

THE SAN JUAN SHEEP WAR

British and American Interests Butted Heads in this Precursor to the Pig War

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COLUMBIA The Magazine of Northwest History, Winter 2000-01: Vol. 14, No. 4

San Juan is a fertile and beautiful island, with a large extent of open prairie land; but were it barren and rocky, and intrinsically worthless, it is of the utmost value to Great Britain, commanding as it does the channel of communications between Vancouver Island and British Columbia... in my opinion, it matters not if all the other islands between San Juan and the Continent pass to the United States, but San Juan is invaluable to our possession; it clearly is ours, both in right and in equity, and to yield it to the United States would be to depreciate our contiguous territory to an extent that someday might prove fatal to Her Majesty's possessions in this quarter of the globe. Block Quote

—James Prevost (July 23, 1859)

If there was anything James Douglas hated more than low-grade beaver pelts, rot-gut whisky and whining British colonists, it was American settlers. They were the spawn from hell, with their wagons full of quilts, stoves, plows and spinning wheels, and their dirty children who were certain to beget more Americans. They had driven his beloved Hudson's Bay Company from its Columbia River empire, and if he was not vigilant they would do it again above the 49th parallel.

That was the boundary line Great Britain and the United States agreed upon with the Treaty of Oregon on June 15, 1846; along the 49th parallel from the Rocky Mountains

to the middle of the channel which separates the continent from Vancouver Island; and thence southerly through the middle of the said channel, and of Fuca's Straits to the Pacific Ocean; provided however, that the navigation of the whole of said channel and Straits south of the forty-ninth parallel of north latitude remain free and open to both parties.

Unfortunately, the people who drafted the treaty had lousy maps—maps that did not reveal a significant archipelago of 173 named islands and islets lying square in the middle of the Georgia Strait, the "channel" mentioned in the document. The Georgia Strait splits into two channels: Haro Strait to the west and Rosario Strait to the east. The British insisted that Rosario was the proper boundary because it ran true south and had been charted by George Vancouver. As early as 1846 British warships regularly used the Rosario Strait over the Haro Strait as a matter of policy, hoping to reinforce the British claim. The Americans countered with Haro, which they contended was directly south of the boundary line at the 49th parallel.

The view among the powerful was that the confusion over a few little islands on the other side of the world would work itself out. Business had never been better between Great Britain and her former colonies. That same year Britain's Corn Laws had been repealed while the United

States lowered duties on manufactured goods. Why should the Americans care? They were stomping Mexico and would soon take possession of the entire American southwest.

The key word in the epigram above is "equity." Royal Navy Captain James Prevost, commander of the steam corvette HMS *Satellite*, never wavered on the San Juan question in his role as water boundary commissioner for the British government. Set geographical arguments aside and he would still believe that the San Juans were unquestionably British because that is what James Douglas believed.

With the brief exception of the crisis period in mid 1859 when the Royal Navy intervened, James Douglas was the British government north of the 49th parallel from 1843, when Fort Victoria was founded, until he retired in 1864. Vancouver Island had been conveyed to the Hudson's Bay Company (HBC) by royal grant on January 13, 1849, which put the "Company of Adventurers" in the colony business. Hoping to match the tide of American immigration, parliament told the HBC to provide a suitable climate for British settlers. This required a major change in thinking.

Heretofore, the company had discouraged settlers because they were bad for business. They moved to the hinterlands, got sick, went broke, or were slaughtered by Indians. That meant the company had to spend good money to heal them, bail them out, buy them boat tickets home, or hire soldiers to protect the survivors.

If Douglas wasn't miffed enough by this prospect, the British government tweaked him further by sending someone else to be governor—someone who might figure he could tell Douglas what to do. That lasted less than a year. On September 1, 1851, James Douglas was chief factor of Fort Victoria and governor of the Crown colony.

