Introduction to the History of the California Militia and National Guard of California, 1849-1880

This history was completed in 1940 by the Works Progress Administration (WPA) in conjunction with the California National Guard and the California State Library.

Digitized by the History Office, Camp San Luis Obispo, 23 January 2015

Original document on file at the California State Library

C355 N 277 V.1

National guard of California

THE NATIONAL GUARD OF CALIFORNIA 1849- 1880

(Part 1)

Compiled
With the Assistance of the
Work Projects Administration
from Records in the
Adjutant General's Office of California
and the California State Library

1940

The National Guard consists of regular enlisted militia between the ages of 18 and 45 years, and commissioned officers between the ages of 21 and 46. It is the best prepared and component part of the entire military establishment.

The military history of this country dates back to the early colonial days in the new World. In 1774 the Massachusetts Colonial Assembly appointed a Committee of Safety which organized the militia in the locality of Boston. The Second Continental Congress (1775) provided for the organization of the militia of the several colonies, part of which agreed to hold themselves in readiness at minute's notice, thereby becoming the so-called "Minute Men." Shortly after the battle of Lexington, the Congress of Massachusetts resolved that 50,000 troops were necessary and advised the several colonies to raise their proportion of this force, 13,600 being the quota to be raised in Massachusetts.

The Continental Congress, in so far as organization and administration of the militia was concerned, was almost entirely advisory. Enlistments were for approximately three months and desertions were extremely numerous. Of the 395,864 troops enrolled during the Revoluntionary War, 164,087 were militia. Troops were untrained, and the officers inexperienced.

The first Federal Militia Law was enacted in 1792 and provided for the enrollment for military duty of able-bodied, white, male citizens between 18 and 45 years of age. No compensation was offered but each militia man was expected to provide himself with a good musket. No active Federal control was contemplated and no Federal financial aid provided before 1808. For over 100 years after the revolution, there was practically no development of the militia. There was no cooperation between the regular army and State troops until about 1880. In 1880 \$200,000 was voted by Congress for the militia. This continued until 1887 when it was increased to \$400,000 yearly. From 1900 to 1906, \$1,000,000 was voted, and at present appropriations are about \$31,000,000.

In the Spanish War, the militia consisted of about 1,600 companies informally grouped, in some instances, into battalions, regiments and brigades. The origin of the present National Guard dates from the Dick Bill of 1903, whereby the militia was officially designated the Organized Militia of the United States. The bill provided for: organization, armament and discipline to be the same as in the regular army; it authorized the Secretary of War to issue at Federal expense ammunition and supplies provided for the regular army; it provided for regular inspections by regular army officers and regular returns by State Adjutant

Generals, it provided for participation of the militia in joint manoeuvres with regular army and for pay, subsistence and transportation during such activities. State encampments for training were provided for, regular army officers were sent to the States as instructors, and other important improvements in organization were provided. The Division of Military Affairs in the War Department, with a regular army officer as chief, was inaugurated. The divisional plan of organization was adopted in 1913 and further Federal aid and co-operation were embodied in the National Defense Act of June 3, 1916.

On August 5, 1917, all of the National Guard to which Federal recognition had been extended became part of the army of the United States. These troops consisted of 12,115 officers and 336,954 enlisted men, and were organized into 16 divisions which were sent to various camps throughout the country for further training and development for use during the World War. By the Act of June 4, 1920, the National Guard was reorganized, and provision made for the preservation of names, records and flags of former National Guard organizations that had served in the World War, and for the establishment of the Militia Bureau of the War Department. This law further provided for equipment and training, and for the employment of the National Guard by draft into the service of the United States in national emergencies.

The authorized strength of the National Guard was fixed at 200 enlisted men for each senator and representative in Congress and a number to be determined by the president for each territory and the District of Columbia; this number to be increased each year after 1920 in the proportion of not less than 50% until the total peace strength of not less than 800 enlisted men of each senator and representative in Congress should have been reached. This now provides for a force of about 435,800.

In 1922 the National Guard was to be limited to 250,000, but current appropriations were sufficient for the maintenance of only 186,000, which comprise 18 infantry divisions, four cavalry divisions, certain coast defense corps and army troops, General Headquarters and Auxiliary units. In general, two divisions of infantry have been enlisted, personnel is obtained by recruiting agencies under State control. Original enlistments are for three years, subsequent enlistments being for one year.

