

## THE ROGUE RIVER WAR AND JAMES W. NESMITH

Don Whereat (July, 19930

*Suppose a white man should come to me and say, "Joseph, I like your horses. I want to buy them." I say to him, "No, my horses suit me; I will not sell them."*

*Then he goes to my neighbor and says to him, "Joseph has some good horses. I want to buy them, but he refuses to sell."*

*My neighbor answers, "Pay me the money and I will sell you Joseph's horses."*

*The white man returns to me and says, "Joseph, I have bought your horses and you must let me have them."*

*"If we sold our land to the government, this is the way they bought them."*

*Chief Joseph*

*Nez Perce*

I believe the following article is appropriate at this time because Polk County is lobbying hard to the Travel Information Council to erect an historical marker honoring Nesmith. Who was James W. Nesmith? If we are to believe the articles submitted by his supporters, he is destined for certain sainthood. It should be noted that his biography was submitted as part of supporting documents. It also should be noted that it was written by a descendent of his, Mrs. Harriet K. McArthur. Let us hear what the man himself has to say, also some of his contemporaries. First, the background of the Rogue River War in which Mr. Nesmith tells us of his heroics.

### Forward

"The Indian depredations and outrages committed in the spring of 1853 so exasperated the people of southern Oregon that a small company of volunteers, under Captain Isaac Hill, who had obtained arms and ammunition from Captain Alden, then in command at Fort Jones, California, attacked a body of Indians near Ashland, killing six. The remaining Indians fled, but speedily returned to that vicinity with reinforcements, and wrought bloody destruction upon a company of emigrants."

"A messenger was dispatched to Governor Curry, who at once requested Major Rains, then in command at Fort Vancouver, to furnish a howitzer, rifles, and ammunition. The request was promptly granted. Lieut. A.V. Kautz and six artillerymen, taking with them a howitzer, started for the seat of war. An escort was deemed necessary. The Governor called for volunteers. A company was soon raised, and James W. Nesmith was commissioned its captain."

“He marched to Albany and there awaited the arrival of Lieutenant Kautz. This occurred shortly afterward, and the whole party proceeded southward, but did not reach the seat of war until the troops, volunteers and regulars, under command of General Lane and Captain Alden, respectively, had engaged the Indians with such success as to induce the latter to request a parley, with a view of entering into a treaty, which was shortly thereafter signed and sealed, and in due time ratified. More than a quarter of a century after these events took place, Nesmith thus thrillingly described them:”

## A REMINISCENCE OF THE INDIAN WAR - 1853<sup>1</sup>

By James W. Nesmith

*“During the month of August, 1853, the different tribes of Indians inhabiting the Rogue River Valley, in southern Oregon, suddenly assumed a hostile attitude. They murdered many settlers and miners, and burned nearly all of the buildings for over a hundred miles along the main-traveled route, extending from Cow Creek, on the north, in a southerly direction to the Siskiyou Mountains. General Lane, at that time being in the Rogue River Valley, at the request of citizens assumed control of a body of militia, suddenly called for the defense of the settlers.”*

*“Captain Alden of the regular army, and Col. John E. Ross of Jackson County, joined General Lane and served under his command. Old Jo, John and Sam were the principal leaders of the Indians, aided by such young and vigorous warriors as George and Limpy.”*

*“The Indians collected in a large body, and retreated northward in the direction of the Umpqua. General lane made a vigorous pursuit, and on the 24<sup>th</sup> of August, overtook and attacked the foe in a rough, mountainous and heavily timbered region upon Evans Creek. The Indians had fortified their encampment by fallen timber, and being well supplied with arms and ammunition, made a vigorous resistance, In an attempt to charge through the brush, General Lane was shot through the arm and Captain Alden received a wound from which he never fully recovered. Several other of the attacking party were wounded, some of whom subsequently died of their injuries. Capt. Pleasant Armstrong, an old and respected citizen of Yamhill County, was shot through the heart, and died instantly.”*

*“The Indians and whites were so close together that they could easily converse. The most of them knew General Lane, and when they found that he was in command of the troops, they called out to “Joe Lane” and asked him to come into their camp to arrange some terms for a cessation of hostilities. The General, with more courage than discretion, in his wounded condition, ordered a cessation of hostilities and fearlessly walked into the hostile camp, where he saw many wounded Indians, together with several who were dead and being burned to keep them from falling into the hands of the enemy, which clearly demonstrated that the Indians had gotten the worst of the fight. After a long conference, it was finally agreed that there should be a cessation of hostilities, and that both parties should return to the neighborhood of Table Rock, on the north side of the Rogue River Valley, and that an armistice should exist until Gen. Joel Palmer, then Superintendent of Indian Affairs for Oregon, could be sent for, and that a treaty should be negotiated with the united states authorities in which all grievances should be adjusted between the parties. Both whites and Indians marched back slowly over the same trail, encumbered with their wounded, each party keeping a vigilant watch of the other. General Lane encamped on Rogue River, while the Indians selected a strong and almost inaccessible position, high up, and just under the perpendicular cliffs of Table Rock, to await the arrival of Superintendent Palmer and Agent Culver.”*

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<sup>1</sup> Oregon Historical Society, Vol. 7, p. 213.