Born August 15, 1803, in British Guinea of a Scottish father and a "native" mother (his biographies are mysterious on this score), Douglas left home to make his fortune at age 16, catching on first with the old North West Company in 1819. When the North West Company merged with the HBC in 1821, Douglas stayed on. He arrived at Fort Vancouver in 1830, where he was made clerk, but in a few years he rose to become John McLoughlin's assistant, acting in his stead when McLoughlin went to England for a year in 1838.

Douglas became chief factor at Fort Vancouver in 1846 and then moved to become chief factor at Fort Victoria, a post he'd founded in 1843. He was appointed agent of the HBC's Puget Sound Agricultural Company in 1849. From the beginning he considered the San Juans "a dependency of Vancouver's Island." In 1851, on authorization of his predecessor, Governor James Blanshard, he established seasonal fish salting stations on the southern end of San Juan Island and took formal possession of all the islands for the British Crown.

By late 1853, with the formation of Washington Territory and the expected arrival of the aggressive young governor and Mexican War hero, Isaac Stevens, Douglas knew that more Americans would move north of the Columbia and snap up new lands in the Puget Sound basin. Stevens already was on record with his belief that while American settlers, focusing on agriculture, represented civilization and progress, the HBC's preoccupation with trade made its employees little different from Indians. Stevens had not been in the territory a month before he sent letters to Peter Skene Ogden, who ran what remained of Fort Vancouver, and Dr. William

Tolmie, head of the Puget Sound Agricultural Company at Fort Nisqually. The letters essentially contained the United States' blueprint for jettisoning the HBC from the mainland south of the 49th parallel. The companies, wrote Stevens, had to stop trading with the Indians and get ready to be "bought out" at a fair price.

The prospects looked familiar to Douglas. The Americans would push up to the 49th parallel, and those who knew anything about agriculture would grab the islands barren of trees but rich in topsoil. The American customs collector, Isaac Neff Ebey, already had claimed a prime homestead on Whidbey Island. The San Juans, with their acres of virgin prairie, beckoned. Douglas pointed out to the colonial office that the San Juans could "maintain a large population" because of the extent of timber, arable farmland, and fisheries.

In November 1853 Douglas decided to act. He wrote the Duke of Newcastle that he intended to "assert the sovereignty of her majesty the Queen to all the islands of the Arro Archipelago" lying west of Cypress Island. If Washington and London were not prepared to settle on Rosario as the boundary, Douglas would do it unilaterally. To support his action Douglas went on to observe, erroneously, that Rosario Strait was the only navigable channel for sailing ships from the Strait of Juan de Fuca to the Georgia Strait. This was the channel to which the Americans had grudgingly agreed in the 1846 treaty, as the document also guaranteed British navigation rights. Douglas magnanimously proposed that the channel be open to both nations and free from collection of duties. Duties required on either shore would be paid on Vancouver Island or in Olympia.

Captain James Alden of the American surveying steamer *Active* commented in a report dated October 31, 1853, that Douglas's choice of Rosario as the preferred channel was puzzling in that there was a channel much nearer home, better in almost every respect and, to them, far more convenient—Haro. Alden probably knew the San Juan waters better than any American naval officer on the coast since he had been a junior lieutenant on Charles Wilkes's survey of the islands in 1841. It was Wilkes's charts that in 1846 had spurred Secretary of State James Buchanan to balk at agreeing with the British on Rosario Strait.

Newcastle did not reply to Douglas's missive; therefore, Douglas took it upon himself to enforce Britain's claims while discouraging American activity. He was soon able to write:

I have succeeded in defeating every attempt made to pre-occupy the Arro Archipelago through the agency of American squatters, so that those islands will still remain a de facto dependency of Vancouver island unoccupied by any whites except a fishing station which was established some years ago by HBC on the island of San Juan.

This was not entirely truthful. For even as he was penning the above dispatch, Douglas finally decided to take the Crown's colony mandate seriously and open San Juan Island to British settlement. There was a problem, however. He had been so successful at discouraging colonists that there were none around to take advantage of his change of heart. But Douglas refused to take the blame. Instead, he wrote another dispatch lamenting that British settlers were scarce because he was not authorized to grant free land as the Americans were doing.