The National Guard when not in Federal service is under command of the governor of each State. While not in the service of the United States, it is governed by National Guard regulations. The Militia Bureau, under the direction of the Secretary of War.

is charged with the general administration of National Guard affairs. It is inspected by regular army officers to determine Federal recognition and consequent Federal financial aid. Annual armory and field inspections are required. State funds amounting to about \$11,000,000 provide for the State administration of the National Guard and supplement the pay of officers and men which is provided by the Federal Government. In general, the United States appropriates about \$3.00 where the States appropriate about \$1.00. The cost of each enlisted man in the National Guard is approximately \$230.00 a year.

Officers and men in the National Guard receive one day's pay on a regular army basis for each drill period attended by 50% of the enlisted and 60% of the officer personnel and for each day of practical training in camp. Officers of the National Guard are eligible for detail as students at the general and special service schools of the army.

National Guard troops may be employed (1) as State troops under State control; (2) by the Federal Government under call into the Government service under constitutional provisions to execute the laws of the Union, suppress insurrection and repel invasion; (3) by draft into the Federal service as part of the army of the United States. A "call" into the service of the United States is issued by the President in certain specifically defined emergencies. It may be issued when troops are required for some specific purpose, or it may be a warning order preliminary to a procedure known as a "draft". A "draft" is a procedure adopted by the President to take into the military service of the nation, as a component of the army for service during the war or in an emergency, a part or all of the National Guard when Congress shall specifically authorize for any particular emergency the use of armed land forces in excess of the regular army. As a result of this act (draft), the National Guard is divested of its militia character and becomes a federal force without allegiance to State authorities.

At present the National Guard is a very important institution of every State. In 1927 no less than 17 States called out their National Guard in local emergencies, such as the Mississippi floods and the Florida hurricane; and these crises have proved these troops to be a reliable force, and have earned it the warm support of the States. Although proficiency varies with local conditions some National Guard units with a short period of combined training would make first class combat troops.

When drafted into the Federal Service the National Guard becomes an integral part of the United States Army, subject in all

respects to the same rules and regulations. It serves for the duration of the emergency, after which it reverts to State control. As an indication of the increased reliance placed upon this force as an asset in the national defense, one may compare the appropriation of \$1,000,000 for 1900 with the following:

Year	Appropriation	Strength
1919	\$ 6,450,150	37,210
1920	13,184,791	56,090
1921	28,002,882	113,640
1927	30,879,252	181,142

In 1927 the Chief of the Militia Bureau reported; "it is evidently the intent of Congress, and all War Department plans and policies bear it out, that the National Guard is to be used as first line troops subject to call at the same time as the regular army."

THE NATIONAL GUARD OF CALIFORNIA

The need for an organized State militia in the State of California goes back to the very birth of the State itself. It is summarily paradoxical that the immediate need for a State militia was brought about by the lawlessness of an out-of-state military company, namely the New York Volunteers. The memorable year of 1849 in California brought with it all the villany that goes hand in hand with the discovery of "Gold." This corruption first appeared in the habiliments of charity. The delectable troop of New York Volunteers, remnants of a company of men engaged in the Mexican War, were made up to a great extent of riff-raff of eastern cities. Of no value at home they were brought here at the public expense to fight Mexicans or Californians; which being found unnecessary after their arrival, the company was disbanded. Having no occupation and adverse to labor, many of them fell back on their old past-time of pilfering.

Criminal intent does not appear to be a part of their original purpose. Some of them had been employed by the alcades carrying out the ends of justice. At first many of them engaged in various occupations, such as mining, blacksmithing, hotel and saloon keeping. But they were not long content to work for that which they could more easily steal. One of their fundamental principles, practiced before it was formulated, and the first and broadest plank in their platform, was that others should feed and clothe them. The working men of California, the honest and industrious,

should furnish them shelter, with strong drink and tobacco, and other luxuries. In return for which support, did California desire the interloping "Greasers" annihilated, they "were the boys to do it." Whatever their intentions were originally, elements as these joined under such conditions could not long exist without evil results. Soon it was understood that lawlessness and crime were the primary purpose of the association and by the Spring of 1849, subordinate societies with a common grip and password were scattered throughout the entire mining district of California.

