

THE DISPUTE OVER THE SAN JUAN ISLANDS WATER BOUNDARY

(Continued from Vol. XXIII., page 137)

In the meantime, Cutler, in a manly way, went to Mr. Griffin and told him what had transpired and at the same time offered to pay Griffin a reasonable sum for the pig. Mr. Griffin became furious and said that he would take nothing short of 100.00, and if that were not paid, Cutler would be subject to arrest. Now the fun began. Mr. Griffin notified Mr. Dallas, the manager of the Hudson's Bay Company and son-in-law of Governor Douglas, of what had happened. The next day Mr. Dallas, on board the British ship-of-war, *Satellite*, landed on the island and threatened to take Mr. Cutler to Victoria for trial under British laws. Mr. Cutler resisted arrest by British authorities; he seized his gun and told Mr. Dallas that he might be taken to Victoria for trial but not alive.⁵⁰ Mr. Dallas and Mr. Griffin who was with him, did not dare to force the arrest of Cutler.

In the meantime, the Hudson's Bay Company's officials urged the Indians of the north to molest the American citizens in order to frighten them from the island.⁵¹ The British subjects were never disturbed. These facts indicate that the Hudson's Bay Company was largely responsible for the atrocities that were committed by the Indians on United States citizens.⁵² After several Indian disturbances, the American citizens on San Juan Island sent a petition requesting military protection from the marauding Indians. This petition was dated July 11, 1859, and was addressed to General Harney, Commander-in-Chief of the Pacific Division of the United States Army. To give the whole significance of the petition, I am quoting it in full:

"The undersigned, American citizens on the Island of San Juan, would respectfully represent: That in the month of April,

⁵⁰ Messages and Doc. No. 2, Serial No. 1024, p. 46. See also, *Ibid*, p. 78.

⁵¹ The following note blames the H.B. Co. for the Indian atrocities on American citizens on San Juan Island. "Among the Hudson's Bay Company's people there are some gentlemen of high character and respectability, Mr. McKay, Mr. McTavish, Mr. McLean, and the agent at Fort Yale, whose name I forgot, have exhibited marked courtesy and kindness toward Americans; but that my strictures upon the generality of the subordinate officers, to whom they were intended to apply, were not too severe will be admitted, when I state that the authority of Colonel Snowden, a citizen of Yuba County, in California, that he learned from several Indian Chiefs, that they and their people were led to believe by the representations of the Hudson's Bay Company's servants that the Americans were coming there to rob them of their cattle, of their food, and their squaws, and were advised by those same evil-minded individuals to commence a war of extermination against our citizens." Ex. Doc. No. 111, 35th Cong. 2nd Sess. p. 14.

⁵² Messages and Doc. No. 2, Serial No. 1024, p. 77. See also, Ex. Doc. No. 77, Ser. No. 1056, p. 4. See also, Stevens, *op. cit.* p. 290, Vol. II.

in the year one thousand and fifty-eight, the house of the United States inspector of customs for the island was attacked and fired upon in the night by a party of Indians living on this Island, and known as the Clallams, and had it not been for the timely aid of the Hudson's Bay Company, the inspector would have fallen a victim to their savage designs. In the month of July following we found on the beach, close to the above mentioned Indian camp, the bodies of two white men, cords around their necks which had been used to conceal them under water. Last fall another daring murder was committed in the middle of the day, and in plain sight of us all here, without the slightest chance of our rendering them assistance. Only ten days ago another body was found on our shores which had been the victim of foul play. Inclusive with the above dangers that we are exposed to from our neighboring Indians we are continually in fear of a descent upon us by the bands of marauding Indians, who infest these waters in large numbers, and are greatly retarding the progress of the settlement of this Island.

"According to the Treaty concluded June 15, 1846, between the United States and Great Britain (the provisions of which are plain, obvious, and pointed to us all here), this and all of the islands east of the Canal de Haro belongs to us; we therefore claim American protection in our present exposed and defenseless position.

"With a view of these facts, and for the essential advantage of having this and the surrounding islands immediately settled, we most earnestly pray that you will have stationed on this island a sufficient military force to protect us from the above mentioned dangers until we become sufficiently strong to protect ourselves."⁵³

This petition was signed by twenty-two American citizens who resided on the island.