Douglas's settlement plans were not to be denied. After all, he was also chief factor of Fort Victoria. With a stroke of his pen he cemented British presence in the San Juans by establishing

a branch of the Puget Sound Agricultural Company on the island's southern end. On December 15, 1853, a group of Kanaka (Hawaiian) herdsmen, led by a freshly appointed chief agent, Charles John Griffin, turned loose 1,350 sheep to graze on the sweeping prairies that gave onto the Strait of Juan de Fuca. Griffin also brought along seed for crops and farmyard animals, including several Berkshire boars.

Gazing at the magnificent Olympic Mountains directly across the Strait of Juan de Fuca, Griffin appropriately called his prairie home Belle Vue Farm. Sheep stations also were established at three other points on the island, including Oak Prairie (today's San Juan Valley), another valley just south of Roche Harbor, and a clearing above a lovely sheltered bay on the island's east side (Friday Harbor). Douglas did not bother to advise his government that a corporation—and not British subjects—had settled the island.

In April 1854 Douglas's worst fears were realized when he heard through the grapevine that Isaac Ebey, in his capacity as United States customs collector based at Port Townsend, had, without advising Governor Stevens, threatened seizure of British property on San Juan Island to collect duties. In Ebey's view the San Juans were American possessions and not a duty-free zone. In a swiftly written dispatch, Douglas told his home government that he had no military forces at his disposal, but even if he did he would not use them. Instead, he appointed Belle Vue Farm agent Griffin justice of the peace for the District of San Juan Island, at no pay. The American tax collector would be treated as a common offender if he attempted to enforce his jurisdiction. Thus commenced the first standoff on San Juan Island.

Ebey twice visited the island, the first time on April 21, when he handed Griffin the duties bill and told the agent that he should pay it because the sheep "were liable to seizure" for being smuggled into the territory. On the evening of May 3 Ebey returned in an open boat to collect. He dispatched an Indian to Griffin with an invitation to visit him in a tent he was sharing with Henry Webber, his assistant. Griffin paid the call and "after several minutes spent in conversing on common-place subjects, I at once put the question to Colonel Ebey, 'What is the purpose of your visit?'" Before Ebey could answer, Griffin warned the American of the penalties for molesting property or disturbing the peace. Ebey replied, "I have done nothing."

Griffin returned to his cabin and noted in his journal, "I paid them a visit without gleaning anything of importance from them." He next dispatched a messenger aboard the *Otter*, another HBC steamer, to advise Douglas.

Douglas steamed to the island the following morning, accompanied by British customs inspector James Sangster. Standing offshore, Douglas could see through his spyglass that Ebey's modest party hardly constituted an invasion force and decided not to land. Instead, he called Griffin to the ship and was told that Ebey had encamped and seemed intent on remaining, probably to collect duties. Douglas must have considered this an empty gesture on Ebey's part because he decided to return to Victoria. Sangster was ordered ashore with a Union Jack flag, which he was directed to run up the Belle Vue flagpole.

Sangster then approached Ebey, who was again asked to state his intentions. The American replied, "I am thinking of putting an inspector on this island [Webber]." Sangster warned Ebey that if he did so Webber would be arrested. Ebey's attitude was cavalier. If and when he

formally commissioned Webber and the British did arrest him, he hoped that Webber would be treated well when he was hauled off to Victoria.

The gauntlet was thrown the next day when Ebey and Webber banged on Griffin's cabin door. When Griffin appeared, Ebey read a proclamation naming Webber assistant collector of customs on San Juan Island. Ebey left soon thereafter and Webber pitched his tent "immediately" behind Griffin's cabin, garnishing the act by running up an American flag. That did it for Griffin. The following morning he issued a warrant for Webber's arrest and directed Constable Holland (likely a Kanaka herdsman) to serve the warrant and bring back the prisoner. Sangster went along to observe.