As might be expected, the "Hounds," as these ruffians were called directed their early attention to politics. The "Hounds" made their Headquarters in a large tent, later known as Tammany Hall, standing now where Commercial Street crosses Kearny. At this location they would bring their spoils taken at night, and there eat and drink, and sleep throughout the day. This association became more forward in their undertakings and with increasing numbers, they began toward the end of their career, first to intimidate, then to assault and finally to try open robbery and murder. There was one way which these "Hounds" were of service to society. They were always ready to serve as jurors. They were also good witnesses, ready to testify in the direction they would be paid. They were good to drive squatters off the land or rightful owners, it made no difference to them in whom title was vested. They were used at the polls on election day, voting early and preventing others from voting, and guarded the ballot box in the evening while it was being stuffed. If anyone desired a house fired, a man beaten or a murder done, they were always at hand to serve one for a liberal consideration.

With increased numbers and opportunities, the Hound Association put on new dignaties. They changed their name to that of the "San Francisco Society of Regulators," and organized and officered their body after the usual respectable models. That affairs needed regulation was clearly apparent, and the indifference of the business man to this condition caused the loafing element to assume this duty. To the benefits offered by the "Hounds" in associating, the Regulators added political favors and were willing to carry out the "burden of government" for the American people. An initiation fee of ten dollars was paid on entering and in return each member was to be cared for in sickness, supported when penniless, and extricated from any trouble which by chance he might fall into. No qualification as to character was requisite to membership, except that it should not be "painfully bright." The declared principles of the association were originally easy and free enough, and in action they became more so. every day.

For five or six months until about the middle of July, this band of ruffians exercised their terrorism over the community. Samuel Roberts, their chief, worked this organization up to such a state of efficiency that soon the entire city was laid under contribution. The members of this society considered themselves as public servants, and in consequence the public should support them, and that they should pay no bills. It was during this period that the mines opened up in California and there was a strong feeling against the Mexicans and Chileans. The "Regulators" decided to drive all Spanish-Americans from San Francisco just as they were being driven from the mines. Therefore, during the entire afternoon and evening of July 15, 1849, and all through the night until the following morning, these ruffians continued their villainies without interference from officer or citizen. Their operations extended to all parts of the City where a Chilean tent could be found. These men made no attempt to cover their crimes as there was nothing to fear. The law was powerless; there was no police; the alcade did not interfere; the sheriff was a member of the gang.

This outrage of the Regulators was not an ordinary riot, but was a well-planned conspiracy against a "peaceable and peaceloving community." Under the existing laws of the United States, foreigners had the same rights in California as American citizens. and to injure them in such a manner as the "Hounds" had was in the highest degree criminal. Not that the Chileans as a class in society were considered highly, but foreigners were human beings, and as such were entitled to humane treatment. Young San Francisco became fairly aroused. Its citizens rallied to help "downtrodden justice and swore perpetual divorce from public villainy." It was decided that it would be necessary to regulate the "Regullators." On Monday morning following Sunday's outrages, at the corner of Clay and Montgomery Streets, Sameul Brannan mounted a barrel and addressed the people. After the speaking was finished, the people that were collected formed themselves into four companies of one hundred men, each in a charge of a Captain. Lots were drawn by the Captains to determine which company should first stand guard, the duty being to watch the City and hunt the "Hounds."

The desire of law abiding citizens wishing an orderly and peaceful community gave the incentive which promulgated the formation
of volunteer militia companies. After the capture, trial and
expulsion of the "Hounds" from San Francisco in 1849, a number
of prominent citizens dreading a recurrence of similar activities,
conceived the idea of organizing a permanent volunteer company,
and on July 27, 1849, the first company of militia was formed.
The company was called the "First California Guard, Light Artillery,"
and was equipped as Infantry.) Some years later they secured four

brass cannons, two six inch and two twelve inch. Forty-one men joined the company the first night and elected Henry M. Naglee as their Captain. The newly elected members signed the following preamble:

"We the undersigned, do hereby form ourselves into an association under the style and name First California Guard, and for the good of the government thereof have adopted a Constitution and By-Laws for support of which we mutually pledge ourselves."

