

How we won the San Juan archipelago /

MAP OF THE SAN JUAN ARCHIPELAGO.

HOW WE WON THE SAN JUAN ARCHIPELAGO.* BY. GENERAL EDWIN C. MASON.

* *Read at the monthly meeting of the Executive Council November 9, 1896. General Mason died April 30, 1898.

I propose to relate some incidents, not generally known to the public, in the final settlement of the Northwest Boundary between the United States and the British Possessions.

Part of my information is derived from the records of the War Department, but chiefly from conversations with actors in the scene. For many years I was the Inspector General of the Military Department of the Columbia, which includes within its boundaries the Puget Sound region, where the difficulties occurred. My duties required me to make frequent visits to San Juan island during the period of the joint occupation, and I became interested in this bit of American history because we were never nearer a war with England than at that time. The story I shall tell brings out one feature in the training of the American professional soldier. He is taught that every means for the peaceable settlement of a difficulty should be tried before force is used, but that there must be at the same time no surrender of the rights and dignity of the nation. The patience and forbearance of our trained army and naval officers has Saved our country from bloodshed and loss of treasure, in more than one difficulty with foreign powers, with the Indians on our plains, and the lawless mobs in our cities. In the San Juan affair General Winfield Scott won the title of "The Great Pacificator." His countrymen did well in bestowing upon him this title, for his pacific course on that occasion saved us from war.

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Every student of American history knows that the cry "54.40 or fight" was sufficient at one time to rouse the spirit of the American people against what were considered the unjust demands of Great Britain in the matter of the boundary line between the United States and her Majesty's possessions in the Northwest.

The Hudson Bay Company claimed what is now Washington and Oregon down to the California line. It was unreasonable; not so the American claim to territory above the 49th parallel of latitude.

The treaty of Washington, June 15th, 1846, fixed the boundary line on that parallel. The treaty reads: "Along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island; and thence southerly through the middle of the said channel, and of Fuca's Straits, to the Pacific ocean." The vagueness and uncertainty of the wording of this section led to the subsequent difficulties. The value, and the commercial and military importance, of the San Juan archipelago were not appreciated by the distinguished gentlemen who negotiated the treaty. A glance at an atlas in use in 1846 will show how little was really known of the vast region northwest from the junction of the Mississippi and Missouri to the Pacific ocean. But if the statesmen of Washington and London did not appreciate the value of the group of islands separating the waters of the Bay of Georgia from Puget sound, the Hudson Bay Company did. This powerful and influential corporation, created in 1670 by Charles the Second of England, was invested with the absolute proprietorship, subordinate sovereignty, and exclusive traffic, over an undefined territory which, under the name of Rupert's Land, comprised all the regions discovered, or to be discovered, within the entrance of Hudson bay.

Pushing westward, by 1770 the company had reached the Pacific, and buying up or coalescing with rival companies, French and English, and claiming jurisdiction through 75 degrees of longitude, from Davis' Strait to Mount St. Elias, and through 28 degrees of latitude, from the mouth of the Mackenzie 37 to the borders of California, it virtually ruled the western world north of the undisputed territory of the United States. The cession of

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Oregon and the fixing of the boundary line on the 49th parallel destroyed of course the rights of the company south of that line.

At the time when this story begins the headquarters of the Hudson Bay Company were established at Victoria on Vancouver island, and Sir James Douglas, C. B., was governor and commander in chief in and over Vancouver island and its dependencies, as well as chief factor of the Hudson Bay Company.

A glance at the map (plate I) will show five channels for the passage of vessels. Of these the Rosario straits to the eastward and the Canal de Haro to the westward were alone in controversy.

I have said that the Hudson Bay Company appreciated the value of the archipelago, and was not slow in taking advantage of the doubtful wording of the treaty and assuming control of the islands. The islands in the group number nineteen and contain about 200 square miles. They vary in size, from a few acres, to San Juan, which is about fifteen miles long and from three to six miles wide, comprising some 60 square miles. The climate of the region is very mild and humid, thus offering special advantages for sheep raising and the cultivation of fruits, flowers, and vegetables. The strategic advantage of the group is apparent to the most casual observer. The power that holds these islands, controls the waters of Puget Sound and the vast waterways to the northward. The great coal fields of Nanaimo and other points in British Columbia are only accessible through the channels of this group; and indeed British Columbia is dominated by the power that holds with a military and naval force the islands and their navigable channels.

