

**"A Scrap of Paper"**



W. T. Dovell

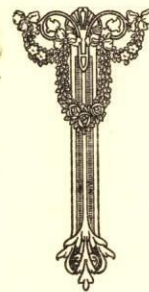


Dear the friends  
of Garsino =  
I for the sake of the future  
we feel that to change a  
name which has stood  
since the beginning will  
not be adding glory but  
will detract from our  
local history -  
Respectfully  
Chairman

Presented to Margaret O'Flaherty  
by R. Venables



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INTO the valley of "many waters," which is "Walla Walla" in the Indian tongue, came Isaac I. Stevens—he who was later to die gloriously at Chantilly—then the Governor of Washington Territory.

Being thereunto accredited by the National government, his mission was to negotiate a treaty with those Indian tribes who had their habitat in that vast country which lies generally between the Cascades and the Bitter Root Mountains. The assignation had been appointed for June, 1855, where the purple crescent of the Blue Mountains enfolds the valley of the waters.

He came with an escort of fifty men into a country where there were practically no white men. According to the appointment, there came to meet him the various tribes—Cayuses, Palouses, Umatillas, Yakimas. In a force which ran perhaps into the thousands, these denizens of the plains arrived and encamped about him. Sullen and unfriendly, they soon disclosed a resentment of wrongs, some of which may have had other root than their fancy. No progress could be made in the negotiations, and the



imminent peril of Stevens and his escort was greater than he knew. Indeed, as was afterwards disclosed, the Indians, under the influence of the Yakima Kamiakin, the boldest of them all, had formulated a plan to destroy the Governor and his escort, then to make a quick and concerted march to The Dalles, Oregon; there to annihilate the fort and thus break the power of the white man in the Columbia River basin. At this juncture the fate of the whites hung upon the arrival of the belated Nez Percés, for such was their acknowledged prowess that the other tribes were constrained to postpone the consummation of any plan until assured of their co-operation.

Over the crest, which in later days we came to call "pesthouse hill," rode a full thousand Nez Perce warriors. Clothed in their war paint, and little else, and with terrifying shouts, they rode their ponies down to Stevens' tent. Halting abruptly, one advances and plants an American flag, which a trader had given them, in front of the tent. Then they gallop just as madly down upon the flag, where they suddenly break into two lines, and riding about in a great circle surround the emblem. This is their signal of allegiance to the American govern-

ment, and thus do they announce to all the others that the Nez Perce nation is the ally of the whites. Not wanting in discretion, the others abandoned their sinister plans and came into the council, so that there was shortly concluded the treaty of June 11, 1855. This treaty was signed by the government's representatives and some fifty-eight chiefs and headmen of the various tribes; Lawyer, head chief of the Nez Percés, being the first of them to sign.

By the terms of this treaty\* the Indians relinquished to the United States government a great portion of that vast territory in Washington, Oregon and Idaho, over which they had from time immemorial claimed and held dominion. There was reserved, however, certain portions to the various tribes. To the Nez Percés there was allotted a territory comprising some ten thousand square miles—but little less than the total area of Belgium. Within the area were the fair valleys of the Imnaha and Wallowa, where for ages this people had been wont to dwell and roam. Here were the meadows where they dug their kamas root, the lakes and rivers where they fished, the mountains where they found their game.

\*See 12 Stat. at Large, pp. 957, 958.



and the azure hills upon which they grazed their countless ponies.

Thus run the words of the convention:

"All of which tract shall be set apart . . . . for the exclusive use and benefit of said tribe; . . . . nor shall any white man . . . . be permitted to reside upon the said reservation without permission of the tribe."

This treaty had the ratification of the Senate and was proclaimed by President Buchanan March 8, 1859.

The other Indian tribes, whose representatives had subscribed the treaty with reluctance, were not slow to disregard it upon the excuse that the whites were constantly infringing upon the territory which had been reserved to them. Frequent uprisings and conflicts of no small moment were the result. Throughout all these, however, the Nez Perce nation remained consistently the ally of the whites, and was the author of great service in keeping other tribes in restraint.

