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Marshal Alex Mills and Bakersfield's Disincorporation of 1876

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City Marshal Alexander Mills was a cantankerous fellow. He did not disincorporate Bakersfield by himself, but he helped it along.

In 1870 Kern County's entire population was 2,900, and Bakersfield's part of that was such that burials at the town cemetery averaged barely one a month.¹ But by summer 1872 Bakersfield had three saloons and a new brewery, and although Havilah remained the county seat, mining there was in decline, and people at Bakersfield resented traveling the mountain roads to Havilah to conduct county business.

The pressures of growth caused a political tipping point in 1873 when voters at Bakersfield voted against noise, vice, garbage dumping, careless fires, and indiscriminate horse racing in the town's streets, and in May the Kern County Board of Supervisors approved incorporation of Bakersfield. That was followed by city ordinances to abate the nuisances, collect taxes form a fire brigade, and hire a city marshal. An election in 1874 (soon followed by a law suit) eventually moved the county seat from Havilah to

¹ The town cemetery was about two miles south of today's 19th and Chester. See *What Happened to Chinese Cemetery? 1870-1993* at www.gilbertgia.com

Bakersfield, which attracted people and businesses, including Philip Reinstine's Havilah saddle-shop and in summer 1874 the *Havilah Miner*.

Bakersfield hired a one-legged Civil War veteran named Alexander Mills to serve as city marshal, but he turned out to be less than the ideal lawman,² and that in spite of this recollection from 1914: "He was an old man by the time he became Marshal of Bakersfield, and he walked with a cane. But he was a Kentuckian, a handy man with a gun, and not lacking in initiative and resource when the mood moved him."³

A 12x18-ft, temporary county jail was built at Bakersfield in early 1874, and in May the county voted to fund a righteous courthouse and a jail "with at least six iron cells." A year later Marshal Mills proved his ability to fill the new lodging. "Sunday evening a man near Bob's saloon took a large load of bricks into his hat, and behaved 'accordin.' Marshal Mills arrested him, and invited him to take cheap lodgings for the night. But the festive gent was just then taken by a severe fit of 'studs,' laid down and refused to move. The Marshal stalked across the street and returned majestically with a wheelbarrow, into which the top-heavy individual was unceremoniously handled and trundled off, and on Monday he 'wished he hadn't.' Considering that the man weighted something over 200 pounds, Bakersfield may congratulate itself for having an officer who will do his duty – and who can!"⁴

Bakersfield's image suffered in late 1874 when the Southern Pacific bypassed the town and built its train station two miles east at Sumner. What Mills did a few months later no doubt pleased more than a few Bakersfieldians. "Once when he was given papers to serve in an attachment suit against the Southern Pacific railroad, Alex chained a log to the rails, sat down on a tie with his rifle in his hands, and announced that he had attached the track, the roadbed, and the right-of-way and there would be

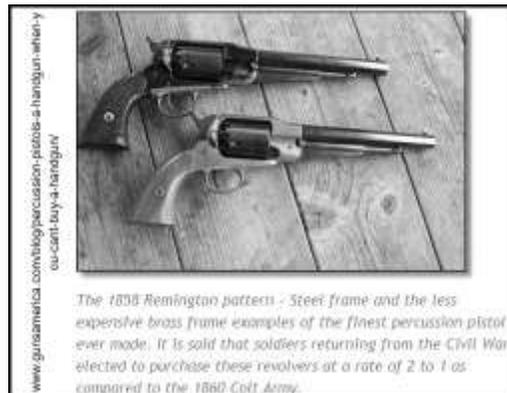
²² Richard C. Baily, *Heart of the golden Empire, an Illustrated History of Bakersfield*, Windsor Publications, Woodland Hills, California,, 1984, p 51

³ WM Morgan, *History of Kern County*, 1914

⁴ *Southern Californian* [Bakersfield], Mar 25, 1875

nothing stirring over there until the judgment was satisfied." ⁵ The Southern Pacific settled quickly.