They found Webber armed and belligerent:

On the constable reading the warrant, and when in the act of raising his hand to arrest Mr. Webber, this gentleman instantaneously presented a revolver pistol at the breast of the constable, telling him if he touched him he would most certainly fire, giving as reason at the time that he did not consider the constable's office legal, as he was given to understand he, the constable, had not been sworn in before a bench of magistrates, and if he or any other man or men attempted to arrest him he should fire, and otherwise protect himself as long as a ball remained in any one of his pistols; he had two brace of pistols hung about his waist and breast, and a knife thrust in his boot at the knee.

Sangster and the constable ran and got six men, but Webber was as determined as ever to resist. The constable returned to Griffin and asked if he could arm himself, but Griffin, abhorring violence, said no and ordered his men, Sangster included, to leave Webber alone with his knife and pistols. Griffin was disgusted. "Such a farce! If this is what is called law, then it plainly is rum law."

After all that, Webber and Sangster left the next day—Webber to purchase supplies and report to Ebey, Sangster presumably to tell all to Douglas.

Webber returned, apparently to stay, on May 10. Opting for the high road, Douglas advised Griffin to leave the American alone so long as he minded his own business and did not attempt to confiscate or molest property. Additionally, Webber was to be treated not as a United States government agent but a private person "entitled to protection by Her Majesty's Government and subject to those same laws." If the American attempted to carry out customs duties he was to be arrested. If he resisted arrest he would be held accountable in the queen's courts.

Webber was likewise directed by Ebey not to collect duties but to peacefully keep tabs on HBC property, for which he would be paid a rate of five dollars a day. Webber was only too happy to comply and remained encamped at Belle Vue Farm where, in what was to become a tradition among contending government officials on San Juan Island, he soon became fast friends with Charles Griffin.

While friendship blossomed, letters were quickly being penned (but delivered too slowly for the pace of events) between Ebey and Douglas and their respective governments. Douglas complained about American effrontery while Ebey, in a dispatch to his boss, Secretary of the Treasury James Guthrie, accused the HBC of violating United States revenue laws. His position

that the San Juans belonged to the United States was shared but, for diplomatic reasons, not enforced by Governor Stevens. If Webber was detained, Ebey stated, he would simply replace him with another agent and appeal to the territorial government for help in obtaining Webber's release.

The British Foreign Office was neither amused by Ebey's international boundary interpretation nor Webber's sourdough antics. In July they asked the United States government in Washington, D.C., to make inquiries and order local officials to cease and desist.

Secretary of State William Marcy first wrote to Guthrie, advising him that a commission would soon meet to decide the boundary. But he did not disabuse Ebey's opinion on American title. Far from it. In fact, he told Guthrie that United States authorities should continue to "hold possession" of the islands.

The colonial office was sending the same message to Douglas concerning the disputed isles: "In conveying to the approval of HM Govt. of your proceedings with respect to the sovereignty of the islands in the Canal de Arro, I have to authorize you to continue to treat those islands as part of the British Dominions."

This was a dispatch that would be ingrained in Douglas's mind for the next five years. Yet he believed the reaction of his government had not been strong enough. Crampton, the British minister in Washington, cautioned Douglas not to "push matters to extremities, unless we are compelled to do so...." The governor found this advisory "an unfortunate admission, showing a lamentable want of information on the question at issue, and yet it is a fact that may greatly embarrass her Majesty's Government."

Ever the peacemaker, Secretary Marcy in late July wrote a soothing semi-apology to the British, stating that Governor Stevens (then in Washington, D.C., on business) told him he had no reason to collect customs duties from the HBC. Displaying a sure grasp of the pulse of his territory and the character of his officials, Stevens told Marcy that while Ebey had probably posted an agent on the island, the agent likely had not been directed to make collections. In almost the same breath the governor suggested that the United States Army garrison at Fort Steilacoom be moved to Port Townsend, about 20 miles across the strait from San Juan Island.

