troops for the immediate and constant uses of the state; and those troops, although called the "National Guard", were practically the army of Pennsylvania, of New York, of Ohio, of Georgia, of the different states by which they were maintained, and under the command of whose governors they acted; a separate and independent system, linked to the National Government only by the fact that quite late in their history,—but a short time ago—an appropriation was made by Congress to be distributed among the different states *in accordance with their representation in Congress*, without any reference to whether they had a large or small National Guard.

These bodies of troops were not organized as a rule with reference to the service of the United States; they were organized as a rule

with reference to continuing as state troops, and not becoming national troops under any circumstances.

Under those conditions this bill was passed to recognize the fact that National Guard organizations are the great school of the volunteer to which the country must look, in order that its young men, when they go out to fight the battles of their country, shall find officers competent to lead them, to transport them, to equip them, to feed them, to keep them in health, and lead them against the enemy.

That is the fundamental idea of this law: to adopt as the basis of the popular militia system the National Guard organizations; to recognize the fact that those organizations are the great school of the volunteer soldier, and to take upon the shoulders of the United States the fair share of the burden of maintaining these organizations, which are proportionate to the advantages the nation will get from them.²⁴

Under this law the militia organizations of the several States steadily increased in efficiency and value until at the time of the World War they were able to furnish capable soldiers and competent officers. In 1914 the National Guard was made the second line of defence for the protection of the country.²⁵ The National Defense Act of June 3, 1916, brought the National Guard still further under the control of the Federal government and made it available for service in any part of the United States. This act also created the National Guard Reserve. Then on July 1, 1916, the President was given authority to draft the National Guard into Federal service for service along the Mexican border.²⁶ Undoubtedly the extensive training which resulted from this act, was in a large measure responsible for the good showing of National Guard regiments in France two years later.

²⁴ Root's *Military and Colonial Policy of the United States*, pp. 139-141.

²⁵ *United States Statutes at Large*, Vol. XXXVIII, Pt. 1, p. 347.

²⁶ *United States Statutes at Large*, Vol. XXXIX, Pt. 1, pp. 339, 340.

The important feature of the legislation of 1916 was the dual enlistment oath, which bound the officers and enlisted men to Federal as well as State service. Another important provision of the act of 1916, was the abolition of the National Militia Board, created by act of May 27, 1908. The Division of Military Affairs in the office of the Secretary of War, already organized as a sub-division of the office of the Chief of Staff by War Department orders was merged into the Militia Bureau of the War Department.

Again, on May 18, 1917, the President was given authority to "draft into the military service of the United States, organize, and officer (under the National Defense Act) . . . any or all members of the National Guard and of the National Guard Reserves . . . for the period of the existing emergency unless sooner discharged."²⁷

Under the authority of this act the National Guard of the several States to which Federal recognition had been extended was drafted into Federal service on August 5, 1917. "This induction", the War Department ruled, "discharged those so drafted from the militia and separated them entirely from the service and jurisdiction of the States concerned. They became a part of the Army of the United State for service therein during the period of the war, subject to the statutes and regulations governing the Regular Army in so far as these pertain to temporary forces."²⁸

In all, some eighteen divisions of National Guard troops, with approximately 12,000 officers and over 360,000 enlisted men were thus mustered into Federal service.²⁹ Some States possessed at this time partial organizations which were not recognized as National Guard units. Of these,

²⁷ *United States Compiled Statutes, Temporary Supplement*, 1917, p. 61.

²⁸ *Annual Report of the War Department*, 1918, Vol. I, p. 1101.

²⁹ *Annual Report of the War Department*, 1918, Vol. I, p. 1108.

some were disbanded and others completed. These units were subject to draft at the order of the President, but there was much confusion as to their status. Some States, indeed, organized units of local State guards, bearing the expense without Federal aid.

Nearly all of the National Guard troops are now home from Federal service and mustered out. Although most of the States are now without an organized militia or National Guard, efforts are being directed toward the reestablishment of the Guard.

THE TERRITORIAL MILITIA — MICHIGAN PERIOD

The military history of Iowa is traced through Wisconsin Territory and Michigan Territory. While the jurisdiction of Michigan Territory was extended over the Iowa country in 1834 it is doubtful if there was any military organization in the Iowa country under the Michigan militia laws. At the same time it appears that these laws had an influence in determining the militia policy in early Iowa.

By a provision of the Ordinance of 1787 which was carried over into the Organic Act of Michigan, the Governor of the Territory was made *ex officio* Commander-in-Chief of the militia; and as early as 1805 the Governor and Judges enacted a statute providing for the militia. The provisions of this law were taken from the then existing laws of Ohio, New York, Virginia, and Massachusetts on the same subject. Section one, taken from the laws of Ohio, prescribed that "every free, able-bodied, male inhabitant of the territory of Michigan, of the age of fourteen years, and under the age of fifty years, shall severally and respectively be enrolled in the militia, by the captain or other commanding officer, within whose limits such person shall reside."³⁰ Each regiment was to be commanded by

³⁰ *Laws of the Territory of Michigan*, Vol. I, p. 47.

a Colonel—the provision of the New York law being adopted in this matter rather than that of the general government. It was provided, too, that “the age and ability to bear arms, shall be determined by the captain or commanding officer of the company”. Provision was made for organization, personnel, equipment, rank, parades, courts martial, and the like.

This early law was altered and amended from time to time. On February 10, 1809, a law similar to that of 1805 was compiled from the laws of Ohio, New York, Virginia, Vermont, and Connecticut. The first Monday in May was made the day of annual review and inspection, “for the express purpose of examining and taking an exact account of every man’s arms and equipments”. Relief was provided for the wounded and for the widows and children of any who might be killed.³¹

Not all of the alterations and amendments of the Michigan militia laws have been preserved. For instance, the laws of Michigan contain the following reference to a militia act passed on January 15, 1812: “The original roll of this law has been lost, and the only copy, now to be found, is so imperfect, as to render it inexpedient to print it.”³² Another “lost” act is that of March 15, 1821.

Practically every year witnessed some change in the Michigan militia law. In 1816 provision was made for punishing militia officers who refused to obey the summons of the Governor in certain instances.³³ In 1818 the age limits for militiamen were fixed at eighteen and forty-five.³⁴ On April 6, 1820, a law was passed making it unlawful for the militia to exercise or parade on the day of an election,

³¹ *Laws of the Territory of Michigan*, Vol. II, pp. 51, 53.

³² *Laws of the Territory of Michigan*, Vol. I, p. 203.

³³ *Laws of the Territory of Michigan*, Vol. I, p. 225.

³⁴ *Laws of the Territory of Michigan*, Vol. II, p. 137.

“except in case of invasion, or insurrection, or except within their ordinary cantonments”.³⁵

Another law of the same year, adopted from the laws of Massachusetts, New York, and Ohio, repealed all former laws on the subject and made even more elaborate provisions for the militia. According to this act the militia was to include all free, able-bodied, white male citizens of the United States residing in the Territory, together with all aliens who had at any time been property holders in the Territory or whose fathers owned property there. The age limits remained the same. Exemptions included “the persons exempted by the laws of the United States, and all priests, ministers of the gospel, physicians and schoolmasters”.³⁶ Very detailed provisions were contained in this law. Companies were to maintain an enrollment of at least thirty privates. Company, regimental, and battalion parades were authorized; the procedure in courts martial was prescribed in detail including the fines and forms; reports to the Adjutant General were required; and authority was given for drafting men when necessary.

An act of March 15, 1821, provided for a Judge Advocate General for the Territory, and one of August of the same year made certain concessions as to the substitution of company parades for regimental or battalion parades when the distance was great.³⁷ In April, 1825, all militia laws were consolidated into one comprehensive act of some sixty sections; and two years later this legislation was extensively amended by detailed provisions for company, battalion, and regimental musters, as well as drills for officers. Firemen were at this time exempted from military duty. At this time, too, it was decided that the Adjutant General

³⁵ *Laws of the Territory of Michigan*, Vol. I, p. 529.

³⁶ *Laws of the Territory of Michigan*, Vol. I, p. 542.

³⁷ *Laws of the Territory of Michigan*, Vol. I, p. 233.

should be given \$50 annually "for books, stationery, and in full for all his services as such, payable quarterly". In 1828 the clerks, officers, and messengers of the Legislative Council were exempted from military duty; and in 1831 a third brigade was established.

The Michigan statute which was in force during the time that Iowa was a part of that Territory was an "Act to organize the Militia", approved on April 23, 1833. This law was a consolidation of previous laws with a few changes and additions. Provision was made for the organization of the militia and for the selection of officers. The usual exemptions were allowed, with the addition of "all teachers of schools and other seminaries of learning, and all ferry-men and millers actually employed within the Territory". Firemen to be exempted must belong to a company having an engine.³⁸ The militia was to consist of "all able bodied free white male citizens, and every able bodied alien within this Territory: *Provided*, That such alien shall have been or resided in this Territory or the United States three years, and the sons of every such alien, who may be between the ages of eighteen and forty-five years".³⁹

Provision was made in this act for an Adjutant General's Department, a Quartermaster General's Department, a Paymaster's Department, a Hospital Department, Chaplains, a Judge Advocate General, aides, and a non-commissioned staff. The militia was to "rendezvous by companies in their respective beats, on the first Tuesday in May in every year, at nine of the clock in the forenoon, for the purpose of improving in martial exercise; and also once in each year, between the first and last days of October, by regiment or separate battalion, at such time and place as

³⁸ *Laws of the Territory of Michigan*, Vol. II, pp. 235, 582, 671, Vol. III, pp. 870, 1220.

³⁹ *Laws of the Territory of Michigan*, Vol. III, p. 1221.

the commanding officer of the brigade shall direct, for the purpose of inspection, review, and martial exercises".⁴⁰

THE TERRITORIAL MILITIA — WISCONSIN PERIOD

Wisconsin became a Territory separate from Michigan in 1836, and in his first annual message to the legislature Governor Henry Dodge advised that provisions should speedily be made for organizing the militia. These were his words:

The organizing and arming of the militia I consider a subject of great interest to the future peace of the people of this territory, from the great extent of our exposed and defenceless frontiers — situated, as they are, without arms and ammunition, is a state of things calculated to invite a sudden attack from the numerous Indians bordering on our territory. We are now in a state of peace, and it is the proper time to make the necessary preparations to guard against future events. Experience should teach us, and the existing war in the South with the Seminole Indians admonishes us, of the necessity of being prepared. I would recommend the passage of a law organizing one company of volunteer mounted riflemen in each of the counties of this territory, to be composed of sixty men each, exclusive of officers, and non-commissioned officers, with the privilege of electing their officers, to be uniformed and held at all times in readiness to take the field. These companies of mounted riflemen should by law be obliged to muster once during each of the summer and fall months, and every two months during the spring and winter months. Mounted riflemen are the most efficient troops for the protection and defense of our frontier settlements. I would recommend the passage of a law, making it the duty of the Adjutant General of the militia to make a tour of muster and inspection of the militia in each of the counties in this territory, for the purpose of drilling the officers of each regiment of militia, three days in each year before each regimental muster; and, after the muster and inspection of arms, it should be made the duty of the Adjutant General of the militia to report the strength of the militia of each regiment, with the state and condition of

⁴⁰ *Laws of the Territory of Michigan*, Vol. III, p. 1223.

their arms: this report to be made annually to the commander-in-chief of the militia. These returns are important to enable the territory to procure from the general government her proportion of the public arms, according to her numbers. The Adjutant General of the militia should receive a liberal compensation, by law, for his services. I would recommend to the Legislative Assembly the justice and propriety of asking of Congress, a deposit in this territory of three thousand stand of arms for the use of the citizens in the event of an Indian war—one-half the number asked for to be rifles, and the remainder muskets, with fixed ammunition prepared sufficient for a campaign of four months. In addition to the rifles and muskets proposed, I would recommend there should be added four light brass field-pieces, not to exceed in weight three hundred pounds, (three pounders,) fixed on carriages, with a supply of fixed ammunition for them. Experience has proven to us that in the first stages of our difficulties with the Indians, we have to depend on our own resources; the granting us the privilege of a deposit of arms might be a great saving to the government in a pecuniary point of view, and might be the means of saving many valuable lives in the event of an Indian war.⁴¹

Here was a real program for the militia—comprehensive, efficient, and adequate—put forth by a military leader who knew what was needed and proposed to see it accomplished. Here for the first time there is evidence of a genuine attempt to secure an efficient local militia. Governor Dodge knew the dangers and the methods of frontier Indian warfare; he knew that the ordinary militia organization was farcical; and he wanted mounted riflemen who really drilled, who had arms and ammunition, and who were inspected and drilled by competent officers of their own choosing. Whatever may be said at a later date in criticism of the election of militia officers by the men themselves, this system was certainly an improvement upon the one previously in vogue—that is, the appointment of political friends by

⁴¹ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 9, 10.

the Governor. Furthermore, Governor Dodge knew the worth of a well paid Adjutant General who knew his business and could secure the proper returns from his militia officers; but it was years before the Adjutant General was accorded a salary commensurate with his services.

But this clear statement of the need for an intelligent program did not produce the desired militia legislation: the first Legislative Assembly of the Territory of Wisconsin adjourned without having enacted a militia law. Nevertheless there is evidence of militia organization soon thereafter: in the Wisconsin Territorial archives there has been preserved the commission of A. J. Vieau as "first lieutenant of the 9th company of the 3rd regiment, composed of the original county of Milwaukee", signed by Governor Henry Dodge at Mineral Point, Wisconsin on June 1, 1837.⁴² As a matter of fact General Dodge did not even wait for the Assembly to sanction his action, but proceeded—apparently under authority of the militia law of Michigan—to organize the militia of Wisconsin Territory. The following notice is found in a Dubuque paper of September, 1836:

I am desirous that a poll should be opened at the general election, for the election of Field Officers of the Militia, to wit:—one Colonel, one Lieutenant Colonel, and one Major, for the County of Du Buque—the returns to be made, in same manner that the general returns made, to this Executive Office.

HENRY DODGE.

To the Sheriff of Du Buque County.⁴³

There were at this election four candidates for Colonel, two for Lieutenant Colonel, and three for Major. W. W. Chapman was elected Colonel, Paul Cain was chosen Lieutenant Colonel, and William S. Anderson was named Major

⁴² *Wisconsin Historical Collections*, Vol. XI, p. 230.

⁴³ *Dubuque Visitor*, September 21, 1836.

—all for the County of Dubuque, Wisconsin Territory. Undoubtedly a similar election was ordered and held in Des Moines County. On December 1, 1836, Governor Henry Dodge submitted to the Council of the Legislative Assembly of Wisconsin Territory nominations for militia officers in the several counties. For Dubuque County the nominees were William W. Chapman, Paul Cain, and William S. Anderson, the men chosen by the people. For Des Moines County, Berryman G. Wells was nominated to be Colonel, Oliver Cottle to be Lieutenant Colonel, and Presley Chalfant to be Major. These nominations were confirmed December 1, 1836.⁴⁴ The counties of Demoiné and Dubuque, lying west of the Mississippi River in what is now Iowa, had been created in September, 1834. These officers were, therefore, in all probability the first militia officers within the present boundaries of Iowa. A general order, dated December 15, 1836, ordered an election in both Dubuque and Demoiné counties but no election was held in Demoiné County.⁴⁵ Soon after this, Governor Dodge appointed Paschal Bequette and Peter H. Engle as aides to the Commander-in-Chief with the rank of Colonel, G. P. Kingsbury as Adjutant General with the rank of Colonel, and Hans Crocker as private secretary to the Commander-in-Chief with the rank of Major.⁴⁶

While Iowa was still a part of Wisconsin the militia was once actually mobilized, according to an early settler who has left a description of "our military trainings". The account as given by this pioneer is as follows:

There was upon a time rumors and fears among many of the good people of Wisconsin, and even our truly brave and worthy

⁴⁴ Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. III, p. 311; *Du Buque Visitor*, October 19, 1836.

⁴⁵ *Iowa News* (Dubuque), October 14, 1837.

⁴⁶ *Du Buque Visitor*, December 14, 1836.

Gov. Dodge was of the same opinion, that the remnants of all the lost tribes of Indians, from the Six Nations to the Sacs and Foxes, would be down upon us with a vengeance. So the militia must be organized, armed and equipped. The edict went forth and suddenly there was a mustering in the land. Companies were commanded to assemble on such a day, on such a forty, or such a quarter section, in a particular town and range of the Milwaukee Land District, in Walworth County; and the regiment was commanded to rendezvous on a particular day at the county seat. Oh, for the pen of Irving to describe what transpired! They came, as our friend Cravath hath it—some with hats, and some without; some had coats, and some hadn't; some had shirts on, and some hadn't; and all armed with all manner of weapons from sticks upward. And then as to their maneuverings and their lines of battle. Falstaff and his doughty heroes were veterans to them. School boys a snow-balling, a Virginia worm fence built through the woods by moonlight, are feeble comparisons. Some were armed with pocket pistols in the shape of junk bottles, and they were loaded, weren't they? And they discharged them, didn't they?⁴⁷

The gaps in the records of the early militia of Wisconsin and Iowa are wide, and in places unbridgeable. Because of the scarcity of the records, conjecture must in many places be substituted for actual knowledge. There are records enough to indicate that changes occurred, but no satisfactory account of the events themselves. For example, how did the militia organization of Wisconsin in 1836 succeed? Little is known of its activity, its success, or its failure. Almost a year later we find orders for company, battalion, and regimental musters and elections, and mention of certain volunteer companies which were probably the forerunners of the "active" militia. There was at this time a new Adjutant General for the Territory, and Colonel W. W. Chapman had resigned. Whether or not these changes were due to lack of interest in an inactive paper militia can not be determined. The military orders, at least, were

⁴⁷ *Wisconsin Historical Collections*, Vol. VI, pp. 470, 471.

in better form than those produced at a much later period. General Order No. 1 of the Wisconsin militia for the year 1837 is important enough to be included in its entirety:

Head Quarters, Adjutant General's Office,
MINERAL POINT, Sept. 29, 1837

1. The Commander-in-Chief being desirous that the organization of the militia of the Territory should be completed as early as possible, has formed the regiment and extra battalion, into two brigades. The 1st brigade consists of the regimental districts composed of the original counties of Iowa, Du Buque, Des Moines, and Crawford. The 2nd brigade consists of the regimental districts, composing the original counties of Brown & Milwaukee.
2. Col. William S. Hamilton, will assume the command of the first brigade, and Col. Jonathan Whelock, the command of the second brigade.
3. The Colonels or commanding officers of the different regimental districts and the extra battalion now organized, will muster their respective commands between the first and last days of October, at such times and places as the commanding officers of the brigades may direct, and immediately thereafter make a full and complete return to the commandant of the brigade to which they belong. Those returns must contain the names of the officers, their rank, dates of their commissions, corps to which they belong, and the places of their residence. Also — the names of the non-commissioned officers, musicians, and privates, the number, kind and quality of their arms and accoutrements.
4. The commandants of brigades will then consolidate those returns and furnish the Adjutant General with a roster.
5. The volunteer companies are considered as being attached to the regiments within the limits of which they have been formed, and they will be mustered at the same times and places designated for the mustering of the regiments.
6. As the elections for company officers in the regimental district composed of the original county of Des Moines was not held in obedience to the general order issued from this office dated the 15th of December last, the Commander-in-Chief repeats the order that the Colonel or commanding officer, shall, with as little delay as possible, divide his district into beats or company districts; and

order the elections of company officers to be held therein. Each company will consist of one Captain, one 1st Lieutenant and one 2d Lieutenant, and not more than 64 nor less than 30 men, including non-commissioned officers.