Mills was aggressive in collecting city taxes. Historian Richard Bailey wrote, "It was said he (Mills) would enter a business and, if money due to the town was not handed over immediately, he would shoot holes in the floor around the proprietor's feet. The city board talked about who would fire Mills, but word came back that he would retaliate with his very accurate shotgun."⁶



Businessmen when asked to explain the issue replied, "He just stumps around from one saloon to another, and at the end of the month he draws his \$76."⁷ What they did not say was Mills not only carried a badge and a large pistol, but he also packed a large ego. In one instant he entered the office of a "Mr. Black," ⁸ a prominent citizen, and delivered the following (sanitized) diatribe:⁹

Mills: "Mr. Black, Suh, good morning."

Black: "Good morning, Mr. Mills."

Mills: "Mr. Blank, Suh, you're the pop-eyed progeny of a race of runts. Nature never marks her critters wrong, Suh. A pop-eyed man will steal, a pop-eyed pup will suck eggs, and a pop-eyed woman will flirt with the hired help. Good morning, Suh."

⁵ WM Morgan, op. cit.

⁶ Village News (Bakersfield), Nov 1991. The quote was from Richard C. Baily, *op. cit.* Bailey did not note the source of that quote.

⁷ WM Morgan, op. cit.

⁸ WM Morgan, History of Kern County, 1914. Morgan indicated the name is fictitious.

⁹ WM Morgan, op. cit.

A newspaper of 1892 recalled, "Bakersfield was once incorporated and then the city marshal not only ran us, but ruined us, and we all hailed with delight the day that we were disincorporated. The devastation wrought by the city marshal has left no sign except in the memory of the ancients. Moreover, where were the city fathers at, to allow an underling such destructive powers? The town marshal of tomorrow, were Bakersfield incorporated, could not do it, and everybody knows it."¹⁰

The stories about Alex Mills are few, but together they draw a rather consistent picture. This broad conclusion from a Federal travel guide of 1939 confused the sequence of incorporation and disincorporation with respect to Mills, but it revealed another failing of the man: "That year one Alex Mills was elected to marshal. He constituted himself private censor of the citizenry; he knew the history, sometimes unsavory, of everyone in town, and he had a fondness for relating it. Repenting its choice, Bakersfield speedily incorporated when it learned it could thus legally oust the marshal. That accomplished, the citizens found no further advantage in incorporation for their settlement and therefore disincorporated it."¹¹

Other stories say merchants were so eager to get rid of Mills that they signed a petition to disincorporate the town,¹² but an important reason that Mills left office was because the city could not collect taxes.¹³ The country was then in a national, economic depression, and the few Bakersfield businessmen who paid their taxes complained that among the city's many problems were the town's streets and irrigation ditches, which were neglected. Mills was convinced he enjoyed support from high places, and

¹⁰ The Weekly [Bakersfield] Californian, Nov 11, 1892. The statement was overly optimistic. Law enforcement after reincorporation remained selective. See *Mme. Brignaudy in the Bakersfield Tenderloin, 1905-33* at www.gilbertgia.com

¹¹ *California, a Guide to the Golden State*, Works Progress Administration for the State of California, American Guide Series, Hastings House, NY, 1939, p 442. The writer erred in identifying 1893 as the year that Alex Mills became Marshal.

¹² Bailey, op. cit., erred when he noted that Bakersfield Trustee Henry A. Jastro offered a solution: "Disincorporate the town and so do away with the position of town marshal." Jastro held no political office until his election to the Kern Co Board of Supervisors in 1892. The May 8, 1888 Kern Co Californian listed prominent men who filled responsible positions in Kern County. Jastro's name was not on that list. See *Henry Jastro, Commodore of Kern County, 1848-1925* at www.gilbertgia.com.

