

COURTS OF ENQUIRY WEST MILFORD MILITIA 1862-1866

PART I

(See Historical Sketch No. 3 for Part II. This will include the history of the manuscript of the Minutes of the Courts of Enquiry West Milford Militia 1862-1866, a list of the names of men included in the minutes, and a discussion of the problems found in transcribing the manuscript.)

Military history of the United States is peppered with criticism and caricatures of the militia. The most useful period of the organization may have been that of the frontier and Indian attacks on first settlers.

"Reliance on the militia resulted in many disgraceful defeats in battle" and "American military history shows that local and state militia, unless inspired by brilliant leadership, often fought poorly in battle... and drilled even worse - facts prompting President Adams to recommend an overhaul of the system." (American Heritage, pp. 113, 187)

County militia units existed during the French and Indian Wars but were, according to George Washington, "utterly inefficient and useless." (Withers, p. 100)

During the Revolution, Major Samuel Shaw wrote in his Journal: "As for our army, God help it!...the militia gone and going home...The militia whose times expired yesterday were desired to tarry for the good of their country only four days, and out of their whole number there were not sufficient to form one regiment who would engage. Scandalous! Tell it not in Britain...After the new army is raised...I hope we shall never be again so grossly infatuated as to expect any good can accrue from calling in the militia." (Commager, pp. 167, 168)

In 1810, the nine regiments of Ohio, Brooke, Monongalia, Wood, Harrison, and Randolph Counties formed one brigade. The officers of the two Harrison County regiments petitioned the Virginia Legislature to divide the brigade so that the regiments of Wood, Harrison, and Randolph Counties comprised a separate brigade. Their reason was that the six counties "comprehend a large tract of Country & render (in consequence of their size & number) communications to & from the Commanding Officers difficult & uncertain." The officers admitted that a "small additional expence" might be necessary, but "The Militia in the hour of peril must be the first, as it is the safest & best reliance of the Government" and "As hardy as they are brave and happily free from the dangers which threaten their transmontaine brothers, may the reliance be made without the hazard of disappointment if a reasonable attention be given to the laws prescribing military discipline." The petition was signed by thirty-nine officers including Isaac Coplin, William B. Lowther, John George Jackson, Benjamin Wilson, Jr., Thomas Haymond, and James Pindall of Harrison County.

The Independent Virginian, Clarksburg, Virginia, December 1, 1819, published a letter signed "A Citizen" which had some comments on the militia. The first part of the letter states that, in order to be an officer in the militia of Monongalia County, one must be appointed by a member of one family. Then there is a complaint: "If a man has mustered for a time and then leaves the country (as I have heretofore done) perhaps twelve or eighteen months and return, all the fines for the interval are entered against him, handed over to the court martial, are there confirmed and the first man he meets is Mr. Sheriff who informs him: 'Sir, I have six or eight fines against you'...This would not have happened had my captain have had one spark of honor. My name should have been stricken from the list when he knew I was absent."

With the approaching War Between the States the militia became of some importance. "In the winter of 1860 there was quite a military stir throughout the western part of the State of Virginia...Matters continued in this shape over into the beginning of 1861 so far as the militia musters were concerned." (Cook, p. 27)

"At the outbreak of the Civil War thirty-two counties in what is now West Virginia had an equal number of militia companies, commonly designated as 'Home Guards,' embracing in all about 23,000 men. The local company at Weston...was equipped with flint-lock rifles sent to Weston after the John Brown affair, none of which were in serviceable condition...These organizations met at stated times on muster days, drilled a short time, but otherwise saw little service." (Cook, p. 27)

It is possible that the required number of musters was held and that there were no absentees - or that minutes were not kept for all meetings of the courts - or that the courts did not meet.

The battallion court imposed fines on delinquent militiamen. The regimental court imposed, reduced and remitted fines on delinquent officers; it heard appeals on fines imposed on militiamen; it heard claims for exemption from military service (after an examination by a physician); and it heard claims for reimbursement for expenditures.

The 1st Battalion and regimental courts met at West Milford. The 2nd Battalion court met at various places in the area.

Regimental courts were held for the purpose of exemption from military service by reason of physical unfitness on November 15, 1862, and on June 25 and 26, 1863, (hearing ordered by Governor Pierpont).