*“At the commencement of hostilities, the people of Rogue River Valley were sadly deficient in arms and ammunition, many of the settlers and miners having traded their arms to the Indians, who were much better equipped for war than their white neighbors. The rifle and revolver had displaced the bow and arrow, and the war club with which the native was armed when the writer of this knew and fought them in 1848.”*

*“General Lane and Captain Alden at the commencement of the outbreak had sent an express to Governor George L. Curry, then Secretary and acting Governor. Major Rains of 4<sup>th</sup> U.S. Infantry, commanding the district, with headquarters at Fort Vancouver, was called upon to supply the threatened settlers with arms and ammunition. Major Rains responded to the call for arms and ammunition, but was deficient in troops to escort them to their destination at the seat of war. Governor Curry at once authorized the writer to raise seventy-five men and escort the arms to the threatened settlements. The escort was soon raised in the town of Salem, and marched to Albany, where it waited a couple of days for the arrival of Second Lieutenant August V. Kautz in charge of the wagons with rifles and cartridges, together with a twelve-pound howitzer, and a good supply of fixed ammunition. Kautz was then fresh from West Point, and this was his first campaign. He subsequently achieved the rank of major general, and rendered good service during the “late unpleasantness” with the South, and is now colonel of the 8<sup>th</sup> U.S. Infantry.”*

*“After a toilsome march, dragging the howitzer and other materials of war through the Umpqua Canyon, and up and down the mountain trails, made slippery by recent rains, we arrived at General Lane’s encampment on Rogue River, near the subsequent site of Fort Lane, on the 8<sup>th</sup> day of September. On the same day, Capt. A.J. Smith, since the distinguished General Smith of the Union Army, arrived at headquarters with Company C, First Dragoons.”*

*“The accession of Captain Smith’s company and my own gave General Lane a force sufficient to cope with the enemy, then supposed to be about 700 strong. The encampment of the Indians was still on the side of the mountains, of which Table Rock forms the summit, and at night we could plainly see their camp fire, while they could look directly down upon us. The whole command was anxious and willing to fight, but General Lane had pledged the Indians that an effort should be made to treat for peace. Superintendent Palmer and Agent Culver were upon the ground. The armistice had not yet expired, and the 10<sup>th</sup> was fixed for the time of the council. On the morning of that day General Lane sent for me, and desired me to go with him to the council ground inside the Indian encampment, to act as interpreter, as I was master of the Chinook jargon, I asked the General upon what terms we were to meet the Indians. He replied that the agreement was that the meeting should take place within the encampment of the enemy, and that ten other men of his own selection, unarmed, would accompany him.”*

*“Against those terms I protested, and told the General that I had traversed that country five years before, and fought those same Indians; that they were notoriously treacherous, and in early times had earned the designation of “Rogues,” by never permitting a white man to escape with his scalp when once within their power; that I knew them better than he did, and that it was criminal folly for eleven un-armed men to place themselves voluntarily within the power of seven hundred well armed, hostile Indians in their own secure encampment. I reminded him that I was a soldier in command of a company of cavalry and was ready to obey his order to lead my men into action, or to discharge any soldierly duty, no part of which was to go into the enemy’s camp as an unarmed interpreter. The General listened to my protest and replied that he had fixed upon the terms of meeting the Indians and should keep his word, and if I was afraid to go I could remain behind. When he put it upon that ground, I responded that I thought I was as little acquainted with fear as he was, and that I would accompany him to what I believed would be our slaughter.”*