By early 1855 the issue seemed academic as northern Indian raids drove the Americans, including Webber, away from the islands. But the Webber incident had aggravated Douglas and made him sensitive to any American action, no matter the grounds. In October 1854, for example, he reported that a United States revenue cutter armed with six cannon and commanded by American naval officers was lurking in the area. "They appear resolved to gain forcible possession of the disputed territory, and I hardly know how to prevent them," he wrote.

The cutter undoubtedly was nearby, but more with an eye to thwarting northern Indian raids, which had hit Whatcom, Whidbey and points south throughout the year. The Northerners had been raiding into the Strait of Georgia and Puget Sound basin since Fort Victoria opened. They came in swift high-prowed canoes, hitting Coast Salish and white communities alike without warning, taking slaves from the Indians, and from the whites firearms, pots and anything else they could carry away. They were not averse to lopping off heads and carting them home as

trophies, too. They spooked white settlers so badly that military posts would soon be established at Bellingham Bay, just east of the islands, as well as at Port Townsend. However, the Northerners never attacked HBC posts for fear of immediate reprisal.

It was Americans who troubled Douglas most. In January 1855 the governor wrote that he had never been free from alarms. He complained about American newspapers and also about acting United States Territorial Governor Charles H. Mason for landing on San Juan Island with troops from Fort Steilacoom in pursuit of northern Indians. These officials had with them "a large train of lawless followers." If that wasn't bad enough, United States revenue cutters were continually threatening to enforce duties, and now the fledgling government of Whatcom County was attempting to collect so-called "back taxes" on the HBC's operation at Belle Vue Farm.

Whatcom County then embraced most of northwestern Washington, from the Cascades to the San Juans. But its few white settlers lived in two small villages lying on either side of a waterfall giving onto Bellingham Bay, about 20 miles east of San Juan Island. No matter that the two communities totaled barely 40 citizens—a complete county government had been elected, appointed and hired, which accounted for just about all of its citizenry. One of these was County Commissioner William Cullen, an Irish-born agent of the Puget Sound Mining Company, the San Francisco-based coal mining operation on the bay. Cullen had decided that San Juan Island was rightfully in the orbit of the county and that the HBC operation must therefore pay its due. Being an Irishman full of cradle-spawned hatred for the English, he approached the issue with relish.

Beginning in October 1854, Sheriff Ellis Barnes four times visited the island and ordered Griffin to pay \$80.33 in back taxes or face a sheriff's sale. The sale would be conducted on the beach under his very nose. Griffin told him to get lost. Barnes posted tax sale notices in December and proceeded to the beach (presumably Grandma's Cove, which is just below the Belle Vue Farm site) to open an auction. No one showed up to purchase the sheep, Barnes went away, and Griffin felt confident that he had seen the last of the sheriff. He was wrong.

An "armed party" composed of Cullen, Barnes, coal company manager (and county judge) Edmund Fitzhugh, and five other prospective "bidders" in three rowboats dipped through unseasonably calm waters and landed on the beach on March 30, 1855. By some accounts it took them the better part of two nights and one day to reach the island. Again Barnes ordered Griffin to pay, and when he refused the party left. But they sailed off only a short distance and returned just after midnight. They spent several hours rounding up sheep, then built a makeshift pen on the beach and held a starlight auction. This time more than 40 breeding rams were "sold," Cullen, the instigator, buying ten or twelve for his personal use at 50 cents to one dollar a head. Unfortunately, the Americans did not bring boats as large as their ambitions. In desperation they commandeered an Indian canoe and tried to coax the rams into it. The result was predictable. Deputies were butted, the canoe likely foundered, and several rams galloped across the black prairie with Americans in stumbling pursuit.

Somehow Griffin missed the racket. He got up as usual at dawn and left his cabin to check on one of the herds. He hadn't been out long when he was approached by an Indian boy bearing a hastily scrawled note from one of his herdsman. The Americans had penned and sold 49 breeding rams, 34 of which had already been driven down to the beach. Another 24 sheep also were sold, sight unseen, he was advised, presumably to be snatched later, "I imagine by stealth."