But into the far Northwest the white settlers began to come in constantly increasing numbers. At first there were only stragglers who occasionally disregarded the boundaries which marked the Nez Perce country. In 1860 and 1861 rich deposits of

placer gold were discovered in the Oro Fino basin, which lay entirely within the Nez Perce reservation. From everywhere this irresistible lodestone drew the white man, and the line which, according to the treaty, defined the boundaries of the reservation had no existence even in the imagination of those who thirsted for the riches the land was said to contain. Federal troops were sent in ostensibly to prevent the threatened encroachments, but in reality to awe the Indian overlords into complaisance. Within a short time there were several thousand whites complacently installed as of right within the various settlements of the mining district and entirely within the reservation. The Indians protested first against the infringement upon their borders, and next asserted that in all equity they were entitled to at least a proprietor's modicum of the treasure yielded by their lands. This, of course, without avail. Upon the best authority at hand it has been declared that no less than twenty million dollars of gold was taken from the district during the short time the "diggings" were actively worked.

By way of incident, it may be remarked that one of the treaty stipulations—said to have been inserted at the request of the sav-



ages, was that no intoxicating liquor should be imported into the territory reserved.

I knew in later years an old German, the possessor of a notable sense of thrift, who purchased at Walla Walla a stock of whiskey for transportation into Oro Fino. Before he embarked his liquid store upon the freight wagons, his thrift dictated that he water it to the extent of one-half. He paid ten cents per pound freightage, and had reached the mines and disposed of most of his stock before it dawned upon him he might have postponed his dilution and thus saved half his freight bill. He never ceased to lament his oversight.

The whiskey was brought in to supply the miners and the soldiers. It being contrary to the Federal law to dispose of intoxicants to one of Indian blood, the unfortunate savage was compelled to observe the invasion of his land and the appropriation of its riches while he was denied the privilege of that refreshment which, temporarily at least, might have served to assuage his woe.

Following the miner came, naturally, the settler who sought a permanent abode, so that early in the sixties the government at Washington was importuned to abandon the treaty and throw the reservation open so as

to permit the acquisition of title by the whites. Yielding to this demand, a council of the Indians and government representatives was called in 1863. The proposition was made to the Indians that they should, for a consideration of some \$260,000.00 (to be expended by the government for the benefit of the tribe) cede the greater portion of their territory. Some of the Nez Perce headmen finally acquiesced, probably out of deference to their view of the inevitable, so that the signature of eleven out of the original fifty-eight who had signed the treaty eight years before were finally secured to an agreement which abridged the former reservation to one-sixth of its size and excluded the Wallowa and the Imnaha. The treaty of 1855 was thereupon declared abrogated by the government.

Some of the Indians, however, declined to subscribe to this arrangement, declaring their unwillingness to sell their land and protesting that the convention of 1855 gave them rights inviolable without their consent. Amongst these was Joseph, son of the elder Joseph who was one of those chieftains who had taken station by the flag in front of Stevens' tent. Such were the qualities of



the younger Joseph that he was already the real leader of the Nez Percé nation.

The government at Washington was slow to approve the new treaty, though it made no pretense of honoring the old. The junior convention was, however, finally approved by the Senate in 1867. Meanwhile, Joseph and his people steadfastly asserted that this treaty was as to them a *nudum pactum* and declined to go upon the new and diminished reservation. In part, at least, the contention of Joseph was finally recognized by the government, so that on June 16, 1873, the President by proclamation set apart for the Nez Percés, under Joseph, a reservation which included the Wallowa and the Imnaha. This the Indians accepted as satisfactory.

But the face of the white man was set toward a land than which none offered greater attractiveness for agricultural and grazing purposes, and he would not be denied. The result was that in June, 1875, the President "revoked" his order of June 16, 1873; or, as some might choose to put it, repudiated on behalf of the government the last contract evidenced by his proclamation and its acceptance. Joseph haughtily declined to regard the revocation, and, for



reasons which to him seemed sufficient, and as must be allowed were not altogether capacious, declined to accept any new terms from a government which had been so remiss in its observance of the old. Commissioners and troops were thereupon sent to remove him by force, if necessary, from the lands he claimed. And so in May, 1877, the war began.