*“Early on the morning of the 10<sup>th</sup> of September 1853, we mounted our horses and rode out in the direction of the Indian encampment. Our party consisted of the following named persons: Gen. Joseph Lane; Joel Palmer, Superintendent of Indian Affairs; Samuel P. Culver, Indian Agent; Capt. A.J. Smith, 1<sup>st</sup> Dragoons; Capt. L.F. Mosher, Adjutant; Col. John E. Ross; Capt. J.W. Nesmith; Lieut. A.V. Kautz; R.B. Metcalf; J.D. Mason; T.T. Tierney. By reference to the U.S. Statutes at Large, vol. 10, p 1020, the most of the above names will be found appended to the treaty that day executed. After riding a couple of miles across the level valley, we came to the foot of the mountain where it was too steep for horses to ascend, We dismounted and hitched our horses and scrambled up for half a mile over huge rocks and through brush, and then found ourselves in the Indian stronghold, just under the perpendicular cliff of Table Rock, and surrounded by seven hundred fierce and well armed hostile savages, in all their gorgeous war paint and feathers.; Captain Smith had drawn out his company of dragoons, and left them in line on the plain below. It was a bright, beautiful morning, and the Rogue River Valley lay like a panorama at our feet; the exact line of dragoons, sitting statue like upon their horses, with their white belts and burnished scabbards and carbines, looked like they were eng raven upon a picture, while a few paces in our rear the huge perpendicular wall of the Table Rock towered, frowningly, many hundred feet above us. The business of the treaty commenced at once. Long speeches were made by General Lane and Superintendent Palmer; they had to be translated twice. When an Indian spoke in the Rogue River tongue, it was translated by an Indian interpreter into Chinook or Jargon to me, when I translated it into English; when Lane or Palmer spoke, the process was reversed, I giving the speech to the Indian interpreter in Chinook, and he translating it to the Indians in their own tongue. This double translation of long speeches made the labor tedious, and it was not until late in the afternoon that the treaty was completed and signed. In the meantime an episode occurred which came near terminating the treaty as well as the representation of the “high contracting parties” in a sudden and tragic manner. About the middle of the afternoon a young Indian came running into camp stark naked, with the perspiration streaming from every pore, he made a brief harangue, and threw himself upon the ground apparently exhausted. His speech had created a great tumult among his tribe. General Lane told me to inquire of the Indian interpreter the cause of the commotion; the Indian responded that a company of white men down on Applegate Creek, and under the command of Captain Owen, had that morning captured an Indian known a Jim Taylor, and had tied him up to a tree and shot him to death. The hubbub and confusion among the Indians at once became intense, and murder glared from each savage visage. The Indian interpreter told me that the Indians were threatening to tie us up to trees and sever us as Owen’s men had served Jim Taylor. I saw some Indians gathering up lass-ropes, while others drew the skin covers from their guns, and the wiping sticks from their muzzle.”*

*“There appeared a strong probability of our party being subjected to a sudden volley. I explained as briefly as I could, what the interpreter had communicated to me, in order to keep our people from huddling together, and thus make a better target for the savages. I used a few English words, not likely to be understood by the Indian interpreter, such as “disperse” and “segregate.” In fact, we kept so close to the savages, and separated from one another, that any general firing must have been nearly as fatal to the Indians as to the whites.”*

*“While I admit that I thought that my time had come, and hurriedly thought of wife and children, I noticed nothing but coolness among my companions. General Lane sat upon a log, with his*

*arm bandaged in sling, the lines about his mouth rigidly compressing his lips, while his eyes flashed fire. He asked brief questions, and gave me sententious answers to what little the*

*Indians said to us. Capt. A.J. Smith, who was prematurely gray haired, and was afflicted with a nervous snapping of the eyes, leaned upon his cavalry saber, and looked anxiously down upon his*

well formed line of dragoons in the valley below. His eyes snapped more vigorously than usual; and muttered words escaped from under the old Dragoon's mustache that did not sound like prayers; his squadron looked beautiful, but alas, they could render us no assistance. I sat down on a log close to old Chief Joe, and having a sharp hunting knife under my hunting shirt, kept one hand near its handle, determined that there would be one Indian made "good" about the time the firing commenced."

"In a few moments General Lane stood up and commenced to speak slowly but very distinctly. He said: "Owens who has violated the armistice and killed Jim Taylor, is a bad man. He is not one of my soldiers. When I catch him he shall be punished. I promised in good faith to come into your camp, with other unarmed men to secure peace. Myself and men are placed in your power; I do not believe that you are such cowardly dogs as to take advantage of our unarmed condition. I know that you have the power to murder us, and you can do so as quickly as you please, but what good will our blood do you? Our murder will exasperate our friends and your tribe will be hunted from the face of the earth. Let us proceed with the treaty, and in place of war, have a lasting peace." Much more was said in this strain by the General, all rather defiant, and nothing of a begging character. The excitement gradually subsided, after Lane promised to give a fair compensation for the defunct Jim Taylor in shirts and blankets."