Griffin rounded up several Kanakas and ran to the makeshift pen. After releasing the remaining 15 animals, he scrambled down the bluff to the beach to stop the Americans. The boats already were pulling away with the 34 rams aboard. Griffin and one man beat through the surf to the gunwales and attempted to untie the cords securing the animals. Three of the frustrated Americans, all armed, turned and pushed the HBC men away. Griffin and his assistant made another attempt, whereupon "one of them drew from his belt a Revolver Pistol, which the moment I saw I expostulated with them, telling them I could not possibly contend against such a force.... Seeing no other recourse I immediately left the spot. They as quickly left in two boats and one canoe."

An account in the American *Sumas Vidette* saw it differently. In its version, culled from firsthand reports, the sheep buyers were leading the rams to the beach when "Griffin charged down the hill accompanied by about twenty Kanakas, who were armed with knives, and ordered that the sheep be cut loose. Dramatically, Sheriff Barnes ordered his men to protect the property 'in the name of the United States.' Since Barnes's men were armed with revolvers, the Kanakas retired and shortly afterward six of them in a canoe started across the channel for Victoria."

One of the Americans spotted what he thought to be the *Beaver*, clearing the harbor at Victoria seven miles off.

We did not wish to be taken prisoners and lie in jail until the boundary question could be settled by the two governments; we loaded about one-half of the sheep into our boats and "lit out." We were all worn out from loss of sleep and hard work, the tide was running very strong against us, our boats were heavily loaded, but we bent to the oars and, like Wellington at Waterloo, prayed for night or Blucher to come to our relief....

Griffin bent to the oars himself to report in Victoria the "theft" of 34 breeding rams.

Douglas immediately sent a complaint to Governor Stevens, who once again learned of a San Juan action after the fact. Stevens disapproved of the ram auction but felt compelled to back Americans in asserting their rights south of the 49th parallel, disputed islands or not. Douglas next reported the incident to the Foreign Office. Again, he neglected to define "British property" as, in fact, HBC property. The wronged party in Douglas's report was Charles Griffin, a British subject, not the HBC. Douglas wrote that while Griffin's herdsmen were away the Americans cut out the rams and put them in boats and then were approached by Griffin, whereupon the agent was "menaced with violence and put in danger of his life."

All in all, Douglas termed it "an exceedingly annoying affair" and expressed regret that the HBC could not muster the wherewithal to apprehend the Americans, even though the *Beaver*, the Hudson's Bay Company's legendary steamer, gave chase. While the Americans were armed with six-shooter revolvers, the HBC men had single-shot, smoothbore Northwest Trade guns. Douglas reported 45 rams stolen, although 11 "escaped" during the loading carnival.

It was July before British Foreign Minister Crampton made a claim on the United States on behalf of the HBC. According to his figures the Americans owed: £650 for 34 rams; £650:13 for 267 ewes and 142 lambs; £500 for the hire of the *Beaver*; and £1,000 for incidental losses for a grand total of £2,990:13—altogether about \$15,000.

All items of claim, aside from the rams, were attacked as "fraudulent" or "unfounded" by the writer of the account in the House documents.

Douglas was not satisfied and wrote yet another letter of complaint to Lord John Russell, again neglecting to say that the wronged party was the HBC. This time he was called on it. Russell pointed out that in November 1853 Douglas had stated that the San Juans should remain a "de facto" dependency of Vancouver Island, unoccupied by any whites except those at the fishing station. But in his report Griffin spoke of a major agricultural operation on the island. The two statements did not add up. Russell then chided Douglas and the HBC for masking their activities and asking for compensation as private citizens rather than as a corporation with a charter for colonization. Douglas apologized in his next correspondence, admitting that he had "omitted to give information on certain points."