When General Harney received this petition, he realized that it was high time to provide adequate protection for the American citizens on the islands of the Haro Archipelago.⁵⁴ General Harney took the matter up with Governor Stevens of Washington Territory, and the Governor urged him to send a military force to San Juan Island at once.⁵⁵ The two men were acting, in their opinions, according to the message of Mr. Marcy, Secretary of State, in his

⁵³ Messages and Doc. No. 2, Part II, Ser. No. 1024, pp. 44-45.

⁵⁴ A note stating that Harney together with other men tried to start a war with England in order to prevent a civil war. "It is claimed that Pickett, together with Harney, Governor Stevens and other Democratic federal officers on the coast, saw a chance of averting the threatening civil war in America; if trouble with Great Britain were to start, the North and the South might be held together. See Pickett, *La S.C.—Pickett and His Men*, Atlanta, 1899. Appendix contains a statement of George B. McClellan to this effect." See Appendix III for complete details. Footnotes No. 19, p. 367 in—Fuller, George W.—*A History of the Pacific Northwest* (New York 1931).

⁵⁵ Stevens, *op. cit.* p. 288 Vol. II.

letter of July 14, 1855, addressed to Governor Stevens. In this communication, Secretary Marcy instructed Governor Stevens to refrain from all acts on the disputed grounds that might provoke conflict, without giving any excessive rights to Great Britain.⁵⁶ Although this letter did not say anything about occupying or not occupying the islands, enough was inferred, however, that excessive rights should not be given to Great Britain. As the conditions were on the Island of San Juan, General Harney felt that he had to send a military force to protect the American citizens or the Americans would be forced to leave, and then, of course, the British would be in full possession. General Harney did not lose any time, but provided for military occupation at once.

Just before the order was issued for military occupation of San Juan Island, there were four military camps in the Pacific Northwest. The Headquarters under General Harney was located at Fort Vancouver at the head of the Columbia River, another at Fort Steilacoom, located between Seattle and Tacoma, under the command of Colonel Casey, another at Fort Bellingham in charge of Captain Pickett, and the other fort was located at Townsend. On July 18, 1859, General Harney notified Colonel Casey at Fort Steilacoom to have the steamer "Massachusetts" transfer the garrisons at Fort Townsend and at Fort Bellingham to San Juan Island.⁵⁷ He also informed Colonel Casey that the steamer "Massachusetts" would arm and that it would patrol the waters around the disputed territory in order to prevent any more Indian outrages. On the same date General Harney addressed an order to Capt. Pickett of Fort Bellingham informing him to abandon Fort Bellingham for the military occupation of San Juan Island. General Harney made it clear to Capt. Pickett that he was to protect American citizens against the intrusions of the northern Indians, and of the insults of the Hudson's Bay Company.⁵⁸

Capt. Pickett made ready for the transfer to San Juan Island which was effected on the 27th day of July, 1859, with a company of sixty men. When Capt. Pickett landed, he issued an order to all American citizens that he and his company of soldiers were there to protect them against the Indians, and proclaimed that this island was American soil and that only American laws and American jurisdiction would be recognized.⁵⁹

⁵⁶ Messages and Doc. No. 2, Serial No. 1024, pp. 39-40.

⁵⁷ Messages and Doc. No. 2, Serial No. 1024, p. 40.

⁵⁸ *Ibid.*, p. 42.

⁵⁹ Messages and Doc. No. 2, Ser. 1024, pp. 42-43. See also, Ex. Doc. No. 10, Ser. 1027, p. 6. See also, Stevens, *op. cit.* Vol. II, pp. 290-291. See also, Meany, *op. cit.* p. 245.

The news of Capt. Pickett's occupation of San Juan Island was a great surprise to the Hudson's Bay Company, and the proclamation of the daring Captain was a source of even greater indignation to Governor Douglas. As a consequence, Capt. Pickett could not expect much peace in the heart of the enemy's coveted territory. On the 30th day of July, 1859, Charles Griffin, issued an order in the name of the Hudson's Bay Company informing Capt. Pickett that the territory he had occupied was the property of the Hudson's Bay Company, and that an immediate withdrawal of troops was demanded. Charles Griffin also warned the captain that if the withdrawal of troops was not made effective at once, he would be obliged to call upon civil authorities.⁶⁰ Capt. Pickett sent a sarcastic note back to Griffin stating that he was not on the Island of San Juan at the request of the Hudson's Bay Company, but by virtue of an order from the United States Government.⁶¹ When Governor Douglas realized that he could not threaten or frighten Capt. Pickett from the island indirectly, he dispatched an order to the Captain on August 2, 1859, claiming all of Haro Archipelago as territory belonging to Her Majesty Queen Victoria and under the jurisdiction of British laws. This dispatch read as follows:

"The sovereignty of the Island of San Juan, and the whole of the Haro Archipelago, has always been indeviatingly claimed to be in the crown of Great Britain. Therefore, I, James Douglas, do hereby formally and solemnly protest against the occupation of said islands, or any part of the said Archipelago, by any person whatever, for or on behalf of any other power, hereby protesting and declaring that the sovereignty thereof by right now is, and always hath been, in Her Majesty Queen Victoria and her predecessors, Kings of Great Britain.

"Given under my hand and seal, at Victoria, Vancouver's Island, on this 2nd day of August, one thousand eighth hundred and fifty-nine, and in the twenty-third year of Her Majesty's reign.

James Douglas."⁶²

The next day, on August 3, 1859, Governor Douglas sent three British warships, the "Tribune", the "Plunper" and the "Satillite", all of which anchored opposite Capt. Pickett's camp, with the sole object in view of threatening the American soldiers.⁶³

Capt. Geoffrey Phipps Hornby of the largest ship, the Tribune, opened negotiations with Capt. Pickett requesting a meeting to talk

60 Mess. and Doc. No. 2, Part II, Ser. No. 1024, p. 48.

61 *Ibid*, pp. 48-49.

62 Messages and Doc. Part II No. 2, Ser. No. 1024, p. 53.

63 *Ibid*, p. 49.

over the serious problem of occupying an island belonging to Great Britain. Capt. Pickett speedily dispatched a reply agreeing to a meeting at his camp on San Juan Island at two o'clock, August 3, 1859.⁶⁴ At this meeting Capt. Hornby informed Capt. Pickett that unless he immediately withdrew the American troops from the island, a conflict between the two English speaking countries would be inevitable. To this threat, Capt. Pickett replied that he would not withdraw his troops unless ordered to do so by his commanding officer. Since Capt. Pickett failed to be frightened, Capt. Hornby suggested a joint military occupation until such time as the governments of England and the United States could agree on the boundary line. Capt. Pickett absolutely declined the proposition of joint military occupation at that time, and he informed Capt. Hornby that if he tried to land troops on the Island of San Juan a collision would follow.⁶⁵

Capt. Pickett, shortly after this interview, notified General Harney at Fort Vancouver regarding the threatening attitude of the British officers, and regarding the reply he had made to Capt. Hornby.⁶⁶ General Harney immediately informed Capt. Pickett that the reply he had made to the British Captain was in accordance with his wishes.⁶⁷ Then in the meantime, General Harney set out to re-enforce Capt. Pickett on the island. Gen. Harney sent a dispatch on August 7, 1859, to the Senior Officer of the Commanding Squadron on the Pacific, located at San Francisco, asking for naval support.⁶⁸ At the same time an order was dispatched to Colonel Casey at Fort Steilacoom commanding him to transfer four of his companies of the 3rd Artillery to San Juan Island to support Capt. Pickett.⁶⁹

On the day following the General's orders August 9, Colonel Casey left Fort Steilacoom with his Artillery on board the steamer "Julia". When the steamer was well away from the fort, it met the steamer "Active" returning from the camp of Capt. Pickett. Capt. Allen of the Active strongly and solemnly advised Colonel Casey not to land any troops on the island because the British warship, the *Tribune*, was lying abroad side of Capt. Pickett's camp with the evident object of preventing any re-enforcements. Colonel Casey realized what the consequences might be in case he should continue to San Juan Island, but at the same time he did not dare

64 Messages and Doc. No. 2, Part II, Ser. 1024, pp. 50-51.

65 *Ibid*, pp. 51-53.

66 *Ibid*, p. 49.

67 Messages and Doc. No. 2, Part I, Ser. 1024, p. 54.

68 *Ibid*, p. 55.