7. As soon as the elections shall have been held, and the returns made to the Colonel or commanding officer of the district, he will forward a list of the company officers to this office, and direct the captains to make the enrollment of their districts agreeably to law. The captains will then forward their muster rolls of their companies to the Colonel or Commanding officer, who will consolidate them and transmit them to the office of the Adjutant General.

8. Although the Commander-in-Chief is not aware of any probable interruption of the present relations which exist with the neighboring tribes of Indians, yet he believes that the most certain means of preventing aggression is to be always ready to repel it, he therefore repeats the wish that a company of mounted riflemen or dragoons should be formed in each regimental district, to hold themselves ready armed and equipped, to take the field upon the shortest notice.

9. To those gentlemen who have already associated themselves in volunteer companies the Commander-in-Chief presents his thanks.

By Order of the Commander-in-Chief,
 GEORGE CUBBAGE,
 Adjutant General.⁴⁸

Five days later the following order was issued from the headquarters of the First Brigade:

Brigade Head Quarters
 Mineral Point, Oct. 4, 1837.

PURSUANT to Order, No. 1, of the Commander-in-Chief, dated Sept. 29, 1837, the first Brigade, which consists of the regimental districts composed of the original counties of Iowa, Du Buque, Des Moines, and Crawford, will muster on the 28th of October, either by Regiment or Battalion, at the county seat of the county composing such Regt. or Battalion, excepting the first Regt., the first Battalion of which is composed of the new counties of

⁴⁸ *Iowa News* (Dubuque), October 14, 1837.

Iowa, Green and Dane, and will be mustered by Lieut. Col. Abner Nichols at Mineral Point, and the second Battalion, composed of the county of Grant, will be mustered by Major R. W. Gray at Lancaster. The several commanders will issue orders to that effect, and make returns to me at Mineral Point.

WM. S. HAMILTON
Col. Commanding 1st Brigade.⁴⁹

Pursuant to this order there was issued what is perhaps the first militia order in the Iowa country.

REGIMENTAL HEADQUARTERS,
Du Buque, Oct. 12, 1837.

IN obedience to Brigade Orders, dated 4th inst. the Captains or commanding Officer of the respective companies in the 4th regiment, will muster their commands on Saturday the 28th inst. at 10 o'clock, A. M. in town of Du Buque, with arms and accoutrements for drill and parade.

PAUL CAIN
Lieut. Col. Com.⁵⁰

On the day the regimental order appeared, a notice was inserted in a local paper to the effect that "on the same day, an election for Colonel, 4th Regiment W. M. to fill the vacancy occasioned by the resignation of W. W. Chapman, will be held in Du Buque." There was also a vacancy in the office of Lieutenant Colonel of the same regiment. This vacancy had been reported to Governor Dodge and Mr. David Sleator was recommended for the position. He was represented as "an old settler of this County and from his gentlemanly deportment and high standing as a citizen, warrant us in saying, that his appointment to that office would give general satisfaction, as well as greatly aid the organization of the militia of this part of the Territory." Mr. Sleator was nominated and made Lieutenant Colonel

⁴⁹ *Iowa News* (Dubuque), October 14, 1837.

⁵⁰ *Iowa News* (Dubuque), October 14, 1837.

of the Fourth Regimental District on January 15, 1838. The election which had not been held for company officers in Demoin County in 1836, and which was again ordered by General Order No. 1, dated September 29, 1837, above, must have been held in December, 1837, for on December 30, 1837, an election was held "pursuant to orders at the house of John Burkharts. Burkharts point in Township 71 in the County of Demoin, Wisconsin Territory". James Hedrick was elected Captain. There were no candidates for Lieutenant or Ensign.⁵¹

In 1838 the headquarters of the Wisconsin militia was within the Iowa country. General Order No. 1 of that year was issued on the twenty-third of January from the office of the Adjutant General in Burlington. By this order some of the regimental districts were relocated because of the changes and divisions in counties. The fourth, tenth, eleventh, and twelfth regimental districts were west of the Mississippi. Dubuque, Delaware, and Buchanan counties formed the fourth district; Jackson, Jones, Linn, and Benton counties composed the tenth; Clinton and Scott counties made up the eleventh; and the twelfth district included Cedar, Johnson, and Slaughter (now Washington) counties. In Clayton County the militia was constituted a separate battalion. The Commander-in-Chief was desirous that all offices should be filled; and so, if the people neglected to elect, the commanding officer of the regiment or battalion was authorized to appoint the subordinate officers. Again, the hope was expressed that each regiment would include one or two companies of mounted riflemen.⁵²

Although Governor Dodge had proceeded with the organization of the militia without action on the part of the Wis-

⁵¹ Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. III, pp. 295, 296, 308, 318, 319; *Iowa News* (Dubuque), October 14, 1837.

⁵² Document in Archives Division, Historical Department, Des Moines, Iowa.

consin Legislative Assembly, he continued to press for adequate legislation. In his annual message of November 7, 1837, he again emphasized the importance of the militia in the following words:

The organizing and arming the militia I consider a subject of the first importance to the safety of the frontier citizens of this Territory. The militia of the territory have been formed into two brigades, composed of five regimental districts and one battalion district. Elections have been held for the field and company officers, and all the districts, with the exception of one regimental district, have been organized. Five companies of volunteer mounted riflemen, and one of dragoons, have been formed and officered. I earnestly recommend to the Legislative Assembly the propriety of addressing a memorial to the War Department of the Government, asking a supply of arms for the use of the volunteer companies now organized, and for the militia of the territory. I would suggest the propriety of asking for four thousand stand of arms, one-half rifles, and the remainder muskets; and, in addition, I would propose that two hundred pistols and swords should be furnished for the use of volunteer companies of dragoons, with the addition of four light brass field pieces, not to exceed three hundred pounds in weight (three pounders) on carriages, with fixed ammunition for a campaign of four months. [This is practically what he wanted a year previous, with an additional thousand stand of arms.] The Indians of the frontier of this territory are now in a state of peace, but such is the restless disposition of all Indians, that it is difficult to determine when they will commence their attacks on our frontier inhabitants. This is the proper time to make the necessary preparations to preserve the peace that now exists with them. From the great extent of the frontiers of this territory, and the numerous Indians located on our borders, it is important to the safety of the inhabitants, that protection should be afforded them by the Government, which can only be done by having a mounted force stationed at some suitable point on the Upper Mississippi, in advance of our most exposed settlements. Two hundred mounted troops, under the command of a field officer, would be sufficient to range the country from the Mississippi to the

Red Cedar, Iowa and Des Moines rivers. This movement of troops would be a direct check on the Indians who might be engaged in war with each other. Mounted troops ranging the country east of the Mississippi and south of the Wisconsin river to Fort Winnebago, would prevent the frequent incursions of the Indians upon the weak and unprotected settlements bordering on that frontier. I recommend, therefore, that a memorial be addressed to the War Department, requesting to have a mounted force posted in advance of the frontier settlements as early in the next spring season as the grass will sustain the horses. The Indians on the borders of the frontier settlements must see and feel, if necessary, the power of the government to enforce a strict observance of treaties between them; and the presence of mounted troops will produce that dread in the minds of the Indians, which is necessary for the growth and prosperity of the territory, as well as the safety and security of its inhabitants.⁵³

About the same time there had been some trouble in the southern part of the Territory over the Missouri boundary line. "It would certainly be an unpleasant state of things," wrote the Governor, "for the constituted authorities of this territory to come into collision with those of the state of Missouri: so far, however, as it rests with me, no encroachments on the rights of our citizens will be permitted, without resistance."⁵⁴

During the session of the Legislative Assembly to which this message was addressed there was passed "An act relating to the militia, and public defense of the territory of Wisconsin", which was approved on January 17, 1838. This was a statute covering some thirty-three pages and was divided into eight titles. Title I prescribed who should compose the militia and who should be exempted. Title II related to the "Appointment of militia officers and the ten-

⁵³ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 19-21.

⁵⁴ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 23.

ure of their offices." Title III was "Of the enrollment of persons subject to military duty." Title IV was "Of the organization, uniform and discipline of the militia." Title V was "Of the several parades and rendezvous of the militia." Title VI was "Of courts of inquiry and courts martial." Title VII was "Of penalties, fines, fees, and expenditures." Title VIII was "Of the duties of certain staff officers, and of various matters connected with their respective departments," which included the Adjutant General and the Commissary General.

Here was a comprehensive statute. But how did it compare with the recommendations and suggestions of Governor Dodge? All militia officers except those of the staff were to be nominated by the Governor and appointed by him with the advice and consent of the Council. The requirements for drilling, while greater than before, did not measure up to his suggestion. One hundred and fifty dollars per annum was allowed the Adjutant General for his services. These provisions reveal the fact that the law simply provided for the continuation of the paper militia which had become so general. On the statute books the act looked good, with its provisions for a Paymaster General, a Commissary General, a Surgeon General, a Quartermaster General, Judge Advocate General, and all the Brigadier Generals, Colonels, Lieutenant Colonels, and Majors. Details were included for the conduct of courts martial and for the collection of fines. There were provisions for brigades, regiments, battalions, companies, platoons, and squads, together with designation of arms and equipment and individual trappings and hangings for each non-commissioned officer; but as a basis for an actual drilling force the law was almost useless. Companies were to parade twice each year and, in addition, were to rendezvous "not less than three nor more than eight days in each year"—

in which provisions we see the beginnings of the summer militia camps so common in recent years. Regiments and battalions were subject to annual review and inspection. Special drill was prescribed for officers and non-commissioned officers.⁵⁵ Just how fully this organization was actually carried out is uncertain, but it is recorded that in June, 1838, Governor Dodge appointed Ebenezer Childs of La Crosse as Commissary General with the rank of Colonel.⁵⁶

THE TERRITORIAL MILITIA — IOWA PERIOD

Interest in military affairs was at low ebb when the Territory of Iowa was created in 1838. But Iowa was a frontier Commonwealth and there was a feeling that a militia was necessary.

And so Governor Robert Lucas, in his first annual message to the Legislative Assembly on November 12, 1838, offered the following advice:

It has been frequently said, "that to be prepared for war, is the most effectual way to secure peace." This declaration may be emphatically applied to our present situation.

The numerous hordes of warlike Indians occupying our northern and western boundaries, and the restless disposition manifested by some of them, should admonish us to be prepared to defend the Territory against attacks from any quarter, under any circumstances and on all emergencies.

Should the Indians be disposed to hostilities, our frontier from St. Peters to Missouri, would be exposed, and from the position of the United States' troops, we need expect but little or no assistance from them; thus situated, it becomes our duty to prepare to defend ourselves against any possible attack from our Indian neighbors.

This preparation can only be effected by efficiently organizing and disciplining the Militia of the Territory. I am fully satisfied

⁵⁵ *Laws of the Territory of Wisconsin, 1836-1838*, p. 276.

⁵⁶ *Wisconsin Historical Collections*, Vol. IV, p. 190.

that were the Militia of the Territory properly organized, equipped and disciplined, that we could defend ourselves against any Indian force that could be brought against us. I therefore call the attention of the Legislative Assembly in an especial manner to this subject, and request that they may pass a law giving to the Militia of the Territory a perfect organization, so as to render them a prompt and efficient defence.

In arranging the details of a Militia law, it should be explicit — 1st, in its organization; 2d, in the distribution of powers and duties to the officers and privates — 3d, the fines and penalties imposed, and the punishments to be inflicted for neglect of duty; vesting in the different grades of officers certain discretionary powers, and holding them strictly accountable for an abuse of them.

I would recommend that the Territory at first, be divided into three divisions, six brigades, and twelve regiments — and that you provide by law, for raising and organizing one company of Artillery in each division, and one company of Rangers to each regiment, to be mounted and armed with rifles, rifle pistols, and short swords. These Rangers would be most efficient against an Indian force, were they armed with Hall's carbines, a brace of rifle pistols with holsters and cartridge boxes, containing cartridges, suited to the bore of the pistols; and when dismounted to have the pistols in a belt, and a short sword. This sword to be most formidable in Indian fighting, should be a short blade about 18 inches in length, strong and double edged, to be used as occasion might require, either to cut away the brush, vines or other obstacles in pursuing the Indians into their hammocks or places of retreat, or as a weapon of defence in close combat with an enemy.

I am satisfied that troops thus organized, equipped, and *disciplined, expressly for Indian fighting, with strict directions never to throw away a fire, nor to halt in pursuit, first using their rifles, then their pistols, and as the last resort, their swords,* would be more than an equal match for an equal number of the most efficient Indian warriors that ever assembled upon our frontier.

In view of our present situation I would recommend to your consideration the propriety of memorializing Congress, to provide us with three six pound brass pieces of cannon, with carriages and equipments complete, and one thousand Hall's carbines, with two

thousand rifle pistols with holsters and cartridge boxes complete, and one thousand short swords, with scabbards and belts; and that government would establish a *depot* of arms and ammunition, at some suitable place within the Territory.⁵⁷

The standing committees appointed in the Council of the First Legislative Assembly included one on Military Affairs, and on Friday morning, November 23, 1838, the chairman of this committee, Jesse D. Payne of Henry County, introduced a bill "to organize, discipline, and govern, the Militia of the Territory". This bill, with certain amendments, passed both houses and was approved by the Governor on January 4, 1839. Thus it became the first militia law of the Territory of Iowa — the only reference to militia found in the Organic Act being the provision that the Governor "shall be commander-in-chief of the militia" and "shall nominate and by and with the advice and consent of the Legislative Council, shall appoint . . . all militia officers, except those of the staff."⁵⁸

Under the law of January 4, 1839, the militia of the Territory was to be arranged immediately into divisions, brigades, regiments, battalions, and companies, and was to consist of infantry, light infantry, riflemen, artillerymen, and dragoons or mounted riflemen. Three divisions were provided for. The counties of Lee, Van Buren, Jefferson, Henry, and Des Moines constituted the First Division. The Second Division included the counties of Louisa, Slaughter, Keokuk, Johnson, Linn, Cedar, Scott, and Muscatine. In the Third Division were placed Clinton, Jones, Jackson, Dubuque, Clayton, Delaware, Fayette, Buchanan, and Benton counties. Detached districts might organize separately.

⁵⁷ *Council Journal*, 1838-1839, pp. 9, 10.

⁵⁸ *Council Journal*, 1838-1839, pp. 23, 46; *Laws of the Territory of Iowa*, 1838-1839, p. 329; *Organic Act of Iowa*, Sec. 7.

A division was to consist of not less than two nor more than three brigades, and was to be commanded by a Major General; a brigade was to consist of not less than two nor more than five regiments, and was to be under the command of a Brigadier General; each regiment was to consist of not less than five nor more than ten companies, two of which were to be light infantry or riflemen, and for each regiment there was to be one Colonel, one Lieutenant Colonel, and one Major; and each company was to consist of not less than thirty, nor more than one hundred men, exclusive of the commissioned officers, who were to be one Captain, one First Lieutenant, one Second Lieutenant, and one Third Lieutenant. All of these officers were to be appointed and commissioned by the Governor, with the advice and consent of the Council in accordance with the provision in the Organic Act.

The Commander-in-Chief of the militia and the general officers were authorized to appoint aides; and in addition, the Governor was to appoint and commission an Adjutant General, a Commissary General, and a Quartermaster General, each with the rank of Brigadier General, and for each brigade a Brigade Inspector with the rank of Major. Provision was made in the various organizations for officers and non-commissioned officers down to the corporals and musicians of the companies.

The Captain or commanding officer of each infantry or district company was to enroll all free white male persons between the ages of eighteen and forty-five within his district. As to exemptions from military duty the following were specifically named: "Members of the executive, legislative, and judiciary departments of the Government of the United States, and their respective officers, all custom house officers and their clerks, all postmasters and mail carriers actually employed in the care and conveyance of the

mail of the United States, all ferrymen on post roads, the Secretary of the Territory, the members and officers of the Legislative Assembly during its session and fourteen days before and after each session, ministers of the gospel of every denomination, who prove to the commandant of the company, in whose beat or precinct they reside, that they have been regularly ordained or licensed, and are now in full communion with their respective churches, and no others."

Rendezvous by companies was to take place on the first Saturday of May and September, annually. Company and staff officers were to meet for instruction and practice in company drill once a year, and each regiment or battalion was required to hold parade sometime during October. To secure uniformity, manuals of drill instruction were to be provided by the Commander-in-Chief.