On the American side, Secretary of State Marcy responded to the affair by instructing Isaac Stevens to lay off, to wit:

The President has instructed me to say to you that the officers of the territory should abstain from all acts, on the disputed grounds, which are calculated to provoke any conflict, so far as it can be done without implying the concession to the authorities of Great Britain of an exclusive right over the premises. The title ought to be settled before either party should attempt to exclude the other by force or exercise complete and exclusive sovereign rights with the fairly disputed limits. Application will be made to the British government to interpose with its local authorities on the Northern borders of our territory to abstain from like acts of exclusive ownership, with an explicit understanding that any forbearance on either side to assert the rights respectively claimed shall not be to any concession to the adverse party.

He followed this with a letter to British Foreign Minister Crampton on July 17, in which he confessed "some apprehension that collision may take place between our citizens and British subjects in regard to the occupation of the disputed points along the line between Washington Territory and the British Possession on the north of it."

He assured the ambassador that he would notify Stevens to use discretion, adding that he hoped the British would write a similar missive to Douglas. Crampton agreed and said he had dispatched copies of the letter to the governor general of British North America, to George Simpson of the HBC and, by October, to Douglas.

The so-called "Marcy letter" was thenceforth carried in the vest pocket of every British official in the old Oregon Country to be used as a club against any overreaching Yankee. However, while this "hands-off" message was recognized as the United States' continuing policy, Douglas did not feel bound to it, insisting to the end that the San Juans were British possessions and the United States had no rights nor legal claims to them. The Royal Navy agreed in spirit with Douglas. The Pacific Station commander in 1855 was Rear Admiral H. W. Bruce. In his view the "serious difficulty" in the Northwest was "owing to the grasping spirit and habits of the neighboring Americans...." The Admiralty urged caution, primarily because the United States, at least in spirit, supported the Russians in the Crimea. Nevertheless, Bruce was advised in 1856 to move his ships from Central America to Vancouver Island in order to secure British interests in case American filibusters made a move on British possessions.

If it accomplished anything other than satisfying County Commissioner Cullen's blood lust, the Barnes incident prompted Congress to appropriate money to pay for a boundary commission, which the British had proposed as far back as 1848. The money was allocated on August 11, 1856, whereupon Archibald Campbell was appointed commissioner, with a chief astronomer and surveyor to assist him in marking the boundary between the Rocky Mountains and the Pacific.

The respective commissioners by agreement were supposed to exchange their instructions. However, British Commissioner Prevost's orders included a caveat not intended for Campbell's eyes. He had been directed by his government to press for Rosario Strait, and failing that, to seek another channel within the archipelago that might conform to the language of the treaty.

Prevost was advised that possession of the islands by the British Crown "must contribute very much to the quiet possession of Vancouver's Island, and her Majesty's Government therefore desire that you should use your utmost efforts to induce the American commissioner to assent to the view which Her Majesty's Government have taken of the case."

The Englishman's position had been spelled out for him by his government before a single measurement had been taken. Marcy's marching orders to Campbell were hardly less partisan, but they were not withheld from the British. When Campbell finally saw the secret verbiage two years later, he realized that the water boundary proceedings had been prejudiced from the start.

Britain's primary argument for Rosario Strait was that it ran directly south from the 49th parallel through the Strait of Georgia, thus satisfying the language if not the spirit of the Treaty of Oregon. As early as 1846 British warships made a policy of using Rosario Strait over Haro Strait to reinforce the British claim. The American position, as postulated by Campbell, was that if one drew a line directly south from the middle of the Strait of Georgia at the 49th parallel, it would run directly through Haro Strait.

Prevost also was told to push for an accommodation on Point Roberts, that strange comma of land that dips below the 49th parallel from the British Columbia mainland into United States territorial waters. Most importantly for the British, "quiet possession" of Vancouver's Island was to be maintained, which Prevost interpreted as keeping the Americans away from Victoria's back porch—i.e., San Juan Island. That aim was reflected in all that passed from his lips or flowed from his pen over the next three years. San Juan would form a "wall of defense," he wrote, protecting Vancouver Island and the Royal Navy anchorage at Esquimalt.

