

DOCUMENTS

Governor Stevens' Famous Pardon of Himself

Mr. Winlock Miller, Jr., has recently recovered one of the most interesting documents in the early history of Washington Territory—the original pardon by which Governor Isaac I. Stevens, first Governor of the Territory, sought to respite himself from punishment and fine for contempt of court during the Indian War.

There was little or no attempt to save public archives in those early Territorial days. Officers frequently carried away with them such correspondence as had passed through their hands. Elwood Evans was historically minded. He collected newspapers, documents and letters. When his term as Secretary of the Territory ended he saved quantities of documents. Part of these were obtained by Hubert Howe Bancroft when writing his *History of Washington, Idaho and Montana*. The newspapers were purchased by C. B. Bagley. Some of the more precious letters, documents and scrap-books were retained by Mr. Evans to the last.

Evidently these remnants had been loaned to Judge Henry G. Struve who was preparing to write a history of Washington Territory. His collection of papers was destroyed in the Seattle fire of June 6, 1889 (year also of Statehood). He told the present writer that among those burned papers was the original of Governor Stevens' famous pardon. This is now found to have been an error. He had returned the papers to Mr. Evans.

Elwood Evans was the principal author of *History of the Pacific Northwest: Oregon and Washington*, published in 1889. He tells about the incidents leading up to the \$50.00 fine (Vol. I., pages 581-584) but does not mention the pardon. However, Herbert Hunt and Floyd C. Kaylor in their *Washington West of the Cascades*, published in 1917, reproduce a portion of the pardon and declare (Volume I., pages 166-167) that the reprieve "was stolen from the archives, taken to Seattle by a prominent attorney, and destroyed during the fire of June 6, 1889." They did not realize that the original document was then safe in Tacoma where they were writing their history. They cite no authority, but the portion of the pardon they reproduce is accurate enough to suggest the inference that they had found it in some old newspaper or diary.

Early in September, 1931, Mr. Winlock Miller, Jr., while in Tacoma, called on Mrs. Isabel Wilkeson, only surviving child of Elwood Evans. When her father's home was being closed she had saved the documents remaining in the study. These Mr. Miller purchased and among the papers found the original pardon.

General Hazard Stevens, in his *Life of General Isaac I. Stevens*, Volume II, page 249, says: "A fine of fifty dollars for contempt was imposed which he paid." General Hazard Stevens apparently did not know that his father had pardoned himself. He was right, however, in saying the fine was paid. Mr. Miller, who now has the original, writes: "The records contained in the book show that subsequently Stevens paid the fine and the case was dismissed without further action."

Mr. Miller kindly consented that a photostat of the original pardon should be made for Ford Q. Elvidge, Worshipful master of Arcana Lodge of Free and Accepted Masons, who, in turn, presented it to the present writer. From that photostat it is reproduced herewith.—E. S. M.

The Famous Stevens' Pardon

To all persons to whom these presents shall come Greeting, Know ye!

That whereas on the Tenth day of July A. D. 1856. In a case pending before the Honorable Edward Lander Chief Justice of Washington Territory and presiding Judge of the Second Judicial District of said Territory at Chambers at the county of Thurston in said Territory for an alleged contempt of court wherein The United States is plaintiff and Isaac I. Stevens defendant the said Edward Lander as judge as aforesaid adjudged the said defendant to be guilty of a contempt and imposed a fine upon him of the sum of Fifty dollars together with the costs of the attachment.

That I Isaac I. Stevens Governor of the said Territory by virtue of the authority vested in me as Governor as aforesaid in order that the President of the United States may be fully advised in the premises and his pleasure known thereon, do hereby respite the said Isaac I. Stevens defendant from execution of said judgment and all proceedings for the enforcement and collection of said fine and costs until the decision of the President of the United States can be made known thereon.

In testimony whereof I Isaac I. Stevens as Governor of the Territory of Washington on this Tenth day of July A. D. 1856 at Olympia in said Territory have set my sign manual and have caused the seal of said Territory to be affixed.

Isaac I. Stevens

Gov. Ter. Wash.

By order of the Governor

Isaac M. Smith

Acting Sec.^y Wash. Terr.^y