The Courts of Enquiry met at the following times and places:

1st Battalion	Oct. 29, 1862	West Milford
2nd Battalion	Oct. 30, 1862	"House of W. Corpenning"
Regimental	Nov. 1, 1862	West Milford
Regimental	Nov. 15, 1862	West Milford
Regimental	June 25, 1863	West Milford
Regimental	June 26, 1863	West Milford
1st Battalion	Nov. 25, 1863	West Milford
	(Quorum not present, court adjourned)	
2nd Battalion	Nov. 27, 1863	"John W. Butler's"
Regimental	Nov. 28, 1863	West Milford
2nd Battalion	Nov. 23, 1864	"Horeb Meeting House"
1st Battalion	Nov. 24, 1864	West Milford
Regimental	Nov. 25, 1864	West Milford
1st Battalion	Oct. 5, 1865	West Milford
2nd Battalion	Oct. 27, 1865	"W. Corpenning's"
Regimental	Oct. 30, 1865	West Milford
2nd Battalion	Oct. 23, 1866	"Quiet Dell"
1st Battalion	Oct. 24, 1866	West Milford
Regimental	Oct. 26, 1866	West Milford

Militiamen were fined for:

Absence from regimental musters 1862, \$.75 per day; 1865, \$2.00 per day.

Absence from company musters 1862, 1863, \$.75 per day; 1865, 1866, \$2.00 per day.

Failure to obey orders at regimental muster 1864, \$5.00.\*

Disobeying orders at regimental muster 1864, \$5.00.\*

Refusing to go into ranks at regimental muster 1864, \$5.00.\*

Failure to enroll themselves 1864, \$5.00.

Officers were fined for:

Absence from regimental musters 1862, 1865, \$2.00 per day; 1866, \$10.00 per day.

Absence from company musters 1862, \$2.00 per day.

Failure to attend officers drill 1864, \$3.00.

Failure to "make company return for the call of the militia" at Clarksburg 1864, individual fines of \$7.50, \$10.00, \$15.00.

The fines collected constituted a fund for defraying the expenses of the militia. The county sheriff collected the fines. The militia treasury was in the hands of the local commissioner of revenue. At the regimental court held on October 30, 1865, it was "ordered that P. H. Goodwin D. S.

\*Possibly a few cases of bravado - only six or so men involved.

On May 1, 1861, volunteer forces were called out in Virginia and on May 3rd the Governor of Virginia issued a call for additional forces. "This call was sent into western Virginia to all the commanding officers of the State militia, and was practically disregarded by all." (Lang, p. 18)

In 1861 the unit of the militia operating in Clarksburg was the 138th Regiment of the Virginia Militia. (Cook, p. 112) The unit operating in West Milford was the 137th Regiment of the Virginia Militia. (mss. Courts of Enquiry)

The "militia organizations in a skeleton form were handed down to the Restored Virginia government, and gradually evolved into the 'Virginia and West Virginia State Troops.' These companies, of course, had no connection with the general military system, were usually only enrolled for 60 or 90 days, and there was a constant shifting from local companies to the Federal troops and a few to the opposite side." (Cook, p. 29)

The entire activity of the militia consisted of musters. "The dressed up citizen soldiery needed some place to go. The logical place to display their finery was the muster and the review. The various state militia laws differed, but all called for periodic muster and review of the military organizations. In South Carolina the brigadier general was to hold a review and drill of each regiment of his brigade at least once every year; and it was the same for most states. For obvious reasons, in a rural section, the brigade muster, usually statewide, was on the whole unsuccessful. It was the company muster that was feasible and important. The company captain was required in Virginia to conduct such an event at least four times a year." (Franklin, p. 177)

Haymond writes "During the existence of the Militia laws each Regiment of Militia was compelled to assemble for drill once each year generally in the Spring...The day was called 'Big Muster'...Nobody was in uniform... (There was nothing military about (the men))" (Haymond, pp. 265, 266) Caricatures of the militia show yokels drilling with pitchforks and wooden muskets.