Brigade Inspectors were to make detailed inspections on parade days and make returns to the Adjutant General one month previous to the meeting of the Legislative Assembly. Each Brigade Inspector was to receive eight dollars for each regiment or separate battalion inspected and returned as above outlined, and twenty dollars additional, in full, for traveling and contingent expenses.

The Commissary General was given custody and direction of all arms belonging to the Territory, and could lend arms and accoutrements to the officers of any volunteer company having twenty men in uniform. The officers were to give bond for the arms received. Annual reports by company officers as to the condition of arms were called for. Field officers were to provide colors and musical instruments; and musicians were to be paid for their services.

The Adjutant General was to keep complete reports of the militia organization and make annual returns to the Governor and to the President. He was to be allowed and

paid "one hundred and fifty dollars, annually, for book stationery, and in full for all his services as such".

Fines and other punishments were authorized for neglect or refusal to perform military duty, disobedience, disrespect, absence without leave, and similar offenses. A penalty was provided for appearance in ludicrous attire on day of parade. Courts martial were established and their powers and procedure outlined. Fines imposed by a court martial were to be collected with taxes and in the same manner.

Commissioned officers were empowered to call out the militia in case of invasion or imminent danger; and the Commander-in-Chief was given "full power and authority to call out any portion of the militia, either by draft, by the acceptance of volunteers, or *en masse*," on all occasions when he deemed it necessary.

Immediately after the passage of this act, Governor Robert Lucas set the machinery of organization in motion. So far as his part was concerned he determined that the militia should be a success. The act having been approved by the Governor on January 4, 1839, General Order No. 1, defining the boundaries of the regiments and brigades as they had been fixed by law was issued on the day following.⁵⁹ This appears to have been the first order issued to the militia of the Territory of Iowa.

Two days later, on January 7, 1839, Governor Lucas issued General Order No. 2 in which he appointed his staff. Ver Planck Van Antwerp of Des Moines County was made Adjutant General of the Territory; Morton M. McCarver of Des Moines County was made Commissary General;

⁵⁹ The early records of the Territorial militia of Iowa are mostly missing. General Order No. 1, and a few other later orders, together with some other original documents are to be found in the possession of the Adjutant General in Des Moines. A small number have been filed in the State archives.

James M. Morgan of Des Moines County was appointed Quartermaster General; Peter Hill Engle and John King of Dubuque County, John H. Sullivan of Scott County, and Jesse Williams of Muscatine County were named as aides to the Commander-in-Chief. The rank of these officers was not specified.

On January 9, 1839, Governor Lucas submitted to the Council for approval a list of general officers for the militia. For each of the three divisions there was to be a Major General. Jesse B. Browne of Lee County, Jonathan E. Fletcher of Muscatine County, and Warner Lewis of Dubuque County were named to head the First, Second, and Third divisions respectively. Each division contained two brigades, and hence for each division there were two Brigadier Generals. For the First Division, E. A. M. Swazy of Van Buren County and Augustus C. Dodge of Des Moines County were nominated; for the Second Division, John Frierson of Muscatine County and Jonathan W. Parker of Scott County; for the Third Division, George Cobbage [Cubbage]⁶⁰ of Jackson County and Francis Gehon of Dubuque county.⁶¹ On January 18th, the Council advised the Adjutant General that it had approved these appointments. Such appointments, indeed, were usually approved without question, although on February 14, 1842, the Council laid on the table the recommendations of three officers.

Governor Lucas submitted to the Council a list of field officers on January 19, 1839. His communication reads as follows:

⁶⁰ Probably George Cubbage, the man who had been Adjutant General of the Wisconsin militia. As Adjutant General he had ranked as Colonel. Now he ranked as Brigadier General but was under the Adjutant General. Was he advanced or demoted?

⁶¹ Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 77.

To the Hon. Council of the Legislative Assembly

Gentlemen:— I hereby nominate for your advice and consent the following named gentlemen as field officers to the mili[ti]a of the Territory towit:—

In the first Brigade first Division — first Regiment Francis P. Blevens to be Colonel — John Freeman Lieutenant Col. and Braxton W. Gillock Major.

Second Regiment Obediah Selby to be Colonel Bushrod Cravens Lieutenant Col — and Giles Wells Major —

In the Second Brigade first Division first Regiment George H. Beeler to be Colonel — James M. Thompson Lieuten[an]t Col. and Stephen Geerhart Major —

Second Regiment Samuel Braziltine to be Colonel, Samuel S. Walker Lieutena[n]t Col — and Jacob L. Myares Maj.

In the first Brigade second Division first Regiment John Ronalds to be Colonel Z. C. Inghram Lieutenant Colonel and Robert Childers Major —

Second Regiment John Vannatta to be Colonel Siles S. Lathrop Lieutenant Colonel and William A. Clark Major.—

In the second Brigade Second Division first Regiment Samuel Hedges to be Colonel Elisha H. Shepard Lieutena[n]t Colonel and John Shellar Major.—

Second Regiment James W. Tallman Colonel Prior Scott Lieutenant Colonel and Wm. D. Neely Major.—

In the first Brigade third Division first regiment John H. Rose to be Colonel Charles Swan Lieutenant Colonel and Wm. A. Warren Major.

Second Regiment Charles P. Hutton to be Colonel Hugh Bowen Lieutenant and Col. Thos. L. Dixon Major.

In the second Brigade third Division first Regiment Paul Cain to be Colonel David Slater Lieutenant Colonel and William Myers Major.

Second Regiment Henry F. Lauder to be colonel William W. Wyman Lieutena[n]t Colonel and Robert Hetfield Major.

Respectfully submitted

by Your Obt. Sert.

ROBERT LUCAS.⁶²

⁶² Shambaugh's *Executive Journal of Iowa, 1838-1841*, pp. 91, 92.

The plans for the Territorial militia were somewhat ambitious. There were less than twenty-five thousand men, women and children in the entire Territory, yet it was proposed to form three divisions of the militia from the men between eighteen and forty-five. It was scarcely to be expected that all the companies would organize.

Moreover, the numbering of the general orders for the governance of the militia is somewhat confused, and it is difficult to tell just what orders were issued. Some numbers are duplicated. For the most part, each year starts with No. 1; but sometimes this rule was violated. Thus General Order No. 8, is dated December 17, 1839; while the next one located is No. 9, dated August 5, 1840. Sometimes orders were not given any number. A general order of the latter kind, dated March 25, 1839, directed the division of the regiments into company districts and recommended that officers be commissioned. The suggestion was made that the men in each company be permitted to elect officers if they chose to do so.

General Order No. 5, issued later in the same year, made more staff appointments. Four men, all of Des Moines County, were made militia officers. Dr. Enos Lowe was made Surgeon General, William M. Devoe Paymaster General, Charles Weston Judge Advocate General, and John B. Newhall Military Secretary to the Commander-in-Chief.⁶³

Staff officers were also appointed for the commanders of the various regiments. Under date of April 15, 1839, recommendations of the staff officers for the First Regiment, First Brigade, Third Division, were submitted. Enoch A. Wood was nominated for Surgeon, Oliver A. Crary for Paymaster, John T. Sublett for Quartermaster, and James K. Moss for Adjutant.⁶⁴

⁶³ From the original in the office of the Adjutant General in Des Moines.

⁶⁴ From the original in the office of the Adjutant General in Des Moines.

Apparently the field officers had busied themselves in the organization of their company districts, for in July, 1839, Governor Lucas wrote:

We have not yet completed our militia organization. The Territory is divided into three Divisions, Six Brigades, and Twelve Regiments. The General and Field offic[e]rs, have all been appointed, and commissioned, and some of the Regiments have completed their company organization, and the others are progressing, and I trust will soon all be completed. The Regiments may not at this time contain a full compleme[n]t of men yet I have reason to believe they will in a short time (by the unparalleled flow of immigration into our Territory) be filled. We have in this Territory two companies of Dragoons organized and several companies of Light troops.⁶⁵

A continuation of this progress was urged by a general order of August 12, 1839. All commanders were directed to complete the organization of their commands, and to ascertain the numerical strength thereof. Musters by regiments were directed to be held and returns sent in.⁶⁶ Beginning in May, 1839, the returns of the elections of company officers had begun to come in, and from August on through October the office of the Adjutant General was flooded with reports.

All officers were given certificates of their commissions, signed by the Commander-in-Chief. Each man commissioned was required to take an oath similar to the following:

I, Ludwell P. Farris do solemnly swear that I will support the Constitution of the United States that I will not either directly or indirectly engage in duelling⁶⁷ during my continuance in office and will faithfully discharge the duties of Lieutenant Colonel of

⁶⁵ Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 126.

⁶⁶ From the original in the office of the Adjutant General in Des Moines.

⁶⁷ Only a few of the oaths contained this provision.

the second Regiment second Brigade first Division of Iowa Militia so help me God.⁶⁸

Mr. Farris had been appointed Major of the Second Regiment on December 9, 1839.

The Territorial militia law made it the duty of the Governor to procure the instructions and regulations used by the United States army, but made no appropriation therefor. Governor Lucas wrote to Secretary of War J. R. Poinsett, on July 9, 1839, to see if some books of instructions could be obtained. "I have examined various works on the subject," wrote the Governor, "and have been lead to give the preference to the system of instructions and regulations recently compiled by *Brevet Captain Cooper*, under the supervision of *Major General Alexander Macomb*, as being the best elementary work extant, and well adapted to the use of the militia. I would therefore respectfully inquire whether we could be furnished by the war department with a sufficient number of these for the instruction of the officers of our Territorial militia."⁶⁹

At the same time Governor Lucas made a request for arms in these words:

Could we be furnished with a few hundred stands of Hall's Carabines, Horsemens Pistols, Sabres, Rifles, and the various accoutrements, and munitions of war—necessary to enable us to defend ourselves in case we should be exposed to depredations from the neighboring Indian tribes, it would add much to our security. We are at present in a very defenceless situation, in this Territory, our entire western frontier is exposed from St. Peters on the Mississippi to the Council Bluffs on Missouri, and no public arms or mun[i]tions of war within our reach, or none nearer than

⁶⁸ This oath was written in long hand on the back of the commission of Ludwell P. Farris, in the office of the Adjutant General in Des Moines. The date of the commission was July 31, 1840. It was sworn to August 28, 1840.—Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 216.

⁶⁹ Shambaugh's *Executive Journal of Iowa, 1838-1841*, pp. 125, 126.

Prairie De Chien, which is at the north point of our settlements and too remote to be of any service to us. Could we be furnished with a sufficient supply of arms and munitions of war, I am satisfied that with a proper organization, of our Territorial militia we would be able to defend ourselves against the depredations from Indians. I would therefore, most respectfully suggest to the consideration of the War Department, the propriety of establishing within the Territory at some central point on the Mississippi a Depot of Public arms and military stores sufficient for the supply of the militia of the Territory in case of need.⁷⁰

The acting Secretary of War answered this letter on August 7th stating that "the department at that time had no means at its disposal, that would enable it to furnish the work referred to; but that the matter would be submitted to the Secretary of War on his return to the seat of Government for his consideration." Ordnance could not be issued outright to the Territory of Iowa because the militia was incompletely organized, and hence no returns of militia had been made to the Adjutant General of the Army of the United States. Indeed, no returns were made down to the time of the Civil War. "Issues of arms to the States and Territories, under the law of 1808, can be made only on the militia returns, which is indispensable in distributing the number due," wrote the Chief of Ordnance in this connection. That the Territory might, in the absence of such returns, have a resource in case of need, he continued, "I would respectfully suggest that a suitable place be selected and a deposition of arms, accoutrements, and ammunition be made, the whole to remain in the custody of the United States subject to the order of the Governor of the Territory, in certain contingencies to be specified. It appears to me, that any other disposition of public arms would lead to disappointment in case they were

⁷⁰ Shambaugh's *Executive Journal of Iowa, 1838-1841*, pp. 126, 127.

relied upon for our future service. Some central point on the Mississippi is named as a proper location for the depository of arms. Fort Armstrong and Prairie du Chien, would both be safe places, and are under the control of the government. My limited knowledge of that part of the country forbids the attempt to name at once a more suitable place."⁷¹

It was very soon after this that necessity arose for calling the Territorial militia to the field and trying out their new organization. The ardor of their response was commendable, but their organization and discipline left much to be desired.

The boundary line between Missouri and Iowa had been in dispute for years. Increasing settlements along the border caused more and more friction. Finally, in 1839 the authorities of Clark County, Missouri, tried to collect taxes in Van Buren County, Iowa. On July 29, 1839, Governor Lucas issued a proclamation urging vigilance in the protection of the rights of the citizens of the Territory; but he counselled abstention from aggression. The people of Clark County, Missouri, were indignant. Governor Boggs issued a proclamation, which in turn brought forth a reply from Lucas.

In November the sheriff of Clark County was arrested by the sheriff of Van Buren County, whereupon reports soon came that an armed force was gathering on the Missouri side. Governor Lucas forwarded blank military commissions to General Swazey to fill in should he find it necessary. Adjutant General Van Antwerp was despatched to Van Buren County to aid by his "council and advice". Major Generals Brown, Fletcher, and Lewis were ordered to furnish whatever force the United States Mar-

⁷¹ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 114.

shal might desire from their three divisions to act as a posse comitatus to aid the civil authorities in preserving order and repelling invasion. The situation became critical and militiamen from all parts of the Territory started for the border.

A motley force of from five hundred to a thousand Iowa citizens, unorganized, inadequately armed, and poorly clothed, led by such men as S. C. Hastings, James W. Grimes, Jesse B. Browne, and Augustus C. Dodge, gathered at the town of Farmington in Van Buren County. Across the border a similar force from the militia of Missouri was gathered at the small town of Waterloo. But in this case history did not repeat itself: there was no battle of Waterloo in the Missouri-Iowa Boundary War. On the thirteenth of December a deputation from the Iowa "army" proceeded to Waterloo, to see if an amicable arrangement could not be made. They found the Missouri forces dispersed and hostilities suspended. Returning with the good news, the posse from Iowa "packed its pots and kettles, folded its tents, and, shouldering its nondescript arms, took its homeward way across the Territory."⁷²

The stories of the marches made by the various units of the Iowa militia to places of rendezvous make interesting reading. In the north part of the Territory was an organization known as the Hunters of Turkey River. Dubuque was their place of rendezvous. An early writer gives the following pen picture of their gathering:

The sun had already risen, shedding a flood of golden light along the summit of the snow capped hills on the west. From every direction the Hunters of Turkey River were now seen hurrying to the scene of rendezvous.—Here might have been seen a group of marksmen firing at a target—there a party collected to discuss

⁷² Parish's *Robert Lucas*, p. 253; Upham's *Iowa and War in Iowa and War*, No. 5, p. 12.

the probable result of the war, while a blazing bonfire invited the greater number to partake of the genial heat that it imparted; near which was seated Ensign Baker, astride a barrel of liquid ammunition with a roll of parchment, enlisting recruits for the bloody call of his country, while the martial music of the soul stirring drum and fife were yielding their best efforts to arouse the latent spark of patriotism, that had become nearly extinguished by the long continued peace of the Republic. The various subordinate officers were shouting the orders of the Colonel, second handed,

“Hunters of Turkey river, fall into line!

— Eyes right! Shoulder arms!”⁷³

It was chronicled of this unit that they got lost on their way to Dubuque, but finally reached the outskirts late at night, where they camped and waited to be escorted into town the next day by the Mineral Blues—the earliest military organization of Dubuque. Their activities were summed up as consisting of “the reception—the presentation of flag by ladies of city—Military Ball—order to disband—homeward tramp—the Landlord’s bill.”⁷⁴

In General Order No. 8, dated December 17, 1839, United States Deputy Marshal G. A. Hendry “embraces the opportunity to express the high gratification experienced by him in witnessing the alacrity and ardor with which the Militia of the Territory have responded to the call recently made upon them, and to tender to both officers and privates his cordial and earnest thanks for the energetic, and truly soldierlike manner in which they have demeaned themselves upon this trying occasion.” Adjutant General Van Antwerp in the same order expressed his satisfaction in the following words:

When it is considered under what circumstances this call has

⁷³ *Bloomington Herald*, December 1, 1843.

⁷⁴ During their festivities this toast was given: “May every man be called a coward, that returns from the war, without a pair of breeches made from the hide of a Missourian.”—*Bloomington Herald*, December 1, 1843.

been made upon the militia of Iowa and the promptitude with which it has been met, to aid the civil authorities in enforcing the laws of the Territory, and of the United States, when the shortness of the notice — the comparatively unarmed and illy supplied condition of the troops — the extreme inclemency of the weather — and the cause in which it has been required — for just and true as that cause is, it was against their neighbors and fellow citizens of an adjoining state, and not against a common foe that it was to be defended — when these facts are remembered, too warm an expression of approbation can hardly be bestowed upon the citizen soldiers of Iowa, for the patriotic firmness with which they have borne themselves in the crisis through which they have just passed, and the Commander-in-chief deems it due to them to say that under different circumstances — as under those which have now presented themselves — with a common enemy to contend against, and with arms, ammunition and supplies, such as they should be provided with, he desires no more reliable force to repel invasion, or to defend the rights of Iowa, than is to be found in the patriotic Militia.⁷⁵

In some parts of the Territory there had been hesitancy about enlisting for this service through fear that the pay would not be forthcoming. Apparently this fear was well grounded; since Congress repeatedly refused to provide payment for the officers and men called into service at that time, although several memorials on the subject were addressed to them by the Iowa legislature. At the annual muster in 1840, Lieutenant D. Ruggles of the Fifth United States Infantry was present “for the purpose of mustering, and receiving the muster rolls (*preparatory to the payment of troops*) of such portions of the Militia of the Territory as were called into service upon the requisition of the United States Deputy Marshal, in the month of December last.”⁷⁶ All the units that started for the

⁷⁵ From the original in the office of the Adjutant General in Des Moines.