We have always called it the "Nez Percé War,"—perhaps because the conquerors chose to dignify the mighty effort it cost them by that name. It was not a war; it was a simple flight; and in all history no hegira swifter, bolder, or, in one view, more pathetic.

It is said that Joseph himself saw clearly enough the inevitable, and spite his bitterness counselled the avoidance of hostility, and as a last resort acquiesced to the demands of the government; but his younger men were obdurate and reckless of consequences, and, yielding to their desires, he undertook the leadership of this intrepid passing out.

It is not our purpose to write a narrative of the incidents of this retreat. The original accounts extant (and they are scant enough) are from those who participated



in the pursuit; they, assuming throughout the Indians to have been simple outlaws, indicate little else than gratulation at the fact that this savage foe, defending himself against such odds, was finally overcome.

Joseph had no chronicler with him. Had there been such, the pen of a Xenophon or a DeQuincy might well have been used to picture the incidents of this startling flight.

The Indian had three hundred warriors, well equipped with arms and an abundance of ammunition. He carried with him on his march an equal number of women with their children. He took one thousand horses, together with all his camp paraphernalia, goods and supplies. First and last, from May until October, there was engaged in the pursuit some forty companies of trained regulars as well as many detachments of volunteers, whose acquaintance with the country traversed was equal to that of the Indian.

Nor was the attempt at his apprehension from the rear alone. By means of the telegraph, communication was constantly had with troops in advance of him, so that detachments of soldiers were repeatedly thrown in his path whom he must defeat or evade.

Yet he led them across two of the great mountain ranges of the continent, traversing two of the great western states and a portion of a third. Returning to the place whence the pursuit was begun, his pursuers reported they had marched in the anabasis and katabasis fifteen hundred miles.

To General O. O. Howard, a distinguished officer of the civil war, was delegated the task of apprehending this chieftan and his followers. Joseph and his band were gathered close to the border of the new reservation upon which it was designed to place him. No evidence of preparation for his tremendous undertaking was apparent; yet, when Howard had collected his troops, the Indian, without warning, began his flight, heading toward the South and crossing the Salmon River. The troops pursuing, Joseph, with a rapidity which would hardly have seemed possible for unencumbered cavalry, recrossed the Salmon River at another point and returned to near the place he had left, leaving the troops well behind him to beat the breaks of the river, in ignorance of his whereabouts. Making sortie sufficient to convince Howard that he must use the troops he had to protect the valley, he made for the Lo Lo pass through the



Bitter Root Mountains upon the Eastern boundary of Idaho. Taking up the chase again the cavalry pursued the band of warriors, women and children, across the Territory. When they came up with him Joseph turned and tore them as a wolf would turn upon the pack of his pursuers.

Not far from the Eastern outlet of the Lo Lo pass was Fort Missoula, in Western Montana. General Sherman, most skilled of all in military logistics, then being in that Territory and in telegraphic communication with Howard, planned to intercept the Indian as he emerged from the Lo Lo Canyon. To this end fortifications were erected at the exit of the trail, where the troops awaited with confidence the approach of their quarry, which, according to all rules, must have been halted by the barriers thrown across the defile. Without apparent difficulty, however, Joseph passed around them, using some trail which had not been contemplated in the plans of his enemy, and emerged into the Bitter Root Valley. Here he recuperated and renewed his supplies by purchase from the settlers, giving horses in exchange. Whatever reluctance the settlers may have felt at consummating this barter, they did not declare it to the point where

the redman was compelled to use coercion to supply his wants. It is to be observed that he was in the enemies' country. Not choosing, however, to live off the country save as he paid his way, he committed no devastation and made no war upon non-combatants, though well enough informed of the fact that all the settlers who dared were armed against him. What few raids were committed were by scattered members of the band who escaped his restraint, and these he sternly reprobated when they came to his knowledge. He might have laid a trail of destruction as he passed, and thus taught the people who were seeking to annihilate him what a terrible thing is war. This he forbore to do, having apparently no grasp of that theory that the ends of peace are best served by impressing the horrors of the conflict. But in extenuation of this omission it is to be remembered that Joseph was a mere savage, unschooled in the art of civilized warfare.