In 1863 there was a "reorganization and consolidation of all county militia." (Cook, p. 29) This was reflected in the assignment of a new number to the regiment in West Milford (21st Regiment instead of 137th Regiment), and the designation of companies by letters of the alphabet instead of by the names of the current captains.

Haymond (p. 266) says "The Civil war broke up the Militia system and no one had a taste for military display after four years of actual conflict." And, indeed, the minutes of the Courts of Enquiry end with the entry for October 26, 1866.

(Anyone interested in the standards of the militia should consult the Abstract of the Virginia Military Law, Relative to the Assessment and Collection of Fines, Allowance and Payment of Claims, and the Powers, etc., of Battalion and Regimental Courts, issued by the Auditor's Office in Richmond in 1861)

This outlines organization, musters, training of officers, size of companies, period of enlistment, election of officers, method of enrollment, inspection, and the system of forms used in making reports.)

The Minutes of the Courts of Enquiry West Milford Militia is not a record of the organization and activities of the regiment. It is a record of disciplinary action taken against offenders and of expenditures approved by the regimental courts. There is just so much - and no more - that we can learn from the manuscript.

We know from the Minutes of the Courts...that there were musters, called "rendezvous", at Clarksburg on September 15, 16, 17, 18 and 19, 1862; on May 7, 1863; on August 8 and sometime in September 1864. These rendezvous may have been musters of all Harrison County units - something larger than the "Big Muster".

There was a regimental muster in 1864 and one on October 26, 1866.

Company musters were held in April, May, June, August, September, October and November 1862.

In April 1863.

On October 26, 1866.

(Deputy Sheriff) for D. W. Robinson S. H. C. (Sheriff Harrison County 1863-1866) be allowed...delinquent fines" totaling \$595.75.

The musters at Clarksburg were important, judging by the size of the fines imposed. The musters may have been called at times of military activity in and around Harrison County.

Musters called at Clarksburg:

September 15, 16, 17, 18, 19, 1862.

(On August 31, 1862 Weston was occupied by Confederate forces.) Fine for absence was set at \$10.00 per day. This meant that a man who missed all five days was fined \$50.00. There may have been howls of protest. And there were slip-ups: Captain McKinney's and Captain Brake's companies stated that they had been told that the first day of the muster was September 16th. The fine was reduced to: absence of 1-2 days, \$10.00; 3-4 days, \$15.00; 5 days, \$20.00. More protests; the fine was finally reduced to \$1.50 per day. This was double the fine imposed on militiamen for failure to attend other musters in 1862.

May 7, 1863.

(Jones and Imboden were at Weston on May 6, 1863. Jones had bypassed Clarksburg.)

This may have been a one-day muster. Militiamen were fined \$10.00 for failure to attend. Officers were fined \$15.00 for the day; one officer was fined \$20.00, another \$40.00.

August 8, 1864.

This muster may have lasted three days. The fine was set at \$10.00 by the battalion court and changed to \$20.00 per day by the regimental court.

September 1864.

(There was a skirmish at Buckhannon on September 27th and 28th) The muster lasted at least seven days.

The claims for reimbursement approved by the regimental courts may be of some interest:

	1862	1863	1864	1865	1866
Adjutant	\$ 8.00	\$	\$ 5.00	\$	\$
Sergeant major	2.00				
Provost Marshall	4.00 2.00	2.00 per day	2.00 per day	2.00 per day	2.00 per day
Clerk	25.00 5.00	25.00	25.00	25.00	9.00
Fife Major	2.00				
Fifers	8.00 6.00 10.00	2.00 per day			2.00 per day
Drummers	8.00 6.00 12.00	2.00 per day	2.00 per day		2.00 per day
Printing	2.00	4.50			
Services of surgeon	5.00	7.50 per day	10.00	10.00	
House rent for arms			15.00 (\$2.50 per mon.)	30.00 (\$3.00 per mon.)	7.50 (\$3.00 per mon.)
Transporting arms			\$ 33.00		

The last entry in the manuscript (in spite of Haymond) has a "business as usual" implication: "Ordered that the Quartermaster General furnish each company in 21st Reg. West Virginia Militia with drums and colors." Under the provisions of the Virginia Militia Law, the drums and fifes were supposed to be serviceable for ten years.

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