⁷⁶ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 282, 283; *Iowa Territorial Gazette and Advertiser* (Burlington), August 8, 1840.

border must have responded, since forty muster rolls were turned in. Lieutenant Ruggles reported the amount "properly payable out of the National Treasury, in consequence of the boundary dispute, to be something upwards of thirteen thousand dollars", but the claim was not allowed.⁷⁷

During the Missouri Boundary War the Legislative Assembly of Iowa was in session at Burlington. Governor Lucas had laid before the members the letters he had received from the acting Secretary of War in the hope that it would "convince them of the necessity of perfecting the organization of the militia of the Territory as speedily as practicable."⁷⁸

He explained to them that, in compliance with the law, the militia had been organized, the general and field officers appointed, and in all regiments except the one composed of Henry and Jefferson counties company officers had been appointed and commissioned. "Some of the regiments are organized entire, and others partially so; but no return of the numerical strength of the militia of any of the regiments have yet been received by the adjutant general. By reference to the report of the ordnance department, it will be seen that no arms can be drawn from the United States until our militia organization is completed, and the numerical strength reported to the adjutant general of the army of the United States. The tardiness in completing the organization of the militia may in a great measure be attributed to a want of a correct knowledge of the militia laws of the Territory. I therefore suggest the propriety of causing the militia laws of the last session of the Legis-

⁷⁷ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 350; *Laws of Iowa, 1843-1844*, p. 163.

⁷⁸ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 114.

lative Assembly, together with such parts of the Wisconsin laws as are still in force, to be printed in pamphlet form, and distributed among the militia officers of the Territory; and that additional provisions be made to cause prompt and full returns of the numerical strength of each regiment, to be transmitted to the adjutant general of the Territory, to be by him transmitted to the adjutant general of the United States, so that in apportioning the public arms under the act of 1808, the Territory of Iowa will receive her full portion of the same."⁷⁹

A few days later Governor Lucas received a letter from the Secretary of War informing him that "fifty copies of the wourk [Cooper's Tactics] would be immediately forwarded . . . through the Quarter Master of the Army."⁸⁰ "This number", answered the Governor, "will aid us in laying a good foundation for the instruction of our Militia. It will furnish each gene[r]al and field Officer with a copy, and if our Militia should attain to that perfect organization that is desired, a correct knowledge of di[s]ciplin[e] and tactics may be diffused throughout the whole body by the active exertions of their officers."

Presumably these books were received, although they had not arrived on January 4, 1840.⁸¹ Some were surely received, for under date of August 10, 1840, Henry Hardman of Cedar County wrote to Governor Lucas⁸² complaining because of "a great, imposition practiced on the Company Officers of the 1st Company of Infantry in the 2dR. 2dB. 2dD. of Militia I. T. & that is this, in Distributing the Mili-

⁷⁹ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 115.

⁸⁰ Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 210.

⁸¹ Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 231.

⁸² Correspondence in the Archives Division, Historical Department, Des Moines.

tary Books there is not one sent to any of the Company under my command, and only three in the Regiment”.

In writing to the Secretary of War, the Governor mentioned the difficulty encountered in organizing the militia. “I meet with much difficulty”, he said, “in effecting the organization of our Territorial Militia. It appears to be attended with extreme difficulty to prevail on men of competent military abilities to accept of commissions as company Officers—tho’ I trust this will ultimately be accomplished.” He again brought to the attention of the Secretary the need for arms to be deposited at Fort Armstrong, and indicated the kinds of arms needed in the conduct of operations against the Indians on the northwestern border.⁸³ Indeed, the early Governors found the problems of frontier defence and militia organization closely associated in Territorial administration.

No militia legislation was passed by the Second Legislative Assembly, despite the urgings of the Governor and the Missouri boundary difficulty. The members did, however, approve recommendations for field and company officers for the three divisions, including seventy-five companies.⁸⁴

Organization continued to progress in some places, to decline in others, and to stand still in others. Some idea of the status of the militia can be gathered from the returns of the annual muster of 1840. Regimental muster was authorized by General Order No. 8, issued under date of August 5, 1840, from headquarters at Burlington. In the First Brigade of the First Division, the First Regiment was to muster at West Point in Lee County on Saturday, August 22nd, the Second Regiment in Van Buren County on Monday, August 24th, the Third Regiment in the same

⁸³ Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 210.

⁸⁴ *Journal of Executive Session of Iowa Council*, January 14, 1840.

county on Tuesday, August 25th, and the Fourth Regiment at Montrose in Lee County on Thursday, August 20th. In the Second Brigade of the same Division, the First Regiment was ordered to muster at Burlington in Des Moines County on Saturday, September 5th, the Second Regiment at Mount Pleasant in Henry County on Saturday, September 29th, and the Third Regiment at Fairfield in Jefferson County on Thursday, September 27th.

In the Second Division musters were provided for by counties. Apparently the organization was less perfect. In the First Brigade, the First Regiment from Louisa County was to muster on September 9th, and the Second Regiment from Muscatine County on September 12th. In the Second Brigade, the First Regiment from Scott County was scheduled for September 18th and the Second Regiment from Cedar County for September 15th.

In the Third Division the outline of the muster was even more sketchy. In the First Brigade, the Second Regiment from Jones County was to muster on September 26th. The First Regiment was to muster on September 22nd, but no place was designated. In the Second Brigade, the First Regiment was to muster at Dubuque on September 29th; while the Second Regiment was given neither time nor place for muster.⁸⁵

The muster in Burlington must have been of fair proportions and carried off in military style since the local paper contained the following comment:

There was a large parade of the militia of this Regiment on Saturday last, under the command of Colonel Temple. So gratifying a scene has never before been witnessed in this Territory. They were reviewed by his Excellency the Governor and Commander-in-chief, and by Lieutenant Ruggles, Assistant Inspector General of the United States Army, who was present for the pur-

⁸⁵ *Iowa Territorial Gazette and Advertiser* (Burlington), August 8, 1840.

pose of receiving the rolls of such as had turned out on occasion of the late difficulties with Missouri. Everything passed off in excellent style.⁸⁶

Major Henry King was Brigade Inspector for 1840, and the records show that for the year of 1840 he received \$50 for services. Indications are that the salary of the Adjutant General was \$150 per year.⁸⁷ In the First Brigade of the First Division, the Second Regiment was the only one which held muster. This regiment had three hundred and thirty-four rank and file. Of the regiments which were not mustered, Major King stated that "according to the population I would estimate them at about the same strength which would make 1336 Rank & file in the 1st. Brg. 1 Div."⁸⁸ All kinds of reasons were given for the failure of the troops to muster. Chief among these were sickness, impassable roads, and ignorance of the militia law.

The return of the First Regiment of the Second Brigade of the First Division listed three commissioned field officers, three non-commissioned field officers, four non-commissioned staff officers, thirty commissioned company officers, fifty-four non-commissioned company officers, four musicians, and eight hundred and fifty-two privates, a total of nine hundred and fifty. In this assembly there were five muskets, fifty-eight rifles, three drums, two fifes, and one bugle. "The arms are old muskets, and with very few exceptions, unfit for active service." One company of this regiment was not present.⁸⁹

⁸⁶ *Iowa Territorial Gazette and Advertiser* (Burlington), September 12, 1840.

⁸⁷ *Iowa Territorial Gazette and Advertiser* (Burlington), November 14, 1840; *Council Journal*, 1843-1844, p. 231.

⁸⁸ From the original return made by Major King in the office of the Adjutant General at Des Moines, dated November 4, 1840.

⁸⁹ From the original return dated November 12, 1840, in the office of the Adjutant General at Des Moines.

The return from the Second Regiment of the First Brigade in the Second Division did not show a very flourishing condition. Out of the six companies but three mustered, and only one of these made a return, largely because of a lack of officers. One company had some one hundred and twenty-three men and a Captain. In the other five company districts there were about fifty men each. Company No. 4 had a Second Lieutenant. These two officers were the only ones in the regiment.

On July 27, 1840, Governor Robert Lucas refused to approve an act passed by the extra session of the Legislative Assembly, which declared "that all the Acts of the Territory of Michigan, and the Territory of Wisconsin which are in force in the Territory of Iowa on the 4th day of July in the year one thousand eight hundred and thirty eight, are hereby repealed." This act, the Governor said, would repeal, among others, the Wisconsin militia law, which would "disorganize to a great extent, the militia of this Territory: as the militia laws passed by the Legislature of this Territory at its first session can be viewed only as supplement to the Wisconsin acts and does not provide for a general organization."⁹⁰

The Legislative Assembly passed the act over the Governor's veto,⁹¹ but during the same session adopted "An Act to organize, discipline, and govern the Militia of this Territory", which was practically a reënactment of the Wisconsin militia law, with a few unimportant changes. Certain additions with reference to mounted riflemen were made, but the bulk of the law was the same as to titles, articles, and sections.

⁹⁰ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 177.

⁹¹ Title II of the new law appeared as "OF THE APPOINTMENT OF MILITIA OFFICERS AND THE TENOR OF THEIR OFFICES."—*Laws of Iowa* (Extra Session), 1840, pp. 20, 23, 24.

In his message to the Third Legislative Assembly the Governor again referred to military affairs. He respectfully suggested "the expediency of authorizing by law, the organization of a number of mounted volunteer riflemen, say one company at least to every regiment of militia within the Territory, with authority for the commandant of any brigade to increase the number to a battalion within his brigade, and to provide for calling them into service in case of Indian depredations or threatened invasion. This precautionary measure can do no harm, and may ultimately secure our frontier from an Indian war."⁹² During this session more field and company officers were nominated by the Governor.⁹³

Through 1840 and 1841 volunteer companies were formed, officers elected, and commissions sought in all parts of the Territory. A letter from H. H. Sibley came to the Governor from as far away as the River St. Peters, dated February 13, 1841, and received March 22, 1841, which conveyed the news that a company of volunteer mounted men had been formed the summer before and commissions received for all but the third lieutenant. And the usual question was asked: "Will we get arms?"⁹⁴

Occasionally it became necessary to discipline the officers. A general order issued from Iowa City under date of February 5, 1841, revoked the commission of S. C. Trowbridge as Colonel of the Third Regiment in the First Brigade of the Second Division, "in consequence of the entire failure and neglect of said Trowbridge to organize said Regiment in conformity with the laws."⁹⁵ In 1843 several officers

⁹² *Council Journal*, 1840-1841, p. 13.

⁹³ Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 268.

⁹⁴ From the original in the Archives Division, Historical Department, Des Moines.

⁹⁵ From the original in the office of the Adjutant General in Des Moines.

were tried by court martial for various offenses.⁹⁶ Sometimes the officers resigned on their own account. Thus on September 3, 1840, Charles Swan resigned as Lieutenant Colonel of the First Regiment, First Brigade, Third Division, because another man had been promoted over his head. Major William A. Warren of the same regiment resigned on January 15, 1841. "I do it," he wrote, "for the Reasons that you have placed those over me, that I consider my inferior to be Ranked by a *Yanky Clock Pedler* would be submitting to an insult not only offered myself but those of the Brigade. My friends solicited Gen. McDonald to recommend me for that office, he said he would gladly do so—but you would not appoint me I know not what I have done to cause your displeasure—(as I have done nothing) nor do I care."⁹⁷

Whether or not this criticism was justified, there is abundant evidence that militia offices were given quite freely as political favors. In the late fifties the Columbus City Union Guards got almost anything they asked in the way of arms and equipment because one of their officers, Wesley W. Garner, was a political supporter of the Governor. In connection with some favor asked by another company some years later it was urged upon the Governor that "all of them being political friends of yours, should entitle them to the prompt granting of the favor at your hands."⁹⁸

The returns sent in by the Brigade Inspector for 1841 showed the same lack of interest and neglect of duty in regard to military matters that had marked the musters of

⁹⁶ From an order issued from the headquarters of the Second Division, April 14, 1843, in the Archives Division, Historical Department, Des Moines.

⁹⁷ Letter to Governor Lucas, in the Archives Division, Historical Department, Des Moines.

⁹⁸ Letter from S. A. Hudson, Burlington, to Governor Lowe, dated February 10, 1858, in the Archives Division, Historical Department, Des Moines.

1840. Many companies did not report at all. Of those inspected, several were volunteer companies of dragoons, some of whom had mounts. Major King sent in a report of delinquents. Of those who appeared, he reported as follows:

The General and Staff officers came on Parade well equipped and did their duty admirably well.

Comidantants of Regiments and their subordinate officers paid strict attention to their duty while on review and Inspection.

The men observed the best of order—those that were present but many officers paid no attention to orders. I strictly enjoined it on all the officers to organize and make returns from time to time as is required by Law.⁹⁹

In the session of 1841–1842 Governor John Chambers made no plea for the militia. Indeed, he may have reflected popular indifference to military matters in his suggestion that “there is a very industrious and valuable class of our population, who conscientiously scruple to bear arms, in whose favor there is no exemption provided by our militia laws; I would recommend that provision be made for such cases, leaving them subject in time of war to pay an equivalent for personal service.”¹⁰⁰ At this session the legislature passed an amendment to the militia law providing for the exemption of certain officers and enlisted men who had served in other districts. It also provided that officers who accepted commissions in the Iowa militia could not resign them within two years without showing good cause.¹⁰¹

Apparently interest in military affairs had reached a low ebb. Governor Chambers in his message to the Legislative Assembly of 1842–1843 spoke of the “almost total failure

⁹⁹ Return by Major King dated October 12, 1841, in the office of the Adjutant General in Des Moines.

¹⁰⁰ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 255, 256.

¹⁰¹ *Laws of Iowa, 1841–1842*, pp. 95, 96.

of the officers of our militia to make returns of the numerical strength and equipment of their respective commands as required by law", thus making it impossible to secure a proper distribution of arms from the general government. "Such is the universality of this gross negligence of duty," he continued, "that it seems to leave the executive authority no means of correcting the evil but by a resort to the onerous duty of a general dismissal of delinquents from command, leaving it doubtful whether others could be found to fill their places who would perform the duties with more efficiency. I would, therefore, respectfully suggest for your consideration the propriety of imposing pecuniary penalties for this description of official delinquencies; and (as it would be difficult, if not impossible, under existing circumstances, to constitute a military court, in which the judges and the accused would not be found equally in default) to commit the enforcement of such penalties to the civil tribunals."¹⁰² And yet there must have been some military activity during this time, since \$671 was paid out to the Adjutant General and Brigade Inspectors between March 12, 1840, and December 6, 1843.¹⁰³ During the same period \$170 was paid to military officers and the president of a court martial.¹⁰⁴ From December 6, 1843, to May 15, 1845, it appears that \$369.75 was expended in payment of the Adjutant General, Brigade Inspector, Judge Advocate, Marshal, and members of a court martial, and for the printing of military commissions. From May 15, 1845, to December 22, 1845, the records show that \$114.00 was paid out to the Adjutant General and Brigade Inspector.

¹⁰² Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 266, 267.

¹⁰³ *Council Journal*, 1843-1844, p. 231.

¹⁰⁴ John W. Brown and David R. Warfield were Brigade Inspectors at this time.—*Council Journal*, 1843-1844, p. 234, 1845, p. 205, 1845-1846, p. 252.

Governor Chambers in his message to the Sixth Legislative Assembly again made mention of "the almost universal neglect of the officers of the militia to perform their duties"—especially as to returns to the Adjutant General. "No change has taken place in this respect, and if the means of putting arms into the hands of our militia is deemed important to the safety of our extensive and exposed frontier, I would again recommend the adoption of such measures as will enable us to obtain them." He also spoke of the "causes which render hopeless any effort to enforce the performance of the official duties of our militia officers, by military means"—a matter which he had explained during the previous session.

This session of the Legislative Assembly passed an act which repealed "all acts or parts of acts which now require militia drills, musters, trainings, inspections or reviews, in time of peace".¹⁰⁵ It was made the duty of assessors in the several counties, "at the time they return their assessment rolls, to return to the clerk of the board of county commissioners the names of all able bodied males, between the ages of eighteen and forty-five years, resident in each township or precinct in their respective counties; and it shall be the duty of said clerks to make out and return forthwith to the adjutant general of this Territory complete abstracts of the number of such able bodied males, which abstracts the said adjutant general shall file and carefully preserve in his office." The Adjutant General was to receive one hundred dollars per annum for his services. In addition a Fourth Division of the militia was formed. In the First Brigade were placed the counties of Davis, Appanoose, Wapello, and Kishkekosh. The Second Brigade included Keokuk, Mahaska, and Poweshiek counties.¹⁰⁶

¹⁰⁵ *Laws of Iowa*, 1843-1844, p. 54.

¹⁰⁶ *Laws of Iowa*, 1843-1844, pp. 55, 56.

The Seventh General Assembly revived, reënacted, and declared in force the militia laws of the Territory and by this act annulled all former repeals of these laws. It was also provided that "for the purpose of keeping up the organization of the militia of this Territory, and to enable the officers to make full returns of the strength of the militia, each company, and regiment or battalion shall rendezvous once in each year in the month of September, at such time and place as their respective commandants may direct; but no regiment, battalion or company shall be required to rendezvous more than once in each year, anything in the aforesaid acts to the contrary notwithstanding."¹⁰⁷

The Eighth Legislative Assembly virtually abolished the militia system by enacting the provision that "all laws now in force in this Territory allowing compensation to any military officer, for any military services whatever, be and the same hereby are repealed." This act was approved on January 3, 1846.¹⁰⁸ Apparently the members of the Assembly did not realize that war with Mexico was imminent.

When the call came in 1846 for soldiers to enlist in their country's service to fight in the war with Mexico, there was little left of the militia organization of the Territory. The regimental districts were defined, but little or nothing was done in the way of musters or drills. Here and there were remnants of volunteer companies which had dwindled to almost nothing. A few officers retained commissions granted earlier in the decade. And so there was no organized military force which could be called out in 1846. Iowa was asked to furnish one regiment of militia to be enrolled but not called into immediate service. The regiment was "to consist of ten companies, each company to have one Cap-

¹⁰⁷ *Laws of Iowa, 1843-1844*, pp. 33, 34.