¹³ "Depression has pervaded all parts of the country for the last three years." Los Angeles (California) Evening Express, Jun 17, 1878, p 2, c1

whenever he was threatened with recall he replied, "You may remove me from office, Suh, but my constituents will triumphantly elect me again."¹⁴ But after an 1875 newspaper article that proclaimed the town government a miserable failure,¹⁵ Mills announced he would not run again.¹⁶ Three-fourths of voters decided to disincorporate the town, and in January 1876 Kern County Supervisors began winding down the city's business. In April, Mills was no longer Marshal of the City of Bakersfield, and for that matter there was no longer a City of Bakersfield. For the next 22 years the community was run by a citizen council.

The landmark, water-rights lawsuit of the 1880s between James Haggin and Henry Miller froze economic development in Kern County for a decade, and not until growth of oil in the 1890s did Bakersfield see a return to happy times.¹⁷ Meanwhile, a constable also named Mills, Ed N. Mills, policed the growing town of Bakersfield, but unlike Alex Mills, he was appreciated. Challenges of town expansion brought about an election on January 4, 1898 which reincorporated the town (vote: 387 to 146.) A few days later, the son of Col. Thomas Baker, Thomas A. Baker, was named town marshal.¹⁸

Did Marshal Alex Mills have a son named Alex Mills, Jr? In 1884 a man by that name bought the Kern Valley Flouring Mills, the site which today is a motel across Truxtun Avenue from Beale Library. Mills was successful in business, and by 1888 he was the secretary of 14 canal companies and the manager of Cotton Ranch Dairy, both of which were properties of the James Haggin land empire. A newspaper noted in 1892 that Mr. Mills' operations were the "highest possible proof of the good opinion entertained of him and his abilities by business men."¹⁹ If that Alex Mills, Jr., was the colonel's son,

¹⁴ WM Morgan, History of Kern County, 1914

¹⁵ Kern County Courier, Feb 27, 1875

¹⁶ Kern County Weekly Courier, Jun 9, 1875, "Town marshal Alex Mills will not run again, but is to begin mining up at Long Tom." (Lynn Hay Rudy, Old Bakersfield: Sites & Landmarks, 1875-1915, Jenner, California, 2000)

¹⁷ The lawsuit is explained in the Quarterly of the Kern Co Historical Society, Vol 53, No. 2, Bakersfield, California, Summer, 2003

¹⁸ WM Morgan, History of Kern County, 1914, p 123: City trustees in 1898 were Paul Galtes, LP St. Clair, Sr. HH Fish, WR Macmurdo, and J Walter. The Board of Education was made up of JA Baker, Celsus Brower, OD Fish, FS Rice, and EP Davis. Assessor was HF Condit, Treasurer OO Mattson, District Attorney SN Reed, City Clerk AT Lightener. The city limits covered 2,560 acres, or four square miles.

¹⁹ Daily Californian, Dec 17, 1892

then there is good reason to applaud mobility in American society.

After disincorporation, ex-Marshal Alex Mills stayed in Kern County. In 1878, after a double murder, Sheriff Bill Bower called on Mills to help quell an angry mob. Wrote the Courier, "But for the firmness of the Sheriff and Alex Mills, the Yoakums could hardly have escaped lynching by the infuriated citizens of that locality."²⁰ The old Kentuckian had lost his badge, but he still had the grit to order people around and get away with it. News in the summer of 1880 said Colonel Alex Mills had gone to a mineral springs for his rheumatism.²¹ He was finally done with police work. The outspoken, cantankerous old man died in 1896.²²

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²⁰ Kern County Gazette, Jul 6, 1878. See Lee Harold Edwards http://www.lhale.com/Stories_Fawvor/Ambush_at_Long_Tom.htm and *Lynchings at the Kern County Jail, 1879* at www.gilbertgia.com.

²¹ Kern County Gazette, Jul 3, 1880 (from Lynn Hay Rudy)

²² Richard C. Baily, *Heart of the Golden Empire, an Illustrated History of Bakersfield*, Windsor Publications, Woodland Hills, California,, 1984, p 51