There was no suitable room for the armory and those who organized the company among themselves built an armory at the corner of Dupont and Jackson Streets. This building was destroyed
by fire in 1850; rebuilt and destroyed again by fire in 1851.
This organization supported itself entirely without outside aid,
and received no encouragement from the public.

when the first Legislature which assembled in San Jose, April fourth, enacted the California Militia Law based on the National Militia Law enacted by Congress in 1792. The law made compulsory without compensation the enrollment and performance of duty by every able-bodied citizen between the ages of 18 and 45, and required that such citizens provide at their own expense a good musket. Following is an outline of the principles which are concerned in the Military Act of 1850 for the State of California:

Who subject to military duty

Exemptions

Proof of exemption

Militia and volunteers to consist of four division and eight brigades

lst division 2nd division 3rd division 4th division

lst brigade of lst division 2nd brigade of lst division 1st brigade of 2nd division 2nd brigade of 2nd division 1st brigade of 3rd division 2nd brigade of 3rd division

Governor Commander-in-Chief

Governor to appoint two aides-de-camp

Legislature to elect four Major Generals and eight Brigadier Generals

Officers, except commanders to be commissioned by Governor

Other officers to be commissioned by Governor

Adjutant General's Office, where to be kept

Duties of the Adjutant General

Appointment of successor in case of vacancy

To report annually to Governor as specified

Adjutant General to deliver documents to successor

Adjutant General's salary

Quartermaster General's Office, where to be kept

Quartermaster General to give bond for the performmance of duties

Quartermaster not to leave that State

Quartermaster vacancy in office, how supplied

Quartermaster to report annually to governor as specified

Quartermaster may hire building for deposit of arms, etc.

Quartermaster's duty at expiration of term of office

Quartermaster to issue arms to volunteer companies, etc.

Quartermaster's salary

Commutation for Military Duty

Commissions, fees and fines to constitute military fund

Fine for non-payment of commission fee

Recovery and application of fines

County to sue for exemption tax, and justices to enter judgment for penalties

Exemption tax of minors

Sheriffs of counties to hand lists of defaulters in payment of exemption to County Attorneys

Allowance to County Attorney for suing

County Assessors to make a distinct list of persons subject to Military Duty

Copy of list to be sent to Adjutant General

Certified copies of such lists with amount for which each person is liable, to be furnished to County Treasurer

Compensation to County Assessors

County Treasurers to be collectors of militia exemption fund

County Treasurer to report annually to comptroller as specified

County Treasurer to pay military fund to Paymaster General

Application of military fund

Comptroller to direct County Treasurers to pay moneys to Paymaster General

Paymaster General to give receipt for moneys paid to him

Comptroller to keep a separate set of books for entries specified

Warrants to Paymaster General for payment of salaries to military officers

Comptroller to report annually to Governor as specified

State Treasurer to be Paymaster General

Military fund to be kept separate

Separate set of books for military fund

Warrants to be paid from military fund

Paymaster General to report to Governor annually as specified

Incidental expenses, how ordered to be paid

Militia and volunteers may be ordered out, in case of war, insurrection and etc.

Order to state whether to appear armed, etc.

Sheriff to give notice of order

Manner in which order is to be obeyed

Penalty for neglecting order

Sheriff to raise from militia number of men mentioned in order

When sufficient men volunteer to fill requisition of order, Sheriff to proceed with them to place indicated by order

When sufficient men do not volunteer, Sheriff to draw to make number required

Penalty for refusing to obey Sheriff

Militia and volunteers so called into service to be organized into companies, battalions, regiments, and brigades

It was imperative that California have military protection as during the period of her early statehood, this state was faced with several unique and hazardous situations.

In the first place California in the early days was in an isolated and defenseless position -- an extreme outpost of the Republic

with an extended unfortified coast. The state was situated a great distance from the National capital and from sister states, by a distrance of thousands of miles and by range of mountains often impassable. Secondly some portions of the state were constantly exposed to hostile Indians who plundered the settler's property, burned their homes and drove them from their farms and mining grounds. The point was reached when there was but one alternative left, to wage war of extermination against the Indians. If not the white man would be forced to abandon the large and productive land from which thousands of Americans had obtained a plentiful living for the past few years. As the policy of the Federal government would not permit increasing the Regulars beyond a force simply sufficient to carry into effect the necessary police regulations upon the Indian frontier, it would, therefore, seem justifiable in the light of the above facts that the Federal Government should reimburse the State for all expenses incurred wherever it was deemed necessary to call out the State Militia for service in protecting the State frontier from attacks by hostile Indians. California was faced by a third peculiar situation, and to meet such a condition needed military protection. The State was composed of a heterogeneous population which gave rise to mobs, riots, and violent and unlawful acts, and California required more force than could be exerted by civil authorities to maintain order and enforce obedience of the law. The existence of a well-organized Volunteer Company at a scene of distrubance could do much to intimidate the rioters. Where there is a mixed population liable to be divided upon all political questions, which might affect or disturb the repose of the government through insurrection and rebellion, a military organization is of vital importance.