"The treaty of the 10<sup>th</sup> of September 1853 was completed and signed and peace restored for the next two years. Our party wended their way among the rocks down to where our horses were tied, and mounted. Old A.J. Smith galloped up to his squadron and gave a brief order. The bugle sounded a note or two and the squadron wheeled and trotted off to camp. As General Lane and party rode back across the valley, we looked up and saw the rays of the setting sun gilding the summit of Table Rock. I drew a long breath and remarked to the old General that the next time he wanted to go unarmed into a hostile camp he must hunt up some one besides myself to act as interpreter. With a benignant smile he responded, "God bless you, luck is better than science."

I never hear the fate of General Canby at the Modoc camp, referred to, that I do not think of our narrow escape of a similar fate at Table Rock." Rickreall, April 20, 1879.

Nesmith himself, and his supporters, present him as a fearless Indian fighter. Perhaps he was, but the tone of his writing and his reference to "one Indian made good" was all too typical of his

contemporary's observations:

T.W. Davenport.<sup>2</sup> "Of all the several superintendents of Indian affairs for Oregon with whom I became acquainted and had some knowledge of their work, only two of them, Joel Palmer and Anson B. Meachem, claimed to have any faith in the Indian as a progressive being. The others, Nesmith, Geary, Rector and Huntington, were competent to superintend the machinery of the several agencies in their department, but without any intent, begotten either of Christian duty, scientific curiosity or altruistic feeling, of trying the effect of civilizing stimulus upon him. They were content to perform their official duties satisfactorily to the Washington authorities, to their own fellow citizens, and keep the Indians off the warpath."

One Malcolm Clark<sup>3</sup> characterized him as among the most popular democrats as well as being "a monumental he gossip.... slightly rowdy, a bit irregular in his habits, possessed of a robust wit not always wisely used ... " Nesmith also spent some time in the state hospital, although to be fair, that was in his later years.

<sup>2</sup> T.W. Davenport, "Recollections of an Indian Agent," Oregon Historical Quarterly, Vol. 8, pg. 234.

<sup>3</sup> Terrence O'Donnell, An Arrow in the Earth, pg. 66.

Now to return to when Nesmith and Kautz arrived on the scene. Another account. *“At some time during the battle, the Indians learned that Lane, whom they much admired, was on the field. Although the Rogues were well fortified and had plenty of weapons and ammunition, Lane’s presence apparently prompted them to sue for peace. Lane went to the Indians’ camp, where they were burning the bodies of the dead so the whites could not desecrate them, and went into council with Chiefs Joe, Sam, and Jim. The Chiefs assured Lane that they were ready to remove to a reservation, and they agreed to hold a treaty council in early September. Lane wrote Palmer at Yoncalla on 31<sup>st</sup> of August to inform him that his presence was expected at the council. An unusual truce prevailed. The combatants pastured their horses together; Indian women brought water to the wounded whites while their men helped carry the litters of the wounded twenty-five miles through the mountains to Jacksonville. “I find no mention,” Bancroft wrote, “... of humane or Christian conduct on the part of the superior race.”*

In fact, not far away, members of the “superior race” were behaving in a manner far from humane. A miner named Bates lured some Grave Creek Indians into his cabin with a promise of food and then shot them all, an act severely condemned in the pages of the *Spectator*. Also, a band of volunteers from Crescent City arrived in Jacksonville bearing a banner lettered with one word: **EXTERMINATION**. Now, too, Lieutenant Kautz arrived with the howitzer and James W. Nesmith and valley volunteers cantered into camp, described by an observer as General Sam Houston had described the Texas Rangers: *“Anything but gentlemen and cowards.”* Brave ruffians, in other words.

A volunteer with Nesmith seems to refute Nesmith’s characterization of the Indians. As for the Indians whom this volunteer came to fight, he found them full of *“firmness, determination and chivalry... even their daughters acted with a heroism which would have done honor to a more enlightened race.”*... He then stated the Indian side of the conflict about as well as the Indians might have done themselves: *“A few years since the whole valley was theirs alone. No white man’s foot had ever trod it. They believed it theirs forever. But the gold digger come, with his pan and pick and shovel and hundreds followed. And they saw in astonishment their streams muddied, towns built, their valley fenced and taken. And where their squaws dug Camus, their winter food, and their children were wont to gambol, they saw dug and plowed, and their own food sown by the hand of nature, rooted out forever, and the ground it occupied appropriated to the rearing*

*of vegetables for the white man. Perhaps no malice yet entered the Indian breast. But when he was weary of hunting in the mountains without success, and was hungry, and approached the white man’s tent for bread; where instead of bread he received curses and kicks, ye treaty kicking men-ye Indian exterminators think of these.”*<sup>4</sup>

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<sup>4</sup>ibid. pp. 150-151