¹⁰⁸ *Laws of Iowa, 1845-1846*, p. 6.

tain, one First and one Second Lieutenant, four Sergeants, four Corporals, two Musicians and sixty-four Privates."¹⁰⁹

Governor James Clarke issued a proclamation to the "citizen soldiery of Iowa", calling upon them to respond promptly. It was "especially enjoined on all officers holding military commissions that they be active and vigilant in their efforts to assist in raising the force called for by the President."¹¹⁰

The commissioned personnel of the Territorial militia was called upon to assist in securing enlistments, and quotas were given to each divisional district. Governor Clarke "issued the necessary orders to the officers of the different divisions of the Militia for the speedy enlistment of volunteers". These officers in turn called upon their subordinates to carry this into effect. Ralph P. Lowe was in command of the Second Division which was asked to furnish three companies. He issued a circular urging the commandants of the several regiments composing this division to secure volunteers.

Thus while the militia as such did not participate in the War with Mexico, many of the men who enlisted had been members of the various militia companies. While the Iowa regiment was never called into service, four independent companies of Iowa men were mustered into the service of the United States during this conflict. Only one, Company K, Fifteenth United States Infantry, saw active service. The Mormon Battalion of Iowa Volunteers also represented the State. The chronicle of Iowa men in the Mexican War has little connection with the Iowa militia, although it is an integral part of the military history of Iowa.

¹⁰⁹ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 357; Upham's *The Mexican War in Iowa and War*, No. 12, p. 3.

¹¹⁰ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 356, 357; Upham's *The Mexican War in Iowa and War*, No. 12, p. 6.

THE EARLY STATE MILITIA

Iowa was admitted to the Union in December, 1846. Article seven of the Constitution adopted at the time contained the following provisions on the militia:

1. The Militia of this State shall be composed of all able bodied white male citizens between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt by the laws of the United States or of this State, and shall be armed, equipped, and trained, as the General Assembly may provide by law.
2. No person or persons conscientiously scrupulous of bearing arms, shall be compelled to do militia duty in time of peace; provided, that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.
3. All commissioned officers of the militia, (staff officers excepted,) shall be elected by the persons liable to perform military duty, and shall be commissioned by the Governor.¹¹¹

The rejected Constitution of 1844 contained the mandatory provision that the legislature "shall provide by law for organizing, equipping, and disciplining the militia of this State", but the language of both the Constitution of 1846 and the Constitution of 1857 was directory.

The Constitution of 1846 also provided that the "money which shall be paid by persons as an equivalent for exemption from military duty" should be applied to the school fund,¹¹² and that the "Governor shall be the commander-in-chief of the militia, the army, and navy of this state."¹¹³

Conditions in Iowa from 1846 to 1860 were such that it is difficult to determine just what was the status of the militia. There was practically no constructive legislation during this period, and the militia law inherited from the Terri-

¹¹¹ *Constitution of Iowa, 1846, Art. VII.* The word white was stricken out in 1868.

¹¹² *Constitution of Iowa, 1846, Art. X, Sec. 4.*

¹¹³ *Constitution of Iowa, 1846, Art. V, Sec. 5.*

tory remained a dead letter. The Governor claimed to be powerless, although the Territorial militia law had not been repealed. Had he attempted to act under it, however, it is not probable that he could have accomplished much: the General Assembly was indifferent and at times trifling in its treatment of militia matters during the period just preceding the Civil War.

On the other hand, there was great activity during this period in the organization of volunteer militia companies which were largely social in character. When compelled to organize under the Territory, the men of Iowa had been reluctant to do so. Now that there was no compulsion—almost no encouragement—militia companies sprang up everywhere. There was, of course, the attraction of commissions and, in addition, the chance of securing arms.

Although without legislative authority other than the power of granting commissions, the Governor in 1851 appointed an Adjutant General. There appears to have been no legal authorization for this officer since the laws of 1845-1846 had definitely abolished all militia officers who received pay. And yet the Governor appointed an Adjutant General and the State paid him at least a part of the time for his services, since on May 31, 1858, Jesse Bowen was allowed \$150 for his services as Adjutant General. Indeed, there was no legal authority for an Adjutant General until 1861. Perhaps the extra-legal status of this office explains the absence of office records and reports for the period.

The retiring Territorial Governor, James Clarke, realized that the militia law was too elaborate to be efficient, and that as it stood the system was a travesty on all things military. In his message to the First General Assembly of the State of Iowa, on December 2, 1846, he said:

I regret to inform you that an effort made by me, during the past

summer, to effect such a return of the effective strength of the militia, as would enable the State to draw its proper quota of arms, proved entirely unsuccessful. A most unaccountable feeling of indifference pervades the community on this subject, which should, if possible, be overcome. We have a militia law on our statute book, and the semblance of a militia organization, without the reality. The law, for all useful purposes, is a dead letter, and should, it is suggested, be made to give way to one more simple in its provisions, and looking only to such an organization as will secure the State its proportionate share in the distribution of arms and accoutrements annually made by the General Government. The most effective measures are called for at the hands of the Legislature to guard future loss to the people in this particular.¹¹⁴

The "most effective measure" enacted by this Assembly in regard to the militia, however, was the provision in "an act to provide for the navigation of Skunk river" that "the sheriff, or any officer to whom any process under this act may be directed, shall be authorized to execute the same anywhere in this State, and for that purpose may take to his assistance the power of the county, and if necessary may call upon the Governor of the State for the militia."¹¹⁵

In his message to the special session of 1848, Governor Ansel Briggs made no mention of the militia. Nevertheless, the legislature made provision for securing militia returns by enacting a law that "the assessors in each organized county in this state be required to take, at the next annual assessment, a list of all able bodied white male citizens, between the ages of eighteen and forty-five years, subject to military duty in their respective counties, and return such list with the assessment rolls to the clerk of the board of county commissioners, whose duty it shall be,

¹¹⁴ *Special Report of the Auditor of State*, 1860, p. 86; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 345, 346.

¹¹⁵ *Laws of Iowa, 1846-1847*, pp. 57, 58.

within thirty days thereafter, to forward an abstract of said list to the Governor of the State.”¹¹⁶

Under this act returns were received from twenty-one counties; and from the figures thus obtained some idea of the number of men subject to military duty in the State may be gained. As reported to the General Assembly in December, 1848, the number of men in each county making a return was as follows:

COUNTIES	NUMBER	COUNTIES	NUMBER
Lee	2688	Washington	566
Johnson	666	Davis	721
Poweshiek	61	Dallas	59
Linn	704	Polk	678
Cedar	539	Clayton	419
Iowa	81	Henry	950
Clinton	383	Jefferson	1100
Jackson	1025	Muscatine	697
Jasper	108	Van Buren	1640
Keokuk	485	Buchanan	71
Louisa	668		

Whole number reported 14310

Governor Briggs reported that “several of the counties have failed to forward an abstract in obedience to the act above mentioned. However irksome the performance of this species of military duty may to some appear, it cannot be denied that a well organized militia is, in every point of view, essentially necessary in this State; and without further comment, I would suggest that at least such an organization be effected as will entitle us to receive our quota of arms from the General Government.”¹¹⁷

¹¹⁶ *Laws of Iowa* (Extra Session), 1848, p. 78.

¹¹⁷ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 387, 388.

Again, in 1850 Governor Briggs asked for militia legislation:

In my last message I presented the number of all able-bodied white male citizens subject to military duty, in each of the counties which had been reported to me, in accordance with an act entitled "an act requiring the assessors to take lists of persons subject to military duty, approved Jan. 25, 1848", and urged an organization of the militia as speedily as practicable. No steps, however, were taken by the last General Assembly to effect that object. The 3rd section of the above mentioned article of the Constitution provides that "all commissioned officers of the militia (staff officers excepted) shall be elected by the persons liable to perform militia duty, and shall be commissioned by the Governor." The militia law is at present a dead letter upon the statute book. Some measures should be taken to arrange the militia into divisions, brigades, regiments, &c.; to provide for the election of officers in accordance with the Constitution; and to provide further for such an enrollment as will enable the State to draw her quota of arms from the General Government.¹¹⁸

The revision of the Iowa laws, known as the *Code of 1851*, approved on February 5, 1851, codified the laws with respect to the militia in Chapter 40. Only eleven short sections were included as follows:

621. All the able-bodied white male citizens of the state between the ages of eighteen and forty-five years who are not exempt from military duty agreeably to the laws of the United States constitute the effective military force of this state.

622. The secretary of state on or before the first Monday in January after the taking of each state census must report to the president of the United States the aggregate number of such military force.

623. Whenever the governor deems it expedient to call into service any portion of the said military force he must prescribe the number, and the manner in which they are to be called out.

¹¹⁸ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 406, 407.

624. He may make temporary appointments of such officers as he thinks proper for calling the troops into service and may appoint the time and place of rendezvous.

625. No troops can be called into service in any other manner than as volunteers except in cases of insurrection or invasion, and the governor may prescribe the number to be received from the counties respectively, and may fix the amount of their compensation which must not exceed that allowed to soldiers in the army of the United States.

626. At the time and place of rendezvous each company may proceed to elect the number of commissioned and non-commissioned officers that has been previously prescribed by the governor.

627. In like manner each regiment, brigade, or division shall at the same time and place elect the number of its officers which has been previously designated by the governor, except that each chief of brigade or division has power to appoint his own staff.

628. The particular place and hour for opening the polls at any such election, as well as the judges and clerks thereof, shall be fixed and appointed by the officer in temporary command at such place of rendezvous.

629. The governor may cause any arms owned by the state to be distributed to the troops thus called into service and may direct all necessary supplies to be procured and furnished at the expense of the state.

630. He may, if he think proper, take command in person of any troops thus called into actual service.

631. Subject to the foregoing provisions he may make all farther rules and regulations necessary to carry out the general spirit and intent of this chapter.¹¹⁹

The most cursory examination of this law will show that this was neither the sham of earlier militia enactments nor the basis for any real organization. It must have been under the authority of this chapter of the *Code of 1851* that Daniel S. Lee, of Lee County, was appointed Adjutant General on April 3, 1851. What there is in the law that authorizes such an appointment, it is difficult to see. Adjutant

¹¹⁹ *Code of 1851*, Title VIII, Ch. 40.

General Lee served for over four years, being succeeded on May 16, 1855, by George W. McCleary of Louisa County.¹²⁰

Governor Stephen Hempstead in his message to the General Assembly in 1852 again mentioned the necessity of adequate legislation and organization for the militia in the following words:

The attention of the General Assembly has been frequently called to the organization of the militia of the State, yet no steps have been taken by the people or the legislature to effect it in such a manner as to comply with the laws of the United States, and to enable us to obtain the quota of arms to which we are entitled. The Secretary of State reported to the President the aggregate number of militia for the year 1851, but as there was no proper military organization, the report was declared insufficient. . . . By the laws of the United States and the provisions of our Constitution it is our duty to enroll and organize the militia into divisions, brigades, regiments, battalions and companies; and by a proper officer to report to the President annually, on or before the first Monday in January of each year, our effective military force, with their arms, accoutrements, &c. For the purpose of carrying out the requirements of a constitutional law of our National Government, and to obtain the arms with which the State might be defended by her own citizens, I would most earnestly recommend you to make such provisions as will be proper to effect an object so desirable, and at the same time to establish an Arsenal where the arms and munitions obtained may be safely kept until they should be needed for service. In the month of March, 1851, I received a communication from the Ordnance Department at Washington, stating that the Secretary of War had directed Major Bell, in charge of the Arsenal at St. Louis to issue upon my requisition arms and accoutrements sufficient to equip two companies of Volunteers at Burlington and Dubuque, to be charged to the State.

¹²⁰ *Iowa Official Register*, 1917-1918, p. 97. In the *Executive Journal* for 1851 Governor Hempstead entered the name as Paul S. Lee.—*Executive Journal of Iowa*, 1846-1858, p. 123.

The pages cited in the references to the *Executive Journal of Iowa*, 1846-1858, are to the original. Use was made of the typewritten copy in possession of The State Historical Society of Iowa.

Accordingly on the 27th day of May following, a requisition was made, and the arms were obtained, and those for the company of Burlington have been delivered. The company at Dubuque not having completed its organization, I directed the arms and accoutrements be sent to the Penitentiary for safe keeping, where, under the charge of the Warden, they might be kept in good order, and be serviceable in guarding the prison.¹²¹

Thus, it is seen that volunteer companies were beginning to appear within the State. Indeed, some of them came into being while Iowa was yet a Territory. Of these there can be no accurate record because of the absence of reports from the Adjutant General and the loss or destruction of the *Executive Journal* for the period from 1841 to 1846. The officers of one company, however, rank from the date Iowa was admitted to the Union. The officers of the Farmington Guards were commissioned on June 12, 1847, to rank from December 26, 1846. The officers of the Marion Guards were commissioned later the same year. No more company officers were commissioned if the records of the *Executive Journal* can be trusted, until 1851; but a few of the general and field officers received commissions.

John G. Gordon was commissioned Brigadier General of the First Brigade, Second Division, June 23, 1847. Three days later Joseph W. Biggar was commissioned Captain, and Albert Kendall First Lieutenant of the Fourth Battalion, Third Regiment, Second Brigade, Second Division; James Shanklin was commissioned First Lieutenant, and John Briney Second Lieutenant of the First Battalion, Third Regiment, Second Brigade, Second Division. It appears from these appointments that the old type of township and county organization of the militia into regiments, brigades, and divisions, may have been reestablished.

¹²¹ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 436, 437.

Since so few officers were commissioned, however, it is more than likely that these few were appointed as occasion demanded and took their unit designation from the pre-existing organization.

In 1848, James C. Ramsey was made Major General of the Fourth Division. The same year, John A. Pitzer, who must certainly have been commissioned before Iowa became a State, resigned as Lieutenant Colonel of the Third Regiment, Second Brigade, First Division. Curiously enough this resignation brought about three appointments — William H. Lyons as Colonel, Thomas H. Gray as Lieutenant Colonel, and Ezra Drown as Major of the same regiment.

Not until the time of Governor Hempstead were the staff officers appointed. On April 3, 1851, Daniel S. Lee was commissioned Adjutant General of the militia of the State. On the 16th of April, William E. Leffingwell of Clinton County, Barlow Granger of Polk County, John H. McKinney of Des Moines County, and George McHenry of Du Buque County, were made aides to the Governor with the rank of Colonel. Henry M. Shelley of Van Buren County was commissioned Judge Advocate General; Ezra Drown of Jefferson County, Quartermaster General; Thomas S. Espy, of Lee County, Commissary General; Constantine Coltenbache, Paymaster General; and James Bent, Military Secretary. At the same time John G. Shields of Dubuque County was made Major General of the Third Division. Inaccuracy in militia records is revealed by the entry in the *Executive Journal* for October 26, 1857, that Edward C. David of Dubuque was commissioned Brigadier General of the Third Brigade, vice John G. Shields, deceased. General Shields had been Major General: it was Charles Gilliam who held the rank of Brigadier General of the Third Brigade, Third Division.

HISTORICAL SURVEY OF MILITIA IN IOWA 367

 OFFICERS OF THE IOWA MILITIA COMMISSIONED BETWEEN
 DECEMBER 26, 1846, AND DECEMBER 31, 1858

(The data for the following table was obtained from the *Executive Journal of Iowa*, 1846-1858, and the names are given as found in that record.)