The United States Board of Engineers in 1858 likewise concluded that "by establishing a military and naval station at Griffin Bay, on the southeastern shore of San Juan Island, she shall be able to overlook those inner waters equally with Great Britain from Esquimalt Harbor, on the southeastern shore of Vancouver Island, and thus counterbalance the preponderance she is seeking to establish."

Prevost and Campbell met six times between June and December 1857 and, not surprisingly, failed to agree on a water boundary. Looking for a way to end the dispute and continue to guard Victoria's flank, Prevost in November 1857 proposed President's and San Juan channels—soon

to be called the "Middle Channel"—which divide San Juan Island and its satellites from Orcas and Shaw islands. This would award all the islands except San Juan to the United States. Campbell declined.

Those who knew anything about the dynamics of Douglas, Isaac Stevens, and the land-hungry American miners trickling down from the diggings up the Fraser River Valley knew that the climate was ripe for major trouble. While letters were being written and surveys taken, the United States revenue agents continued keeping book on the goings-on at Belle Vue Farm. Between 1855 and 1859 taxes were assessed on the HBC (but not collected). As of May 20, 1859, the HBC had 4,500 sheep, 40 cattle, 5 yoke of oxen, 35 horses and 40 hogs, plus 80 fenced acres under cultivation with oats, peas and potatoes. Griffin had 19 employees, 3 of whom were naturalized American citizens who actually voted in the territorial election. There were 29 settlers altogether.

No Americans settled on the island until several frustrated miners drifted over from the Fraser River diggings between the summer of 1858 and January 1859. Fear of Indians had heretofore kept them away. Then, in late February 1859, Griffin wrote Douglas that a party of Americans from Victoria had been there over a ten-day period, surveying and laying out land in hope of establishing preemption claims pending a United States takeover of the islands. The surveying was directed by a Messrs. Denman and Gelette. Griffin reported that he had heard Denman talking about bringing lumber because he wanted to buy "Webber's house" and furnish it.

Douglas already knew of the enterprise and wrote the colonial office that he was continuing to regard San Juan Island as a dependency of Vancouver Island as per his instructions of September 21, 1854, and that he had appointed Griffin justice of the peace. Griffin's occupation until recently had been "general and complete" as well as undisturbed by Americans. However, Douglas now feared that as a result of the surveys the "whole island will soon be occupied by a squatter population of American citizens if they do not receive an immediate check."

This movement has, I have no doubt, been commenced by some designing person exciting and working upon the minds of the ignorant masses with the view of hastening the settlement of the Boundary Question and fortifying the claims of the United States Government. The course is one full of danger, and I fear that HM Govt. would not approve of my adopting measures for the summary and forcible ejection of squatters, while the sovereignty remains avowedly in dispute; at the same time circumstances may call for decisive action.

Douglas had no hope that the governor of Washington Territory would help. Even so, he proposed that Americans and British join together in ejecting squatters until the boundary was settled. But in the end he was prepared to protect British interests. Two months later Douglas opened his dispatches from the Crown and discovered that Foreign Secretary Lord Lytton shared his views. Not only that, Lytton restated the British view that possession of the San Juan Islands was "essential to British interests." The governor was ordered to "warn off" squatters attempting to settle on British dominions on San Juan Island and maintain British rights by exercise of "civil power."

By taking this position, the Crown was courting the very trouble it sought to avoid; for the territorial government in Olympia could likewise view the HBC as an "alien squatter." Even more

critical, the foreign secretary's instructions ignored the Marcy agreement of 1855. Whose laws would be obeyed?

On May 12 Lord Lyons, the British foreign minister in Washington, D.C., contacted Secretary of State Lewis Cass. Pending the results of the ongoing boundary survey, United States citizens should be restrained from settling on San Juan Island, Lyons wrote. No mention was made of the HBC sheep farm nor of how Americans could cause a "collision." Charles Griffin's Berkshire boar had the answer to that.

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