Withdrawing all the troops from Fort Missoula, as well as from Forts Benton and



Baker, Colonel Gibbon took up the pursuit, Howard having been left in the rear. Gibbon came upon the band at Ruby Creek on August 8th. The historian writes:\*

"On daylight on the 9th he attacked, and the Indians being surprised, their camp fell into the hands of the infantry in less than half an hour. But while the soldiers were *firing the lodges*, the Indians who had at first run to cover, began pouring upon them a leaden shower, which quickly drove them to hiding places in the woods. During the night the Nez Perces escaped, leaving eighty-nine dead on the field, of whom some were *women and children*."

Howard coming up, a portion of the forces of Gibbon were joined with his and the pursuit continued toward Wyoming far to the Southeast. The rear guard of the Nez Perces was overtaken on the 18th, the net result being that the Federal troops lost their pack train to the Indians, who passed swiftly on. At Henry Lake, which is near the boundary of Yellowstone Park, General Howard was compelled to wait to secure supplies and rest his men and horses. Joseph and his people, having apparently a better appointed commissary and not needing rest, passed on through the National

\*Bancroft's History of Washington, Idaho and Montana, p. 510.

Park. Having thus skirted the mighty Rockies he turned to the North, making directly through Montana for the British line some three hundred miles away. That he designed to reach Canada is certain, though the reason which impelled him to that end has been left to conjecture. The most popular explanation at that time was that he had appointed a rendezvous with Sitting Bull across the line. It has always seemed well within the possibilities that the crude reasoning of his savage mind brought him to the conclusion that he was justified in transporting himself and his people beyond the territorial limits of a nation which, being more powerful than his own, had invaded his contractual rights. It would not be difficult to conclude that this is the design which actuated him during the entire flight.

But he was not to see the accomplishment of his design.

Some twenty-one troops of cavalry, under Colonel Sturgis, were thrown in his path as he moved North toward the Yellowstone River. They struck him once, but, evading them after a short skirmish, he effected a crossing of the Yellowstone. Thence, indomitable and untiring, this Indian traversed almost the entire North and



South extent of Montana, crossing the Musselshell and then the Missouri River.

Not the least interesting portions of the commentaries of another great strategist and general is his detailed account of how he effected the crossing of streams in his Gallic campaigns. It would be of much interest to know in detail how Joseph and his band managed to negotiate these great rivers with their families, horses and other impedimenta with a host of cavalry in hot pursuit. The historian does not relate more than that they had neither bridges nor boats.

He finally reached the Bear Paw Mountains in Northern Montana, some fifty miles from the British boundary. Meanwhile Colonel Miles, with a regiment of the Fifth Infantry and two battalions of cavalry, had been sent in advance into this portion of the Territory in a final attempt to intercept him. Miles met the band on September 29th and at once attacked them. For four days the Indians withstood this superior force, and finally, with their camp entirely surrounded and the other army under Howard advancing from the rear, laid down their arms. The latter general, who it must be allowed had been a consistent second throughout, arrived just in time to witness the ceremony

of surrender, from which we are to conclude that at the Bear Paw Mountains he and his troops were four days behind the Indians in the race. There is an ample explanation, however, for this belatedness. The religious views of General Howard were so pronounced as not to permit of military operations on the Sabbath in a campaign waged by Christian soldiers against savages. Thus, the latter, handicapped in the march only by the impedimenta described and not by any religious scruples, were able to gain one day in seven over the light cavalry.

A condition of the surrender was that the Nez Perces should be permitted to return to Idaho. General Sheridan, who was in command of the Department, promptly repudiated this arrangement and ordered them sent to Fort Leavenworth instead.

Consider the fine refinement of cruelty in this sentence—you who have seen both lands—transportation from the Wallowa to Kansas.