ORGANIZATION	OFFICERS COMMISSIONED	DATE COMMISSIONED
Farmington Guards	Martin A. Britton : Captain Charles H. King : First Lieutenant John Stuart : Second Lieutenant	June 12, 1847 (To rank from December 26, 1846)
First Brigade Second Division	John G. Gordon : Brigadier General	June 23, 1847
Fourth Battalion Third Regiment Second Brigade Second Division	Joseph W. Biggar : Captain Albert Kendall : First Lieutenant	June 26, 1847
First Battalion Third Regiment Second Brigade Second Division	James Shanklin : First Lieutenant John Briney : Second Lieutenant	June 26, 1847
Marion Guards	Dean Cheadle : Captain Nathaniel Chapman : First Lieutenant Daniel B. Brown : Second Lieutenant	June 26, 1847 (To rank from June 22, 1847)
Iowa Dragoons	James M. Morgan : Captain John H. McKinney : First Lieutenant David S. Wilson : Second Lieutenant (This company was mustered into United States service as Captain James M. Morgan's Company of Iowa Mounted Volunteers on July 15, 1847.)	July 19, 1847 (To rank from July 15, 1847)
Fourth Division	James C. Ramsey : Major General	January 22, 1848
Third Regiment Second Brigade First Division	William H. Lyons : Colonel Thomas H. Gray : Lieutenant Colonel Ezra Drown : Major	May 12, 1848

ORGANIZATION	OFFICERS COMMISSIONED	DATE COMMISSIONED
Staff	Daniel [Paul] S. Lee : Adjutant General	April 3, 1851
Staff	William E. Leffingwell : Aide to Governor with rank of Colonel Barlow Granger : Aide to Gov- ernor with rank of Colonel John H. McKinney : Aide to Governor with rank of Colonel George McHenry : Aide to Governor with rank of Colonel James Bent : Military Secretary Henry M. Shelley : Judge Advocate General Ezra Drown : Quartermaster General Thomas S. Espy : Commissary General Constantine Coltenbache : Paymaster General	April 16, 1851
Third Division	John G. Shields : Major General	April 16, 1851
Third Brigade Third Division	Charles Gilliam : Brigadier General	April 24, 1851
Staff	Dr. John Rell, Jr. : Surgeon General	July 21, 1851
Second Brigade Third Division	Stark H. Samuels : Brigadier General	August 1, 1851
State Fencibles (Burlington)	John H. McKinney : Captain Fabian Brydolph : First Lieutenant Daniel Gilchrest : Second Lieutenant Alexander C. Walker : Third Lieutenant	August 18, 1851
Madison Guards (Fort Madison)	James C. Parrott : Captain Thomas Hale, Jr. : First Lieutenant James M. Reid : Second Lieutenant Haynes Forbes : Third Lieutenant	January 22, 1852

HISTORICAL SURVEY OF MILITIA IN IOWA 369

ORGANIZATION	OFFICERS COMMISSIONED	DATE COMMISSIONED
Agency City Guards	John T. Rowe : Captain S. P. Yeomans : First Lieutenant David Sodbine : Second Lieutenant	August 21, 1852
Dubuque City Guards	Charles Jones : Captain B. J. Ohallaran : First Lieutenant Patrick Faning : Second Lieutenant Bartholomew Lenahan : Third Lieutenant	September 28, 1853
Fayette Guards (Company I)	George W. Neff : Captain A. L. Dunn : First Lieutenant J. W. Webb : Second Lieutenant	June 10, 1854
Dubuque City Guards	M. M. Hayden : Captain	June 10, 1854
Davis County Sharp Shooters	E. G. Reeves : Captain Alpheus Tucker : First Lieutenant William L. Oliver : Second Lieutenant P. H. Roland : Third Lieutenant	July 28, 1854
Staff	George W. McCleary : Adjutant General	May 16, 1855
Keokuk Guards	R. H. Huston : Captain T. J. McKinney : First Lieutenant Thomas B. Bartlett : Second Lieutenant	May 16, 1855
Washington Artillery (Davenport)	Harvey J. Hughes : Captain C. W. Giddings : First Lieutenant E. N. Bates : Second Lieutenant Reed Brockmey : Third Lieutenant	June 5, 1855

ORGANIZATION	OFFICERS COMMISSIONED	DATE COMMISSIONED
Keokuk Artillery and Governor's Guards	Edward Cole : Captain Erie I. Leech : First Lieutenant John J. Irwin : Second Lieutenant George W. Limbocker : Third Lieutenant Franklin R. Seitz : Ensign	June 12, 1855
Anamosa Light Guards	John Kelly : Captain Luther Abbe : First Lieutenant Giles J. Flakes : Second Lieutenant Charles C. Peet : Third Lieutenant	August 17, 1855
Keokuk Artillery and Governor's Guards	Sabirt T. Patterson : Ensign	August 27, 1855
Davenport Light Guards	William Hall : Captain Josiah C. Gaston : First Lieutenant John A. Foster : Second Lieutenant Edward H. Bradley : Third Lieutenant	December 5, 1855 (To rank from October 1, 1855)
Keokuk Rifle Company	Alexander Lynch : Captain James M. Tyler : First Lieutenant L. L. Oconnor : Second Lieutenant William Daulton : Third Lieutenant	December 17, 1855 (To rank from December 10, 1855)
Washington Guards (Jackson County)	Lebbeus C. Allhouse : Captain James W. Simpson : First Lieutenant J. C. Wallace : Second Lieutenant	January 29, 1856
Potowonok Rifle Company	William H. Davis : Captain Samuel Harper : First Lieutenant George H. Albright : Second Lieutenant	April 3, 1856 (To rank from March 30, 1856)

HISTORICAL SURVEY OF MILITIA IN IOWA 371

ORGANIZATION	OFFICERS COMMISSIONED	DATE COMMISSIONED
Tipton Guards	Willard Hammond : Captain William H. Hammond : First Lieutenant John G. Maurer : Second Lieutenant Wells Spicer : Third Lieutenant	August 11, 1856
Linn County Guards	E. Vanmetre : Captain E. N. Bates : First Lieutenant George Livensbarger : Second Lieutenant Abraham Coon : Third Lieutenant	September 24, 1856
Linn County Guards	E. N. Bates : Captain Charles B. Rowley : First Lieutenant	October 27, 1856
Mount Pleasant Guards	Charles E. Clarke : Captain Robert Wilson : First Lieutenant Edward E. Tyner : Second Lieutenant Augustine C. Parks : Third Lieutenant	December 1, 1856
Staff	Elijah Sells : Adjutant General	January 15, 1857
Muscatine Light Guards	I. B. Teller : Captain D. W. McCloud : First Lieutenant William R. Stone : Second Lieutenant O. P. Waters : Third Lieutenant	January 16, 1857
Jackson and Jones County Guards	J. W. Jenkins : Captain Jarvis H. Smith : First Lieutenant Stephen Call : Second Lieutenant Richard Durgan : Third Lieutenant	January 22, 1857
Keokuk Rifle Company	Jul. Beneke : Captain Oscar Schmidt : First Lieutenant Albert Spacke : Second Lieutenant John Bringartner : Ensign	February 10, 1857

ORGANIZATION	OFFICERS COMMISSIONED	DATE COMMISSIONED
Davenport Rifle Company	Anton Iten : Captain Antoine Sherer : First Lieutenant Charles Oswald : Second Lieutenant Charles Ulmer : Third Lieutenant	May 11, 1857
Tipton Guards	George Fritch : Second Lieutenant	July 16, 1857
Birmingham Guards	J. M. Irwin : Captain Anderson Laith : First Lieutenant H. C. Fishel : Second Lieutenant	July 16, 1857
Warren Guards (Burlington)	F. Brydalf : Captain W. A. Young : First Lieutenant J. Smith McKenney : Second Lieutenant I. Winders, Third Lieutenant	July 20, 1857
De Witt Light Artillery (Clinton County)	B. F. George : Captain William H. Buchanan : First Lieutenant John Kelley : Second Lieutenant	July 20, 1857
Burlington Rifle Guards	C. L. Matthies : Captain A. Delahaye : First Lieutenant L. Krieg : Second Lieutenant M. Keller : Third Lieutenant	July 20, 1857
Ottumwa City Guards	G. S. Laswell : Captain L. D. Morse : First Lieutenant John H. Harmony : Second Lieutenant Stephen Osburn : Third Lieutenant	August 5, 1857
Kossuth Rangers	Lewis H. Smith : Captain Oliver Benschoter : First Lieutenant Charles Osgood : Second Lieutenant Abram Hill : Orderly Sergeant William Skinner : First Corporal George P. Taylor : Ensign	August 7, 1857

HISTORICAL SURVEY OF MILITIA IN IOWA 373

ORGANIZATION	OFFICERS COMMISSIONED	DATE COMMISSIONED
Muscatine Light Guards	John H. Wallace : Captain	September 3, 1857
Quasqueton Light Infantry	James D. Phillips : Captain John Coulter : First Lieutenant James Rankin : Second Lieutenant Zinry Butler : Ensign	September 25, 1857 (To rank from July 4, 1857)
Salem Guards	R. D. Emerson : Captain D. Nicles : First Lieutenant J. Fairchild : Second Lieutenant J. R. Welpton : Third Lieutenant	September 25, 1857 (To rank from July 3, 1857)
Council Bluffs Guards	G. M. Dodge : Captain S. H. Craig : First Lieutenant R. F. Dunn : Second Lieutenant J. B. Stutsman : Third Lieutenant J. H. Benton, Jr. : Fourth Lieutenant	September 25, 1857 (To rank from July 15, 1857)
Third Brigade — Division	Edward C. David : Brigadier General Vice John G. Shields, deceased	October 26, 1857
Sabula National Guards	Samuel A. Badger : Captain John O. Bard : First Lieutenant Samuel M. Bard : Second Lieutenant F. M. Kelsey : Third Lieutenant G. W. Confare : Ord. Sarg't	October 26, 1857
Emmit Guards (Keokuk)	Alexander Lynch : Captain James Tumelty : First Lieutenant M. O'Brien : Second Lieutenant M. Campbell : Third Lieutenant	November 18, 1857
Irish Volunteer Company	Nathaniel Scott : Captain Fenton Doran : First Lieutenant Patrick Ryan : Second Lieutenant Joseph Gavin : Third Lieutenant	December 15, 1857

ORGANIZATION	OFFICERS COMMISSIONED	DATE COMMISSIONED
Staff	Jesse Bowen : Adjutant General	January 18, 1858
Boonsboro Frontier Guards	Samuel B. McCall : Captain George B. Redman : First Lieutenant Jonas Upton : Second Lieutenant Woodson D. Parker : Third Lieutenant	February 5, 1858
Staff	Charles B. Richards : Commissary General	February 5, 1858

The staff organization of the militia was completed July 21, 1851, by the appointment of Dr. John Rell, Jr., of Louisa County to be Surgeon General of the militia. Stark H. Samuels of Clinton County was made Brigadier General of the Second Brigade, Third Division, on August 1, 1851. Probably none of the staff officers other than the Adjutant General were maintained throughout the period. Charles B. Richards reported as Commissary General at the time of the Spirit Lake Relief Expedition, yet his commission is dated February 5, 1858.

The records show that officers were commissioned for the State Fencibles at Burlington in 1851, the Madison Guards and Agency City Guards in 1852, and the Dubuque City Guards in 1853. Undoubtedly other companies were in existence whose officers were not commissioned. Indeed, it is very possible that the *Executive Journal* does not contain a completely accurate list of commissions granted. From 1853 on, interest increased, and the Adjutant General and Governor were in receipt of frequent requests for arms for volunteer companies and commissions for the officers. Especially in 1859 and 1860 were these social-military companies active. A list of these militia companies whose officers were commissioned by the Governor between 1846

and 1858 as taken from the *Executive Journal*¹²² for that period will be found in the accompanying table.

Arms for these volunteer companies were issued as rapidly as such equipment could be procured; and the company officers were required to give bonds for their safe keeping. Fifty muskets with accoutrements were issued to one company on a bond of \$829. Sometimes bonds were given and no arms issued in exchange.¹²³ While the companies were mainly social in character and many of them probably never fired the few pieces which they possessed, arms lent the organizations a martial appearance, and doubtless a large part of the interest in militia companies was due to the fact that some arms were available. In 1858 Adjutant General Jesse Bowen wrote to Governor Lowe: "I am persuaded that many of the Volunteer Companies would not be organized were it not for the expectation of getting arms from the state Shall we commission those whom we can't arm?"¹²⁴

With unvarying regularity the annual messages of the Governors reiterated the necessity of some military legislation. Governor Hempstead in his second biennial message again brought the matter to the attention of the General Assembly in the following words:

Since the formation of our State government, up to the present time, recommendations have been made to the General Assembly

¹²² *Executive Journal of Iowa*, 1846-1858, pp. 30, 32, 33, 39, 50, 123, 125, 131, 132, 133, 147, 158, 195, 216, 221, 276, 278, 279, 286, 287, 298, 299, 302, 306, 328, 331, 334, 336, 345, 346, 353, 363, 380, 387, 388, 389, 390, 391, 393, 397, 399, 403, 405, 408, 414, 415. An old record book in the possession of the Adjutant General in Des Moines was also consulted.

¹²³ This bond is in the Archives Division, Historical Department, Des Moines. — Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 201.

¹²⁴ Letter from Adjutant General Bowen to Governor Lowe, dated July 21, 1858, in the Archives Division, Historical Department, Des Moines.

to enact such laws as would comply with the Constitution of this State, and the laws of the United States, as to the organization of the militia; and to which subject I would again invite your special attention.

The object of the law of Congress in requiring the organization of the military force of each State, and the appropriations for arms to be distributed to them from year to year is for the purpose of enabling them to defend themselves in cases of emergency, and at the same time to be serviceable to the National Government in the defense of the country, should their services be needed.

It should be remembered that Iowa is a frontier State; portions of our northern and western boundaries are subject to the incursions of Indians, who have but recently disposed of their right to the soil, who return for the purpose of hunting and not unfrequently commit depredations upon the white inhabitants before . . . any effective military force, can be obtained to repel them. It is therefore prudent and necessary that we should have such a military organization as will enable us in a case of emergency to defend ourselves and protect our citizens.

In July last, I received information from the counties of Cerro Gordo, Floyd, Bremer, Chickasaw, Franklin and others, that a large body of Indians well armed and equipped, had made demonstrations of hostility by fortifying themselves in various places, killing stock, and plundering houses, and that many of the inhabitants had entirely forsaken their homes and left a large portion of their property at the mercy of the enemy; praying that a military force might be sent to protect them and their settlements. Upon the reception of this information, an order was immediately issued to Gen. John G. Shields, directing him to call out the City Guards of Dubuque, and such other force as might be necessary, not exceeding two companies, to remove the Indians from the state. This order was promptly obeyed, and the company was ready for service, when information was received that the Indians had dispersed — that the citizens were returning to their homes, and quiet had been restored. It therefore became unnecessary for any further proceedings.

Authority was also given to Major Williams, of Fort Dodge, in this State, to raise a volunteer company, should it be necessary

to remove any Indians who should be found disturbing any of the inhabitants of the county of Franklin, or adjoining counties. On the first day of September last he reported that he had not found it necessary to raise any military force, as there did not then exist any cause for alarm, or danger to the settlers.

In April last a communication was received from the ordnance office at Washington, stating that there was due to this State, arms to the value of two hundred and thirty-five muskets, with the desire that the kind and the description should be designated. This request was complied with, and the arms have been received, and distributed to organized military companies at Dubuque, Davenport, and Keokuk, with the exception of one brass six-pound gun, which remains to be drawn at the United States Arsenal in St. Louis, Missouri.¹²⁵

Governor James W. Grimes entered upon his duties at the time of the greatest inertia with regard to military affairs, and his early messages contain no mention of the necessity of a militia. In a letter dated January 20, 1855, he informed the House that there was "no military organization in the State. The Executive of the State has no authority under the law, to use either persuasive or coercive measures, except in cases of insurrection or actual hostile invasion." In his report to the General Assembly of 1856-1857, he merely mentioned the fact in connection with a general summary of the census that there were in the State 92,262 men subject to military duty.¹²⁶

The General Assembly was even more indifferent to the needs of the militia than was the Governor. True, the special session of 1856 made provision for the distribution of State arms to volunteer companies,¹²⁷ thus authorizing

¹²⁵ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 456-458.

¹²⁶ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 25, 94.

¹²⁷ Elijah Sells had been appointed Adjutant General in January, 1857. *Laws of Iowa* (Extra Session), 1856, p. 89.

what the Governor had been doing without definite authority. But in the main their attitude was far from serious. Indeed, the attitude of the General Assembly toward military affairs during the half decade before the Civil War has been justly characterized as trifling. The House of Representatives of the Sixth General Assembly was "the scene of unwonted levity when Thomas Hardie of Dubuque insisted upon a report from the committee on military affairs, following an inquiry into the disposition of the State arms. . . . The committee was ordered to report on Saturday evening to the committee of the whole, the chairman to be clothed 'in accordance with *ancient usage*, in the *armor* now in the state library'." In the same spirit of unseemly frivolity, employing the opportunity for numerous puns and jocular thrusts at fellow members, the committee on military affairs made the following report:¹²⁸

Your committee on Military Affairs have had the most profound sense of the important and solemn duties of their position. They have delayed their report until this late hour of the session, in order to fully mature the momentous considerations they have to present to your Honorable body. Your committee did not desire to "go off half-cocked," on the *grave* questions before them; and here permit the committee to remark that the report that your committee has been "half-cocked" the greater part of the time they have been in the discharge of their duties, is a libel too gross to notice. If the committee has been on a *train* occasionally, it has been with a heartfelt desire to test the best system of tactics only.

The committee have made the most thorough, practical investigation in their power, of the relative merits of "big guns, little guns and pop guns." In experimenting with "big guns," they have taken their specimens from the floor of this House, and report as the result of actual trial, that they will bear considerable loading, and never "hang fire." But the objections are that they are

¹²⁸ Briggs's *The Enlistment of Iowa Troops During the Civil War* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XV, pp. 324, 325.

too prolonged in the report, and do little or no execution, rarely "hitting the mark."

In our experiments with "little guns," we have taken our specimens from the body that meets in the other end of this Capitol.—We give as the result that said "guns" are generally "repeaters," and will "go-off" any possible number of times without *re-loading*.

They rarely hit any mark, but are found to "scatter" to such an extent that the execution is as apt to be upon friends as foes. As to "pop guns," your committee found plenty of specimens in both Houses. They find that this class of "guns" generally "explode" the first fire, and are, in every case, "too big for their breeches."—They recommend that the manufacture of this article be discontinued.

In reference to the whereabouts of the State arms, upon which point your committee was instructed to enquire, we report that for all we know to the contrary, they are in a state of safe preservation, somewhere; where the committee hopes they will be permitted to remain, except on Christmas, New Years, and the Fourth of July, unless required to protect the various educational funds of this State. These arms are represented to your committee to be of the latest and most improved patents, warranted to kill or cripple in no case whatever. But the committee, after as full an investigation and trial as they could possibly make, give their emphatic preference to arms of an old patent, said to have been taken out by, or out of, General Adam, by which that renowned warrior was himself subsequently conquered, and which, from his day to ours, have held mankind captive. We mean the arms of woman!

We therefore recommend the arms of the girls of Iowa, as the most affectionate weapons to protect the peace of the State, and promote its happiness, growth and posterity; and we suggest that all dissenters from this opinion be condemned to serve in this Legislature every succeeding session hereafter, at one dollar per day, after the first fifty days. . . .

Regarding it as part of their duty to report an efficient system of organization for the militia of the state, the committee submit the following resolutions:

Resolved, That the fighting population of the State be enrolled as follows:

All persons under one year of age, as *infant-ry*.

All persons engaged in lobbying to this Legislature, as sappers and miners.

All persons disposed to "ride a high horse," as dragoons.

All persons who have expressed or conceived the idea that this Legislature is not the most industrious, the most economical, the most orderly, grave and profound body, ever assembled in this House, shall constitute a "forlorn hope," their case being hopeless.

That his Excellency, the Governor, be commissioned as Protector of his people, and universal opener of water courses.

That the Trustees of the State University, the officers of the Des Moines River improvement, and the Superintendent of Public Instruction, be commissioned as commissaries and keepers of the military chest.

7th. That the member from Buncombe, be commissioned as leader of the Border Ruffian Division of the Army of Observation.

8th. That the member from Clayton, be commissioned as General-in-Chief of the German Allies, with instructions not to mistake his friends for his foes.