The imperfectness of the early military system was not due to the fault of the State Military Department alone. To render a militia effective, a mutual interest must be developed between the soldier and the government. Whenever the government sustains the soldier, the soldier may also be relied upon to defend the government. In the early days, however, the soldier was never sustained or encouraged by the government; was never regarded as a distinct and essential department of the government of the State. It was realized by the founders of the State that a citizen soldiery property organized would be the most reliable organization to defend and uphold the law and sovereignty. However, there were many obstacles that confronted the young State during its infancy, and instead of receiving encouragement from the government, the early Legislatures made determined efforts to break down the militia by ridiculing those enrolled under it, and by deriding it as a useless and expensive appendage.

The early statesmen seemed to overlook the face that a militia system was imperative to the State; that the Constitution requires it, and the general government imposes it, and public interest demands it.

The Federal Government took no active part in the control of the militia, and it was developed as a separate army in each state. To organize a company under the California State Law, it was necessary that the number of citizens desiring to form a company make application to the Judge of the County Court. The Judge would then designate a person to open a book and enter the names of all persons between the ages of eighteen and forty-five, who were able to perform military service or duty and desired to join the company. When the required number of persons had registered, it was the duty of the persons so appointed to call a meeting for the purpose of electing officers and non-commissioned officers. The Captain of the company was permitted to appoint the company Musicians only. A proclamation announcing the formation of the Company was then issued by him, and return made to the Adjutant General. The officers were commissioned by the Governor and each officer paid five dollars for his commission.

The law fixed the numerical strength of the State Militia companies as: one Captain, one First Lieutenant, two Second Lieutenants, four Sergeants, one Drummer, one Fifer, and not less than fifty, or more than one hundred Privates. The companies were to be equipped in the same manner as similar corps in the United States Army. The arms and accoutrements were issued by the State from the allotment received by the Federal Government, and the company commander was required to file a bond with the Adjutant General. Other than this no State or Federal aid was extended to these companies and members furnished their own uniforms. Other expenses were met from dues and assessments. Members, other than the officers, were not required to take an oath of enlistment and could withdraw, except when under call by the governor, at will. The only paper work required was the forwarding of a Muster Roll semi-annually to the Adjutant General. These companies were subject to callby the Governor and, in case of neglect, or refusal. individuals were liable to a fine of not less than five hundred dollars for officers. and two hundred dollars each for members.

Many changes were made in the Law of 1850 during the sixth session of the State Legislature which met at Sacramento in 1855. Under Law, as changed, all free able-bodied white male citizens between the ages of eighteen and forty-five were required to be enrolled and were made subject to Military Duty.

The State was divided into six divisions, each of which was commanded by a Major General, each division was divided into two brigades and each brigade was commanded by a Brigadier General. It was the duty of the County Assessor to prepare annually a roll of all the Militia who were not enrolled in the independent companies and furnish a certified copy thereof to the Brigadier General concerned. All persons subject to Military Law who were not members of independent companies, were assessed annually the sum of twenty-five cents as a military tax. Six cents of this tax was retained as a fee and the balance forwarded to the State Treasury for deposit to the military fund. This fund was managed by a board of Military Auditors.

By 1860, there was a total of sixty-four miltiary companies in the State with a membership of three thousand officers and members. These companies were assigned to brigades and the office personnel consisted of six Major Generals, eleven Brigadier Generals, twenty-one Colonels, thirty-six Majors, and two hundred and eighty-eight Captains and Lieutenants. Each company bore a distinctive name. The six companies located in Los Angeles were named as follows: Los Angeles Guard, Lanceros de Los Angeles, Southern Rifles, City Guard of Los Angeles, and etc. Some of the names given the fourteen companies located in Dan Francisco were: National Guard, Marion Rifle, City Guard, of San Francisco, First California Guard, Black Hussars, etc. Companies organized in other sections of the State were similarly named, and were located in the mining towns, of Sonora, Downieville, Columbia, Nevada City, La Porte, Coloma, Poverty Bar, and the Goodyear Bar.