But this tale of Joseph and his people must not be permitted to induce to any superficial conclusion or mawkish sentiment. In it we must not read a simple story of a violated treaty and a nation



broken by a stronger power and still denied an exodus. Let it be understood that at this period the efficiency—or kultur, if you please—of the white race had reached a point so far in advance of that of the Indian that it became in our view justifiable not only to appropriate the little residue of their territory but to impose by force our ways upon them. However reluctant the weaker race to yield to our design for the advancement of efficiency, we never doubted its propriety. Whether we were right or wrong never was and never could be capable of any character of demonstration, but if it is believed that any other nation in the present day is original in the assumption of this smug complacency, there is error in the view.

And so, one day in October there rode another host over the crest of "pesthouse hill"—troops of dust blue cavalymen with their carbines slung along their saddle sides. At their head, on a great troop horse, rode General Howard, with empty sleeve from Gettysburg; by his side, upon a small "cayuse," the captive Joseph. But not like a "cringing captive at his conqueror's chariot wheel," the Indian rode the very figure of a man, with a face as stern as fate and an

eagle's eye that never turned aside. As we children along the roadside peered out upon the spectacle, which we understood to mean that this terrible savage (tales of whom had so often terrified us) had been conquered, the troops stamped down the dusty road toward the fort; and Joseph never saw the Wallowa or his Imnaha again.

While this war was on, the settlers in Eastern Washington and Idaho were filled with the greatest alarm. The men of all the settlements were armed and constantly on guard, for such was the Indian's swiftness that it was never known where he would next appear. It is easily recalled even now that in the minds of the children this alarm was terror. But Joseph's people had their children too, and I have often wondered if as they fled through those frowning mountain passes and deep forests all dark and strange to them, with an enemy tendering destruction in pursuit—wondered, I say,—if those helpless Indian children were filled with the same dread and fright which possessed us whose skins were white. Probably not, inasmuch as they were made of sterner stuff; and it is well they were.

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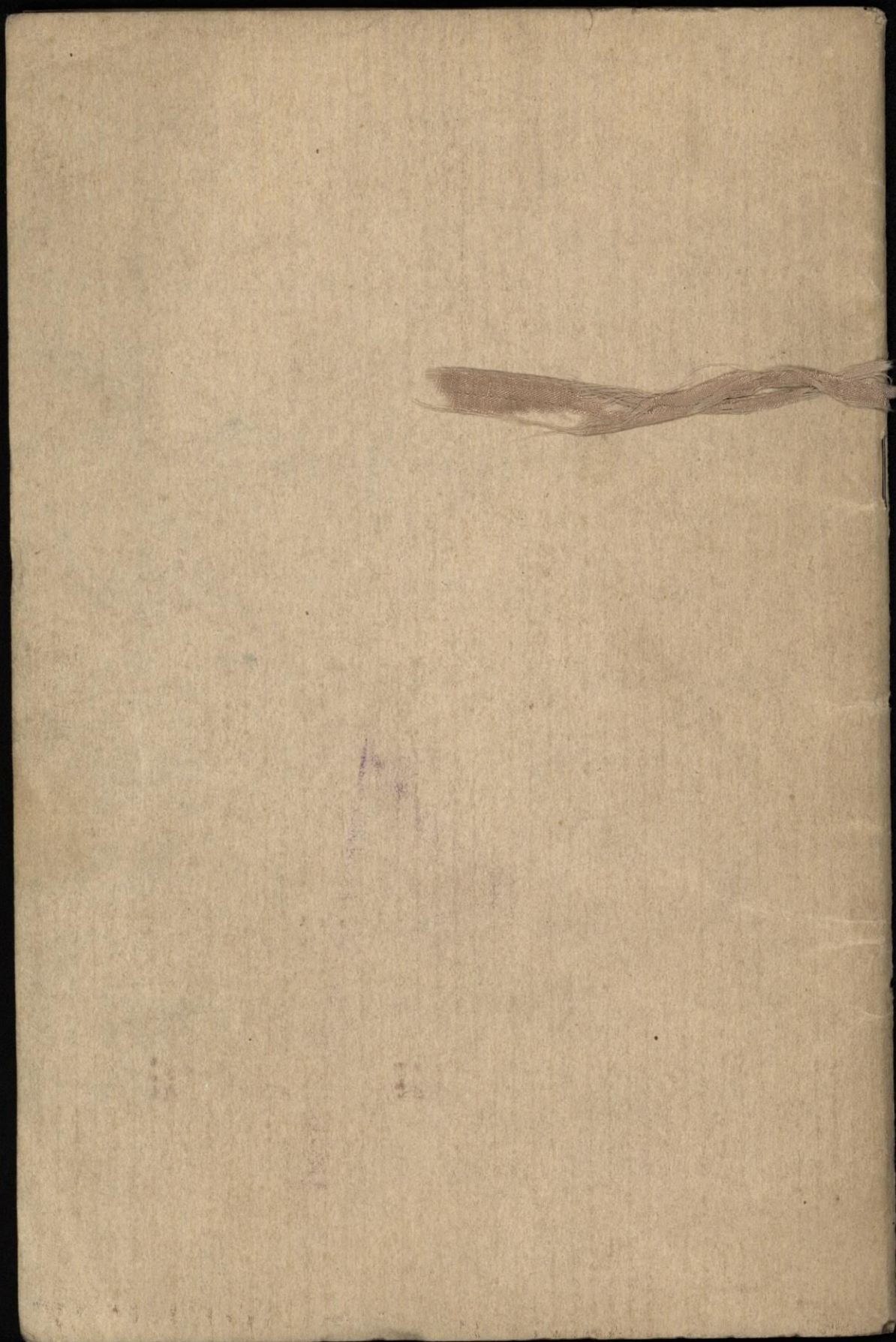
The matter of changing the name  
of the Tilton dam having  
been brought to the attention  
of the historical section of the  
Pioneer Society ~~the~~ whose  
duty as outlined, is to  
preserve the history of  
the Yakima Valley Pioneer  
~~Society~~ - Believing that this  
~~it~~ can better be done  
thru ~~the~~ <sup>retaining</sup> the names  
~~and~~ and legends of the  
different localities -  
we offer the following  
resolution:-