69 *Ibid*, pp. 60-62.

disobey the orders received the day before from the Commanding General. Colonel Casey went on, and fortunately enough, a dense fog came up and concealed his movements from the British warships. The Captain of the *Julia* on approaching the island hugged the shore as closely as possible. When the ship came within a short distance of Capt. Pickett's camp, the steamer drew toward shore and dropped anchor, and all the troops were landed and marched unnoticed to the American Camp. The steamer *Julia* then proceeded on up to the wharf between Pickett's camp and the British warship, the *Tribune*, in order to unload the cannons and ammunition on board. The *Tribune* did not interfere with the landing of the cargo since no soldiers were aboard for re-enforcements.⁷⁰

Governor Douglas had issued orders August 2, 1859 to Captain Hornby, who was in command of the *Tribune*, to fire on the Americans and drive them from the island, but Capt. Hornby did not obey the orders of the Governor for fear that such an act might precipitate a war with the United States.⁷¹ Capt. Hornby wished to delay the attack on the American Camp on San Juan Island until Admiral Baynes, who was cruising the Pacific waters nearby, could arrive and approve of the plan. As soon as Admiral Baynes' ship approached the waters where the *Tribune* was anchored, Capt. Hornby hurried toward the Admiral to tell him the whole story. When the Admiral had heard the tale from Capt. Hornby, he disapproved vigorously the plan adopted by Governor Douglas and said:

"Tut, tut, no, no, the damned fools."⁷²

A little later Capt. Hornby in a message to Admiral Baynes, August 15, 1859, expressed his fear that the Americans might attempt to drive off the English Magistrate from the island or land enforcements and in such an event he asked if he should open fire on the Americans. Admiral Baynes replied in a letter of August 16, 1859 in these words:

"It is now my positive order that you do not, on any account whatever, take the initiative in commencing hostilities by firing on them or on any work they may have thrown up."⁷³

When Governor Douglas was informed that additional troops

⁷⁰ Messages and Doc. No. 2, Part II, Ser. 1024, pp. 61-62.

⁷¹ Provincial Archives, Victoria, B.C. *Confidential Correspondence—Island of San Juan 1859-1860*, pp. 71 and 73. See also, Footnotes p. 195, *Washington Historical Quarterly* Vol. 8.

⁷² *Washington Historical Quarterly* Vol. 8, p. 196.

⁷³ Provincial Arch. (1859-1860) *op. cit.* p. 111. See also, London Archives 5-731. (The London Arch. notes were copied by Dr. Philips of the University of Montana and because of his courtesy I am using them).

had been landed on the Island of San Juan, he sent orders to Admiral Baynes to proceed with all speed with his entire force and drive the Americans from the island. Admiral Baynes brought his ships up to the island as a "bluff", but he did not open fire. He, too, disobeyed the orders from James Douglas, Governor of British Columbia.⁷⁴

When Colonel Casey landed on the Island of San Juan and saw the threatening situation because of the five British warships within shelling distance of Capt. Pickett's Camp, he speedily opened negotiations with the officers on board the battleships. Colonel Casey sent a note to Capt. Hornby requesting a meeting in order to discuss the situation which was now apparently at the breaking point between the two forces. He also made an inquiry about the whereabouts of the Commanding Officer of the Fleet, and he was informed that Admiral Baynes was unboard the Flag-ship "Ganges" in Esquimalt Harbor. Capt. Hornby was pleased to know that Colonel Casey wanted to talk about means that might prevent a conflict. Colonel Casey left at once to arrange for a conference with Admiral Baynes. When he came within one hundred yards of Admiral Baynes' ship, he anchored his ship and sent a note to Admiral Baynes requesting a conference. Admiral Baynes informed Colonel Casey that he would be glad to have an interview on board the Ganges. Colonel Casey did not wish to go on board the Admiral's ship and as a consequence no interview was held. He went back to Pickett's Camp to entrench his troops and prepare for the worst.⁷⁵ At this time the British had five warships within easy range of San Juan Island with a force of 1,940 men and 167 cannons.⁷⁶ The Americans had five companies of infantry and artillery with a total of 461 men and 17 cannons entrenched and ready for battle.⁷⁷

The Governments of the United States, of Great Britain and of British Columbia Express Opinions on Military Occupation

While this preparation for defense was taking place, both British and American Commanders were busy communicating with their respective governments. General Harney wrote to the Commander-in-Chief of the American Army in New York City,⁷⁸ to the Adjutant General's Office in Washington, D. C.,⁷⁹ and to the office of

⁷⁴ Provincial Arch. (1859-1860) *op. cit.*, pp. 104-106. See also, London Arch. 5-731 *op. cit.* See also, Milton, *op. cit.*, p. 284.