Many of the Major Brigadier Generals were prominent men, a great number of whom later became outstanding figures in California and United States history. Among these were Major General W. T. Sherman, who at one time commanded the Second Division; John A. Sutter, the Fifth Division: Major General Henry W. Halleck and others.

The militia companies were organized in most cases to preserve law and order and to protect the towns from attacks by the Indians, as the Federal forces were not adequate for this purpose; and although the early independent companies were purely volunteer forces bearing no arms and not participating in active duty, they created an element of power through which order was maintained, and protection afforded the citizens when all civil force had failed. As early as December 1854, the State Militia had made a great deal of progress. The discipline and military skill displayed by the volunteer corps was such as to render

them effective and useful in cases of emergency. These volunteer companies became a pride to the people and an ornament to the young State of California. The promptness and energy with which the citizens of the State responded in organizing themselves into active military companies, prepared to do effective duty in defending the lives and property of the people, gave California protection and her sovereignty had nothing to fear. In 1866 the StateLegislature passed a law whereby the organized uniformed troops of the State were designated as the National Guard of California.

It was necessary for California considering the peculiar elements of her location and her heterogeneous population to establish the only "auxiliary dependence of a free government," a militia force composed of its best citizens, perfect and complete in its system, sufficiently guarded by statutory restrictions as to exact the most prompt and most efficient duty from those connected with it.

The early Adjutant Generals, especially General W. C. Kibbe, who was a leading and dominant figure in the development of a state militia for California, urged that the militia be given the position they were entitled to. That the State government acknowledge the responsibilities assumed, the sacrifices made, and the militia's general importance as an institution of the government. In this manner it was felt by the early military leaders that the public would afford the guard with fitting encouragement and prompt the volunteer military companies to efficient duty. Through a properly organized miltia, men are made proficient in the art of war. Drills are held and through attendance men acquire habits of obedience and receive a moral sublimity which combined lay the foundations for civil and religious liberties. Furthermore the State military organization was a matter of vital importance to the interests of California. Upon it rested the foundation of the State government as through it the institutions of the State would be preserved, thereby affording protection and a proper enforcement of the laws against any combinations arrayed against them.

The growth and development of the National Guard, as a highly respected National and State institution, is closely related to the growth and development of the State of California. California has always looked towards her Militia in times of stress as a dependable power, ever ready to preserve the peace and tranquility which is such an essential factor in the development of a strong and hardy state. From the days of 1849, when the Hound Association with their tentacles were literally undermining the young State, to the unrest which is ever prevelant in the twentieth century, the National Guard is looked upon by Californians as an important agency for the maintenance of law and order. The National Guard has well

proven its ability to preserve peace on many occasions. Following is a brief glimpse of the varied activities that the Guard has participated in since its inception as a State institution.

Indian Expeditions 1850-1862

Capture of Joaquin Murietta 1853

San Francisco Insurrection 1856

Grant Owners and Settlers dispute, Sonoma County, 1862

Civil War 1861-1867

Moquelemos Land Grant dispute, San Joaquin County, 1884

Railroad Strike 1894

Philippine Insurrection 1899

San Francisco Earthquake 1906

McCloud Affair, Siskiyou County, 1909

Mexican Border Trouble 1916

World War 1917

Long Beach Flood and Earthquake 1933

San Francisco Waterfront Strike 1934

BIBLIOGRAPHY

INTRODUCTION TO THE HISTORY OF THE NATIONAL GUARD (Cont.)

Britannica, Encyclopaedia, Volume 15, Page 486, 14th Edition, Article by (W. N. H.)

Historical Sketches--The California Militia, 1849-1860 By Brigadier General R. E. Mittelstaedt, Page 5-6

Bancroft's Works, Volume XXXVI Popular Tribunals Volume 1.

Statutes of California 1850, Chapter 76, Page 190 (An Act concerning the organization of Militia)

Adjutant General's Reports 1850-1861 (Inclusive)