Be it resolved - That we  
do not favor the change in  
name of any locality when  
~~that~~ change takes away  
from the place its  
local color or the history  
of the same -

We appreciate the industry  
and loyalty of our senior  
senator Melsey L Jones  
the work he has accom-  
plished for reclamation, his <sup>long</sup>  
years of active duty  
in our behalf -

We do most heartily  
indorse him as being







H. B. RIGG  
R. J. VENABLES  
A. W. HAWKINS  
C. P. BORBERG

RIGG & VENABLES  
ATTORNEYS AND COUNSELORS  
YAKIMA, WASH.

March 4th, 1924.

Mrs. A. J. Splawn,  
Cowiechee, Washington.

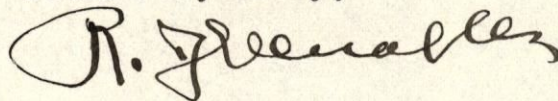
My dear Mrs. Splawn:

It was the writer's privilege to know W. T. Dovell, of Seattle, for several years immediately prior to his death. Perhaps you knew him. Mr. Dovell's was unquestionably one of the most brilliant minds that ever adorned the legal profession in the Northwest. His childhood and young manhood were spent at Walla Walla and he was a very close student of the history of Washington. He would have been tremendously interested in Mr. Splawn's "Kamaikin", the publication of which antedated his death.

Mr. Otto B. Rupp, a very close friend of Mr. Dovell's, has recently published "A Scrap of Paper" as a memorial to Mr. Dovell, and as I thought you would be interested in it I asked him for an extra copy which I am enclosing and I hope that you will enjoy it. I have not yet had an opportunity to compare the two accounts of the events described by Mr. Splawn and Mr. Dovell and am preserving that as one of the pleasures which I can enjoy some evening soon. I think you will agree with me that Mr. Dovell was a master stylist; the clearness and simplicity of his narrative I think makes the paper particularly attractive.

With personal regards, I am,

Yours very truly,



V/H  
Enc.