⁷⁵ Messages and Doc. No. 2, Part II, Ser. No. 1024, pp. 62-63.

⁷⁶ *Ibid.*, p. 64.

⁷⁷ *Ibid.*, p. 79.

⁷⁸ Mess. and Doc. No. 2, Part II, Ser. No. 1024, pp. 81-82.

⁷⁹ *Ibid.*, p. 79.

Secretary of War,⁸⁰ explaining what had actually transpired on both sides regarding the dispute over the water boundary between Vancouver's Island and the United States. Affidavits, claims and orders received by General Harney regarding the dispute were forwarded to these departments, so the officers of the United States Government and those at the head of the army would have the facts and evidences with which to approve or disprove the actions of the Commanding General on the Pacific Coast.

Mr. Drinkard, acting Secretary of war, was very much surprised when he received all the information regarding the conflict on San Juan Island.⁸¹ He really believed, and so did the President of the United States, that General Harney had taken a stand too decisive and not in harmony with the letter of Mr. Marcy sent to Governor Stevens in 1855. Mr. Drinkard believed that Capt. Hornby's proposition of joint military occupation was the most logical one under the circumstances. Fearing that General Harney might provoke a war between the United States and Great Britain, Mr. Drinkard ordered General Winfield Scott, who was Commander-in-Chief of the American Army, to proceed immediately to the Pacific Coast and take charge of the forces there. General Scott was given orders to make arrangements for a joint military occupation until the two governments could establish a definite boundary line between Vancouver's Island and the continent.⁸²

The Government of Great Britain like that of the United States was desirous of a peaceful settlement on the boundary dispute. Lord Russel repeatedly urged joint military occupation as the easiest way out of the difficulty and warned Capt. Provost that the hot headed actions of General Harney must be met with coolness and moderation.⁸³ Lord Lyons at Washington, October 15, 1859, in communication with Mr. Case, urged joint military occupation.⁸⁴ In a message to the Secretary to the Admiralty, October 25, 1859, Mr. Hammond, writing for Lord Russel, said:

"I am in reply to request that you will express to the Lords Commissioners of the Admiralty the Satisfaction which Lord John Russel feels at the conduct pursued by Rear Admiral Baynes in these transactions, and which his Lordship considers to have greatly

80 *Ibid*, pp. 86-88.

81 *Ibid*, pp. 43-44.

82 Mess. and Doc. No. 2, Part II, Ser. No. 1024, pp. 57-59.

83 Provincial Arch. (1859-1860), *op. cit.*, pp. 37, 51, 63.

84 Sen. Ex. Doc. No. 29, Ser. 1316, p. 230.

conducted to the maintenance of Pacific relations with the United States."⁸⁵

Duke Newcastle emphasized the pacific policy of the English Government in a message to Governor Douglas dated September 29, 1859, in which he said in part:

"You are also not to land troops on the island or to take any further steps without instructions from the Department or from Lord Lyons, unless the Americans should endeavor to remove by force the British Magistrate from the island, or unless steps should be required for the protection of the lives and property of British subjects."⁸⁶

Meanwhile Governor Douglas August 1, 1859, had called a meeting of the Council of the principal officers of Vancouver's Island to sound out their opinions on what action should be taken on San Juan after the military occupation by American troops. The entire council agreed that colonial forces should take no step that would provoke a war with the United States. The members at the meeting felt that it would be better to remove all British subjects from the island than to cause a war then, when England was on the verge of a European war.⁸⁷

(To be Continued)

85 Provincial Arch. 1859-1860, p. 111.

86 Provincial Arch. (1859-1860), *op. cit.*, p. 44.

87 *Ibid*, pp. 68-70.

88 *Ibid*, p. 70.

89 Mess. and Doc. No. 2, Part II, Ser. 1024, pp. 43-44. See also, Provincial Arch. Letters, copy of a copy.

90 Mess. and Doc. No. 2, Part II, Ser. No. 1024, p. 74.

91 *Ibid*, p. 75.

92 *Ibid*, p. 76. See also, Sen. Ex. Doc. No. 10, Ser. No. 1027, p. 41.