9th. That the member from Muscatine be commissioned as General-in-Chief of that wing of the army whose position is "Cloud-y" and who, though not neutrals, are not certain what ground they occupy.

10th. That every other member of this House be commissioned as Aids to His Excellency, with the rank of Major, and shall on all review days appear equipped as the law directs, with a better half, and several little responsibilities;—*Provided*, The Governor be exempted from the last named requirement. . . .

Resolved, That this committee be now "discharged."

THOMAS M. BOWEN,

Chairman.¹²⁹

Despite the lack of interest on the part of the authorities of the State, volunteer companies continued to be organized. There were independent military companies as far out as Cherokee, Buena Vista, and Clay counties. In 1856 ninety-two copies of Hardee's *System of Tactics* had been

¹²⁹ *House Journal*, 1856-1857, pp. 454-458.

received for the use of companies throughout the State. That there was need for militia companies of some kind and that the conduct of the General Assembly in the matter was little short of criminal carelessness, was clearly proven by the events of 1857.

It was in the cold month of March, 1857, that Inkpaduta and his band of Wahpeton Sioux struck fear into the hearts of pioneers in northwest Iowa in what is known in Iowa history as the Spirit Lake Massacre. Houses were burned, herds driven off, supplies pilfered, and some thirty-two whites murdered in the region around Spirit Lake and the Okobojis in this "carnival of murder". The story of the relief expedition made up of Iowa settlers around Fort Dodge and Webster City may well be included in a history of Iowa militia, since in fact it was organized as militia under authority from the Governor and constituted the only real militia in the State at the time.¹³⁰

When news of the massacre reached Fort Dodge on Saturday evening, March twenty-first, a meeting was called for the next afternoon to decide on measures to be taken. When the meeting convened practically every able-bodied man in Fort Dodge and vicinity was present. Major William Williams, who presided as chairman, read the commission granted him by the Governor in 1855 "empowering him in any emergency that might arise to take such action as seemed best in the light of existing circumstances." The meeting resolved that at least two companies of volunteers should be called for and sent to the lakes "to rescue the living, bury the dead, and if possible overtake and punish the perpetrators of the massaere."¹³¹

At the Fort Dodge meeting nearly eighty men volunteered

¹³⁰ The facts of the Spirit Lake Massacre are taken from Teakle's *The Spirit Lake Massacre*.

¹³¹ Teakle's *The Spirit Lake Massacre*, pp. 162, 163.

at once to join the proposed expedition. There was the same response at Webster City, whither news had been carried by messengers from Fort Dodge. Here, too, volunteers were called for, and by nine o'clock on the morning of the twenty-third, twenty-eight men had been selected to undertake the expedition. Provisions and supplies were gathered in from every available source, and the company set out for Fort Dodge where they arrived late in the evening of the twenty-third. At this place officers for the Webster City company were chosen by ballot. John C. Johnson was made Captain, John N. Maxwell First Lieutenant, Frank R. Mason Second Lieutenant, Harris Hoover Sergeant, and A. Newton Hathaway Corporal. The company was designated Company C.

In the meantime two companies had been organized at Fort Dodge. Charles B. Richards, who had acted as secretary of the first general meeting, was selected as Captain of Company A and John F. Duncombe was chosen to head Company B. Captain Richards at once selected Franklin A. Stratton as First Lieutenant of Company A, L. K. Wright as Sergeant, and Solon Mason as Corporal; while Captain Duncombe named James Linn as First Lieutenant, Smith E. Stevens as Second Lieutenant, William N. Koons as Sergeant, and Thomas Callagan as Corporal of Company B.¹³²

These companies were organized and equipped by voluntary contributions. "The equipment of arms varied from the worst conditioned shot gun to some of the finest type of Sharps rifle to be found on the frontier." After being organized as separate units, the three companies united to form a battalion, and "Major William Williams, the only person who had had military experience and who

¹³² Teakle's *The Spirit Lake Massacre*, pp. 165, 166; *Roster and Record of Iowa Soldiers in the War of the Rebellion*, Vol. VI, pp. 922, 923.

had been empowered by Governor Grimes to act in such an emergency, was chosen to command the battalion thus created."¹³³ It numbered at the time of leaving Fort Dodge a total of ninety-one officers and enlisted men.

The story of the long trip across country through the drifted snow, the melting slush, and the blizzards of the open prairie is one which reveals fully the indomitable spirit of the early Iowa pioneers. Almost insurmountable difficulties were overcome. Day after day of cold and exhaustion dragged wearily by. When it was learned that the Indians had left the country, a burial detail was sent ahead and the main body started on the return trip. The burial detail after completing its work also turned back. It was on the return trip that the greatest sufferings occurred: the parties became divided, a blizzard overtook them, and it seems almost a miracle that all did not perish on the prairie. As it was, all returned home safely except Captain John C. Johnson and Private William E. Burkholder of the burial detail, who became exhausted on the return trip and were frozen to death.

Later years have seen efforts on the part of State and nation to compensate the members of the relief expedition and memorials have been erected which perpetuate the story of their bravery and suffering. On April 9, 1913, a law was approved which declared that "on and after the passage of this act, the survivors of the Spirit Lake Relief Expedition of 1857 . . . shall receive a monthly pension of \$20.00 per month, during the lifetime of each such survivor."

Nor was this expedition the only one planned. "As the news of the dire events in Dickinson County spread through the State", says one writer, "attempts were made at several places to organize military companies to go at once

¹³³ Teakle's *The Spirit Lake Massacre*, p. 168.

and lend aid towards pursuing the recreant Indians and rescuing the captives. No record of these inchoate organizations have been preserved but tradition supplies us with a few details of one that had a short existence at La Motte, in the northern part of Jackson County John Hodges, a farmer living near the little village of La Motte, called for volunteers of mounted men as soon as the dread facts became known, and about twenty enrolled their names and met several times for drill before it was learned that the Governor had no power to raise and equip a military force. Hodges was duly recognized as Captain of the little company, and Brooks Weatherby, who had seen service in the Regular Army, conducted the drills." ¹³⁴

It was in 1857 that the new State Constitution was drawn up in convention and ratified by the people. The provisions with regard to the militia remained identically the same as those of the Constitution of 1846. Indeed, there seems to have been little discussion on the subject in the convention.

In January, 1858, the Seventh General Assembly convened at Des Moines. In the very first days of the session, Jesse Bowen of Johnson County was appointed Adjutant General. He retained the office down to the time of the Civil War. Governor Grimes, in his message, reviewed the status of the militia in the State and made the following recommendation:

There are now several independent military companies in the State, to whom State arms have been distributed. Many of the companies are uniformed, fully equipped, and well disciplined. Yet, there is no law of the State under which they are organized or that would strictly authorize the Executive authority to call them into the field, in cases requiring their services.

The experience of the past year has demonstrated the necessity

¹³⁴ *Laws of Iowa*, 1913, p. 362; *Roster and Record of Iowa Soldiers in the War of the Rebellion*, Vol. VI, pp. 941, 942.

for some military organization in the State, and I therefore commend the subject to your consideration.¹³⁵

Governor Grimes also reviewed the incidents relative to the Spirit Lake Massacre and the relief expedition. He urged a memorial to Congress asking for compensation, suggested the need for some form of immediate payment, and mentioned the obligation of the State for some public recognition of the "noble gallantry and untimely death of Messrs. Johnson and Burkholder." The Governor was not apprehensive of any further trouble, but announced that he had established a depot for arms and ammunition at Fort Dodge, and had procured a cannon, muskets, and ammunition for another depot in Dickinson County.

In his inaugural address to the same session Governor Ralph P. Lowe made mention of the fact that "the new Constitution contemplates important legislation upon our . . . militia system",¹³⁶ but he presented no specific recommendations. Nor did the General Assembly at this time enact any general military legislation. They passed one act making provision for a "Standing Army"¹³⁷—legislation which really grew out of the Indian troubles in the northwest. Alarms as to danger from hostile Indians continued through 1857; and early in 1858 there was a little skirmish in Clay County, in which one or two persons were slightly injured. It was decided to petition the legislature, then in session, for assistance of some kind. "C. C. Carpenter represented the district. He took hold of the matter in earnest, and, in the shortest time possible, a bill was

¹³⁵ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 52.

¹³⁶ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 59, 125.

¹³⁷ The title given to chapter ten of the *Laws of Iowa*, 1858, is "Standing Army".

passed providing for the raising of a company of volunteers for the defense of the northwestern frontier."¹³⁸

The act as passed and approved on February 9, 1858, provided that "the Governor be and he is hereby authorized and empowered to raise, arm and equip, one Company of Mounted Volunteers, to consist of not less than thirty nor more than one hundred men, whenever he shall deem the same necessary for the protection of our frontiers." Officers were to be elected by the company, but could be removed by the Governor. A pay schedule was included which gave privates forty-five dollars a month, the non-commissioned and commissioned officers being paid likewise on a graduated scale up to seventy dollars for the Captain. Members of the company paid their own expenses. The act was rather lengthy, making full provision for the organization and conduct of the company.¹³⁹

Under this act a company of the Iowa Frontier Guards, known as "Captain H. B. Martin's Company for the Defense of the Northwestern Frontier" was organized. It was raised principally in Hamilton and Webster counties, with a few recruits from the lake region. "This company arrived upon the frontier about the last of February or first of March, and was divided into three squads; Captain Martin, with the main squad, making his headquarters at the old fort at Spirit Lake; Lieutenant Church, with one squad, at Peterson, and Lieutenant Jewett, with the remaining one, at Emmett. This force was kept on duty until about the first of July, when they were ordered off but not disbanded. In the fall of 1858 . . . they were again ordered into service and kept on duty along the frontier until the following spring, when they were dis-

¹³⁸ *Roster and Record of Iowa Soldiers in the War of the Rebellion*, Vol. VI, p. 938.

¹³⁹ *Laws of Iowa*, 1858, pp. 10-14.

charged."¹⁴⁰ One of the original pay rolls of this company lists forty-five commissioned officers and enlisted men. In 1858, too, there were rumors of a military expedition to Utah for which several Iowa companies offered their services.¹⁴¹

There was considerable activity among the social-military companies of the State during 1858 and 1859. In some localities they were organizing and in others they were disbanding. In Burlington in 1858, there were companies enough to form a battalion, and this organization was effected on June 23rd.¹⁴² In Iowa City in September, 1858, there was a desire for a "real military organization". The Iowa City Dragoons were organizing at this time, and were uniforming themselves. Uniforms for privates cost \$66.10, and that for officers \$82.85.

Many of the companies at this time were organizing on nationality lines. There were German companies, Irish companies, and perhaps others. The Iowa City Washington Guards were forced to disband because of a factional split caused by the efforts of Captain Earle to assist the "Irish & Dutch" artillery companies to organize.¹⁴³ Alex-

¹⁴⁰ *Roster and Record of Iowa Soldiers in the War of the Rebellion*, Vol. VI, pp. 938, 939.

¹⁴¹ Charles B. Richards was Commissary General at this time by special action of the executive authority. Governor Lowe wrote in explanation to the State Auditor that while "chapter ten of the acts of last Session does not expressly provide for the employment of such an agent as Col. Richards, yet it was absolutely necessary that some one should perform the duties which he did perform, and under sections 8 and 13 of said act, I felt myself authorized to employ and pay him for said services."—*Iowa Legislative Documents*, 1860, p. 96; *Roster and Record of Iowa Soldiers in the War of the Rebellion*, Vol. VI, pp. 939-941. See letter from F. Brydolf, Captain of the Burlington Blues, to Governor Lowe, dated April 21, 1858, in the Archives Division, Historical Department, Des Moines.

¹⁴² From a document in the Archives Division, Historical Department, Des Moines.

¹⁴³ Letter from John Bullock to Governor Lowe, dated September 17, 1858, in the Archives Division, Historical Department, Des Moines.

ander Lynch resigned in 1858 as Captain of the Keokuk Emmitt Guards, because he had not time to drill, and because he was "of the opinion that it would be better for the interests of the Company to have an Irishman to command you."¹⁴⁴ The Captain of the Davenport Rifles wrote to the Governor on December 11, 1858, stating a piteous case. In Davenport there was to be a big military ball and the Davenport Rifles were to parade that day. Several of the members asserted they could not afford the parade, and it had to be called off. The Captain asked the Governor if he should resign.¹⁴⁵

In 1858 the General Assembly was a little more heedful of militia interests than former legislatures had been. In this session the House military committee asked the Governor for advice in their difficulties.¹⁴⁶ Indeed, the House of Representatives passed a resolution asking Governor Lowe for information as to the location and condition of the public arms. This uncovered a defective system of records. The Governor replied that he had caused such records as were available to be examined, "without being able to obtain that complete information you desire. These records and documents consist only in the bonds filed in the office of Secretary of State by the independent military companies; but as in some instances companies received no arms after depositing their bonds, these are not conclusive evidence even of the number and description of arms issued to said companies. I am informed by the Commissary General, that there is a considerable quantity of military stores at Ft. Dodge, at which place they were

¹⁴⁴ From original document in the Archives Division, Historical Department, Des Moines.

¹⁴⁵ Letter to Governor Lowe, dated December 11, 1858, in the Archives Division, Historical Department, Des Moines.

¹⁴⁶ Letter from J. H. Wallace to Governor Lowe, dated March 1, 1858, in the Archives Division, Historical Department, Des Moines.

deposited by the late Adjutant General, during the Indian troubles in the Northwest, in the spring of 1856. I have no information as to the precise character of these stores, but have been assured that they have been kept in good condition since their deposit at that point. It is proper to say in this connection, that the Adjutant General resides away from the capitol". The Adjutant General, too, at this time seems to have been more interested in his work. Mr. Bowen complained in March, 1858, that he had not yet received any records from his predecessor.¹⁴⁷

Down to the very eve of the Civil War we find the Governor of the State urging upon the General Assembly the necessity of militia organization. In his message to the Eighth General Assembly, on January 9, 1860, Governor Ralph P. Lowe referred to the subject in the following words:

The quota of arms drawn by each State is in proportion to its representation in Congress. This provision of law operates to the disadvantage of the new States, whose population usually is much in advance of such representation. Thus far our supply has been wholly inadequate to the demand. A chivalrous spirit pervades the minds of our young men, and many highly creditable companies have been organized in the State, although we have had no military law, the enactment of which should now engage your serious attention.

The reception, custody, and distribution of the public arms, coupled with the large correspondence that necessarily grows out of it, makes this branch of the public service both burthensome and expensive to some extent, which should be provided for by law. The duties connected therewith have been for the last two years very efficiently and promptly performed by the present Adjutant

¹⁴⁷ Letter from Adjutant General Bowen to Governor Lowe, dated March 6, 1858, in the Archives Division, Historical Department, Des Moines.—Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 201, 202.

General of the State, Gen. Jesse Bowen, whose compensation has borne no proportion to his official obligations and labors.¹⁴⁸

This General Assembly appropriated five hundred dollars for an "Army of Protection", to consist of a company of minute men, "in number not exceeding twelve", four of whom "may be employed as an active police for such time, and to perform such services as may be demanded of them", for the "purpose of protecting the citizens of the north-western portion of the State, and enabling them to defend themselves against the threatened depredations of marauding bands of hostile Indians".¹⁴⁹

In a letter written early in March, 1860, Governor Kirkwood authorized George W. Lebourveau to organize these "minute men" and gave him instructions as to their enlistment, equipment, and duties. The services of this company must have been very short, if it was organized at all, for the State Auditor's report for the biennium ending November 3, 1861, shows only \$34.75 paid to the "Army of protection for North West Iowa".¹⁵⁰

To trace the Iowa militia through the period of the Civil War is a perplexing task. There was, throughout this period, a well-defined State militia but it is somewhat difficult to differentiate between the State and Federal troops. Especially in the department of the Adjutant General there was lack of differentiation: the Adjutant General was in charge of all Iowa troops and his duties were divided between the Union soldiers who were from Iowa and the State militia.

¹⁴⁸ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 170.

¹⁴⁹ *Laws of Iowa*, 1860, pp. 142, 143.

¹⁵⁰ *Report of the Auditor of State*, 1861, p. 10, in *Iowa Legislative Documents*, 1861-1862; *Executive Journal of Iowa*, 1858-1862, pp. 281-283, in the Archives Division, Historical Department, Des Moines.

Indeed, as has been said, the office of Adjutant General was not definitely created by law until 1861, although there had been such an office for ten years. From 1861 on there are printed reports for the Adjutant General's office. Too much credit can not be given to Nathaniel B. Baker as Adjutant General during the Civil War and for ten years thereafter. His untiring work and persistence made possible complete records of Iowa soldiers. Indeed, Iowa is one of the very few States with such records. The story of the Iowa militia from 1861 to 1876 is the story of Nathaniel B. Baker.

At the outbreak of the Civil War and the call upon Iowa, April 16, 1861, for "one regiment of militia for immediate service", there was no organized active militia in the State. There were many volunteer social-military companies, and these readily responded to the call. Indeed, the early regiments were largely made up of these companies. Such companies, of course, ceased to be State militia in any sense upon being mustered into the service of the Federal government.¹⁵¹ The true State militia of this period consisted almost wholly of what were known as the Northern Border Brigade and the Southern Border Brigade—the one a

¹⁵¹ This principle was not universally accepted at the time of the Civil War. It was claimed by some that the troops raised for United States service remained State militia and should be organized according to State law. Governor Kirkwood was not concerned with this technicality. Laws of Congress and War Department orders called for commissioned company and field officers to be appointed by the Governors of the States furnishing troops. In many instances the Governor authorized company elections, and then appointed the men so elected. In reply to certain inquiries of the House of Representatives, Governor Kirkwood remarked: "Our young men have promptly volunteered to fill up the regiments called for under these laws; thus consenting to the officering of the regiments in the manner therein provided. They have appeared to be less anxious in regard to the manner in which their officers should be appointed, than to have the privilege of serving their country in its need."—Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 428-431.

frontier guard against Indians, the other a protection against Missouri secessionists.

Governor Samuel J. Kirkwood called the General Assembly into special session on May 16, 1861, to enact emergency legislation. He declared there were "two objects which in your deliberations you should keep steadily in view, and which I recommend to your serious consideration — the protection of our State against invasion and the prompt supply to the General Government of any further aid it may require.

"Our State", he declared, "is supposed by many to be exposed to attack on two sides — our Southern and Western borders, on the South by reckless men from Missouri; on the West by Indians."¹⁵²

The majority of the twenty-four acts passed by this short session related to military matters. Most of them had to do with troops mustered into Federal service or related to their families and dependents. Two acts, however, dealt with the State militia. One was a general statute "to amend the Militia Law of the State of Iowa", and made general provisions for the existence of a State militia. By this act the militia of the State was to be divided into two classes, "the first to be called the *Volunteer*, and the second the *Reserve Militia*." The "volunteer" militia was to "consist only of those who voluntarily organize themselves into companies of not less than forty privates and non-commissioned officers, nor more than one hundred privates and non-commissioned officers, and who shall be uniformed, and shall elect officers, and assemble themselves for drill, and purposes of military discipline, not less than five nor more than ten days in each year, and who shall be furnished with arms and equipments by the State, and the first subject to

¹⁵² Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 259.

call or draft into service at the requisition of the Governor." The "reserve" militia was to "consist of those who do not organize themselves into companies as aforesaid, but shall be subject to draft, or to be called into service."¹⁵³

This act authorized further detailed organization by the Governor whenever necessary. Regulations were included for commissions, returns, musters, and punishments. The members of the "volunteer" militia were to serve for six years. By this act of May 28, 1861, the Governor was empowered to appoint as his staff "one Adjutant General, who shall also perform the duties of Inspector General, with the rank of Colonel of Cavalry, one Quartermaster General, (who shall also perform the duties of Commissary General,) with the rank of Lieutenant Colonel of Cavalry, one Paymaster General with the rank of Lieutenant Colonel of Cavalry, and one Surgeon General with the rank of Major of Cavalry, and he may also appoint four aids-de-camp with the rank of Lieutenant Colonel of Cavalry, and one Military Secretary with the rank of Lieutenant of Infantry." The following day an act "further to regulate the staff of the Commander-in-Chief" was passed, authorizing four additional or special aids-de-camp, and providing that the Adjutant General and Quartermaster General "shall be entitled to the full pay of their respective rank, during the time any troops may be in the actual service of this State, to be paid during the time said officers are in actual service only." At other times the salaries of these officers were, respectively, \$300 and \$200 per annum.¹⁵⁴

At this special session still another act was passed providing for "the organization, equipment, and subsistence of the Militia-men of the State of Iowa." Herein it was

¹⁵³ *Laws of Iowa* (Extra Session), 1861, p. 21.

¹⁵⁴ *Laws of Iowa* (Extra Session), 1861, pp. 22, 23, 30.

enacted that "for the better protection of the exposed borders of this State, to resist marauding parties of Indians and other hostile persons, to repel invasions, and to render prompt and efficient assistance to the United States, the Governor be, and is hereby authorized and empowered to organize two Regiments of Infantry, one Battalion of not less than three Companies of Artillery, and one Squadron of not less than five Companies of Cavalry, and one Regiment of Mounted Riflemen for the service of the State".¹⁵⁵

Apparently this act was intended to create a reservoir from which troops could be furnished to the United States as they might be required, for it was made the duty of the Governor "to fill all requisitions made by the United States upon this State from the Infantry herein provided, as far as practicable; and should the number of Regiments or Companies above mentioned, be, from any cause, reduced, or should they be mustered into the service of the United States, the Governor is hereby authorized and empowered to raise and equip such additional number of troops as he may deem expedient and necessary, in manner and form as prescribed in this Act, until the number shall be equal to the whole number of troops in this act above provided."¹⁵⁶

The Adjutant General in his report for the year 1861 stated that there had been organized during the year one regiment entitled the "1st Regiment of the Western Division of the Iowa Volunteer Militia" with 933 men. This regiment went to the support of Unionists in northern Missouri three times during the summer of 1861. There were also partial organizations of regiments in Fremont, Madison, and Mills counties. That such organizations were not looked upon with favor by the Adjutant General is evident from the following comment:

¹⁵⁵ *Laws of Iowa* (Extra Session), 1861, pp. 27, 28.

¹⁵⁶ *Laws of Iowa* (Extra Session), 1861, p. 29.

I might make reference to partial organizations of other regiments and to many companies which are organized throughout the State, in favor of which I could say much, but believing as I do that those organizations and all others of our Volunteer Militia can never prove efficient or serviceable, unless the whole State is organized into regiments, brigades, and divisions, I have further recommendations to make upon that subject.

It is my opinion that the General Assembly of the State should immediately assign the counties which should constitute Regiments, Brigades, and Divisions, and until it is done, I believe that all further attempts at Militia organization in this State will prove a failure, or produce confusion. The representatives of the people ought to be the best judges of the manner in which these districts should be constituted. . . .

From the experience which I have had in this department I deem it my duty to recommend that the General Assembly amend the Militia Law so as to authorize the Governor of the State, whenever in his opinion the emergency arises that he shall have power to appoint an Assistant Adjutant General or Assistant Adjutant Generals, with such rank and compensation as will enable this department to command the services of some of the ablest men in the State.

Since the middle of Oct. last I have had the aid of Lieut. Col. J. C. Culbertson as Assistant Adjutant General. His sound judgment and industrious efforts have been of the most valuable assistance to me. During the time I have been organizing troops for the field I have had the most active and energetic assistance of your staff.

I would make further recommendations in relation to the organization of our Militia, but trusting that the Congress now in session, under the provisions of the Constitution of the United States, authorizing it "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," I deem it only necessary for the Legislature to make the amendments to the militia law, which I have before suggested,

by allowing him a contingent fund for his traveling expenses, or by an increase of his salary."¹⁶⁰

Governor Kirkwood also asked that certain residents of the State be exempted from military service. "There are in this State," he said, "some religious bodies who entertain peculiar views upon the subject of bearing arms, and whose religious opinions conscientiously entertained, preclude their so doing. Their members are generally among our most quiet, orderly, industrious and peaceful citizens, and their sympathies are wholly with the Government in this struggle now going on for its preservation, yet they cannot conscientiously bear arms in its support. It appears to me it would be unjust and wholly useless to force such men into the army as soldiers, and yet it would not be just to the Government or to other citizens that they should be wholly relieved from the burdens that others have to bear. I suggest, therefore, that these persons who cannot conscientiously render military duty, be exempted therefrom in case of draft, upon the payment of a fixed sum of money to be paid to the State."¹⁶¹

During the summer of 1862 there were various rumors of Indian attacks on the northwest frontier. The Governor reported that he had immediately sent Schuyler R. Ingham of Des Moines, to that region, with arms and ammunition, and "full authority to act as circumstances might require."¹⁶²

Still another general militia law, amendatory of those already enacted, was passed at the special session of 1862.

¹⁶⁰ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 311, 312, 313.

¹⁶¹ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, pp. 316, 317.

¹⁶² Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 317.

By this act the distinction between the active "volunteer" militia and the "reserve" militia was abolished, and the entire militia of the State—all able-bodied white male citizens between the ages of eighteen and forty-five—were "required, and it is made their duty, to organize immediately into companies of Infantry, and meet for the purpose of drill and discipline, at their respective places of rendezvous, at such times as may be determined by each Company, and whenever the Governor shall so order."¹⁶³ Members of such companies need not be uniformed, but must arm themselves.

Detailed regulations for the organization of the different units were contained in this law, but the forming of regiments was left to the discretion of the Governor. This act, like nearly all the others, was lacking in definiteness and comprehensiveness. A blanket provision made it the duty of the Governor "to cause the militia of the State to be organized as speedily as possible into Companies, and he is hereby vested with full power and authority to make all necessary orders, rules and regulations for carrying out this act."¹⁶⁴

In conformity with the Governor's advice the office of Assistant Adjutant General was created. This officer was also to serve as Paymaster General, and his salary was fixed at "one thousand dollars per annum, until six months after the expiration of the present war."¹⁶⁵

The Northern Border Brigade and the Southern Border Brigade were authorized by the extra session of the Ninth General Assembly in 1862. The first statute of the session

¹⁶³ *Laws of Iowa* (Extra Session), 1862, p. 42.

¹⁶⁴ *Laws of Iowa* (Extra Session), 1862, p. 46.

¹⁶⁵ Under this law Philo E. Hall of Clinton County was commissioned Assistant Adjutant General on September 22, 1862.—*Laws of Iowa* (Extra Session), 1862, p. 49; *Report of the Adjutant General of Iowa*, 1863, Vol. I, Appendix, p. 1.

provided that "the Governor of the State of Iowa, be and he is hereby authorized and required, to raise a volunteer force in the State of Iowa from the counties most convenient to the North-Western border of said State, of not less than five hundred mounted men . . . to be stationed at various points in the North Western counties . . . for the protection of that portion of the State from hostile Indians, at the earliest possible moment. . . . Said force, or so much thereof as the Governor shall deem expedient, shall be held in service so long as he may deem it necessary; and during that time, the persons so volunteering shall be exempt from draft."¹⁶⁶ This act was twice amended during the same session, once to empower the Governor to furnish arms, horses, and subsistence instead of requiring the volunteers to do it, and again to make it clear that this force need be raised only when the Governor deemed it necessary.¹⁶⁷

Under its provisions the Governor was also "authorized and required to raise a volunteer force in the State of Iowa, from the County of Wapello and each of the Counties in the Southern tier of Counties bordering on the State of Missouri, not less than one Company of mounted men . . . for the protection of the Southern border."¹⁶⁸ The act provided for four battalions, and they were to be continued in service as long as the Governor should deem necessary, and during this time they should be exempt from draft.¹⁶⁹

Almost as soon as the law was passed authorizing the action, Governor Kirkwood took steps to organize the Northern Border Brigade. On September 12, 1862, Gen-

¹⁶⁶ *Laws of Iowa* (Extra Session), 1862, pp. 1, 2.

¹⁶⁷ *Laws of Iowa* (Extra Session), 1862, pp. 5, 16.

¹⁶⁸ *Laws of Iowa* (Extra Session), 1862, p. 14.

¹⁶⁹ *Laws of Iowa* (Extra Session), 1862, pp. 14, 15.

eral Order No. 1 was issued, announcing that five companies would be accepted — one to be raised at Sioux City, one at Denison, one at Fort Dodge, and one at Webster City, and a fifth to be made up of the company already stationed at Chain Lakes and Estherville. A Lieutenant Colonel was to be elected to have command of the entire force. The execution of these orders was delegated to S. R. Ingham, who soon had the companies mustered in and located. "One company was stationed at Chain Lakes, one at Estherville, and portions of companies at each of the following points, to-wit: Ocheyedan, Peterson, Cherokee, Ida, Sac City, Correctionville, West Fork, Little Sioux, and Melbourne, thus forming, in conjunction with the portions of Capt. Millard's Company stationed at Sioux City and Spirit Lake, a complete line of communication between Chain Lakes and Sioux City."¹⁷⁰ Much difficulty was experienced in maintaining a force of mounted men in this region, due to the scarcity and high price of hay, corn, and oats.

On November 7th James A. Sawyers — formerly First Lieutenant of the Sioux City Cavalry — was elected Lieutenant Colonel of the brigade, and he relieved Mr. Ingham of responsibility. During the winter, block-houses and stockades were erected at various points along the frontier. The Indians did not trouble the Iowa frontier that winter; indeed, it has been said that the "history of the Northern Iowa Border Brigade is largely the record of the erection of the line of fortifications in northwestern Iowa." In addition to fort-building, however, "there were the camp duties, drilling, scouting, target practice, and the keeping up of communication between the different posts and the U. S. forces at Fairmont, Minn., and at Sioux City. Now and then government dispatches were passed along the line, and whenever of great importance they were sent through

¹⁷⁰ *Report of the Adjutant General of Iowa, 1863, Vol. II, pp. 863, 865.*

from post to post on limited time. This service came to be known as the 'pony express'."¹⁷¹

Companies B and D of the brigade completed the work assigned to them early in the year of 1863 and were mustered out of service — their places being taken by detachments from the other companies. Companies A, C, and E remained in service until late in September, 1863. On September 26th General Order No. 121 was issued from Davenport, disbanding the brigade and authorizing the formation of a single company to take its place. This company, under Captain William H. Ingham, remained in service at Estherville for about three months.¹⁷² A detachment of United States troops was then assigned to this frontier.

The organization of the Southern Border Brigade was authorized by General Order No. 98, issued October 8, 1862. Four battalions were provided for: the First Battalion to be raised in Lee and Van Buren counties; the Second Battalion in Wapello, Davis, and Appanoose counties; the Third Battalion from Wayne, Decatur, and Ringgold counties; and the Fourth Battalion from Taylor, Page, and Fremont counties.¹⁷³ After these forces were organized, better conditions existed upon the southern border. Prior to that time, there had been instances when troops from the border counties were called on to drive Missouri confederates far into their own State. In 1863 the "Tally War"—a minor disturbance at South English—gave opportunity for State troops to show their valor. In 1862 the rosters showed that the Northern Border Brigade had two hundred

¹⁷¹ Clark's *Frontier Defense in Iowa, 1850-1865*, in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XVI, p. 383; Ingham's *The Iowa Northern Border Brigade of 1862-3* in *The Annals of Iowa* (Third Series), Vol. V, pp. 499, 501.

¹⁷² Clark's *Frontier Defense in Iowa, 1850-1865*, in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XVI, pp. 384, 385.

¹⁷³ *Roster and Record of Iowa Soldiers in the War of the Rebellion*, Vol. VI, p. 214.

and fifty enlistments, and the Southern Border Brigade seven hundred and ninety-four.¹⁷⁴

In January, 1864, the Adjutant General reported some ninety-one companies of Guards, Blues, Greys, Rangers, Fusileers, Regulators, Rifles, Scouts, Bushwhackers, and the like throughout the State — mostly on the southern border.

The Tenth General Assembly felt that it should follow precedent, and enacted still another general militia law, which was approved March 26, 1864. Under it the entire militia of the State was "required to organize into companies of Infantry, Cavalry or Artillery." The companies which had been organized under the act of September 11, 1862, were continued, and authorized to retain their arms and accoutrements. County supervisors were required to keep militia registers of all persons subject to military duty. The Adjutant General was given the rank of Brigadier General.¹⁷⁵

The number of companies organized under the militia law up to January 1, 1865, was nine hundred and seventeen. Some counties had only one company: Scott County led the list with thirty-six companies.¹⁷⁶

The Adjutant General in his report for the year 1864 advised still further change in the militia law. A part of his report follows:

The Militia law of this State needs amendment. Every able-bodied male citizen between the ages of 18 and 45 should be compelled to do military duty twice a year, or he should be fined. The present law contemplates that, but for various reasons it has been neglected or avoided in many sections of the State. It is hoped that the next General Assembly will provide for all necessary proceedings before a Justice for the collection of fines, so that prompt

¹⁷⁴ *Report of the Adjutant General of Iowa, 1863, Vol. I, p. xv, 1864, pp. vii, viii, 677, 687.*

¹⁷⁵ *Laws of Iowa, 1864, pp. 90-95.*

¹⁷⁶ *Report of the Adjutant General of Iowa, 1865, pp. vii, viii.*

justice will visit the heads of those who have not done service abroad, and who shirk from all military duty at home. There should also be heavy penalties provided for punishment of officers who in any way connive at neglect or avoidance of duty by officers or soldiers under them.

It is desirable that the militia be organized into regiments, brigades, and divisions if we intend to have it efficient. This department has organized the companies as far as possible under your orders into regiments, and will continue during this year to organize other regiments; but it would seem best that the General Assembly should decide what regiments should compose a brigade and what brigades a division, but in case the General Assembly should omit to act, there can be no doubt, if the necessity arose, that the Governor of this State, as Commander-in-Chief of the militia, might designate the regiments for a brigade and the brigades for a division.¹⁷⁷

A year later over a thousand militia companies were reported by the Adjutant General, but many of them were organized in name only, and "many of them since the conclusion of hostilities between the United States and the rebels, are the same as disbanded."¹⁷⁸

Early in 1866 an order was issued relieving the aides-de-camp from duty. By it all officers on the staff of the Governor, with the exception of the Adjutant General and the Assistant Adjutant General, were dismissed. That there was a big slump in militia interest is apparent from the report of the Adjutant General:¹⁷⁹

The present militia law is almost a dead letter so far as any active

¹⁷⁷ Col. F. H. Impey had succeeded Col. J. C. Culbertson as Assistant Adjutant General on December 1, 1864.—*Report of the Adjutant General of Iowa*, 1865, pp. xiii, xx.

¹⁷⁸ Some idea of the extent of the duties of the Adjutant General during this period may be gained from the expenses of his office. During the year 1865 the sum paid for clerk hire was \$10,615.96.—*Report of the Adjutant General of Iowa*, 1866, pp. iv, xx.

¹⁷⁹ *Report of the Adjutant General of Iowa*, 1867, Vol. I, p. xiv, Vol. II, p. 633.

militia is concerned. The activity and energy of those who labored for its organization during the war, has almost entirely disappeared, and this department has not the satisfaction of even receiving the returns which the law requires from county officers, and is therefore compelled in endeavoring to comply with the requirements of the laws of the United States, to make a very imperfect and unsatisfactory return to the War Department.

I am satisfied that the present militia law, with the existing feeling of the people of this State, should either be repealed or modified. We certainly ought to have in the State a few well organized and well drilled "active" militia companies. They may be required in an emergency, and would serve as a nucleus around which volunteers could rally in case of a "call" for them. Such companies we cannot have under the present law. If the people of this State want a small militia organization only, that cannot be had unless the law is made more stringent in its provisions, and unless officers and soldiers are properly paid for their services.

CYRIL B. UPHAM

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