The foreign policy of England in regard to her territorial claims commends itself to a military man by its promptness and certainty. She generally acts first and talks afterward. In this case she assumed at once that the Rosario strait was the boundary line and acted on this assumption by directing 38 British magistrates to exercise civil jurisdiction throughout the group. Before the days of the telegraph or the transcontinental railway,

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news from the far west traveled slowly, and it was some time before the government at Washington awoke to the condition of affairs.

Under date of July 14th, 1855, Mr. Marcy, Secretary of State wrote to Governor Stevens of Washington Territory as follows: "He [President Pierce] 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 conflicts, so far as it can be done without implying the concession to the authority of Great Britain of an exclusive right over the premises. The title ought to be settled before either party should exclude the other by force, or exercise complete and exclusive sovereign right within the fairly disputed limits. ..."

On the 17th of July, Mr. Marcy wrote to Mr. Crampton, the British minister, informing him of the letter to the governor of Washington Territory and expressing the hope that all collision may be avoided. The Americans who had settled on San Juan island were restless under the anomalous condition of affairs, and it was certain that difficulty would sooner or later occur.

A humble and generally inoffensive pig was the innocent cause of a disturbance that came nearer to bringing on a war between England and America than any event since 1812.

One day in June, 1859, an American by the name of Lyman A. Cutler shot and killed a pig that was the property of the Hudson Bay Company. This pig had been found damaging the field or garden of Cutler, whose request to the person in charge to have the pig confined was treated with contempt. Provoked by this, Cutler shot the animal. He afterward offered money in payment to twice its value, which was refused. The next day the British ship of war *Satellite*, with a Mr. Dallas, a factor of the Hudson Bay Company, aboard, visited the island. Mr. Dallas threatened to take the American by force to Victoria for trial. Cutler resisted, and, arming himself, threatened to shoot anyone who would attempt his arrest. The arrest was not made.

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General W. S. Harney commanded at that time the Department of Oregon, with headquarters at Fort Vancouver on the Columbia river. These matters came to his ears through a petition from the Americans of San Juan island for protection. In making his report to Washington the general says: "To attempt to take by an armed force an American citizen from our soil to be tried by British law, is an insult to our flag and an outrage upon the rights of our people that has roused them to a high state of indignation. It will be well for the British Government to know the American people on this coast will never sanction any claim they may assert to any other islands in Puget Sound than that of Vancouver, south of the 49th parallel and east of the Canal de Haro. Any attempt at possession by them will be followed by a collision."

Without waiting for instructions from Washington, which would have taken thirty days by pony express across the continent, or sixty by steamer via the isthmus of Panama, General Harney took prompt action on the petition of the Americans for protection, and immediately ordered Capt. George E. Pickett, of the 9th Infantry, to proceed at once from Fort Bellingham to San Juan island and take station with his company D of the 9th Infantry. His orders provided for the protection of the people from the northern Indians of British Columbia and the Russian possessions (now our Alaska); he was also informed that another serious and important duty would devolve upon him in the occupation of the islands, arising from the conflicting interests of the American citizens and the Hudson Bay Company. He was informed that it would be his duty to afford adequate protection to the American citizens in their rights as such, and to resist all attempts at interference by the British authorities residing on Vancouver island, by intimidation or force, in the controversies of the above mentioned parties. General Harney goes on to say that protection has been called for in consequence of the action of the chief factor of the Hudson Bay Company, Mr. Dallas, in having recently visited San Juan island with a British sloop of war and threatened to take an American citizen by force to Victoria for trial by British laws. "It is hoped a second attempt of this kind will not be made; but to insure the safety of our citizens the general commanding directs you to meet the authorities from

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Victoria at once, on a second arrival, and inform them they cannot be permitted to interfere with our citizens in any way. Any grievances they may allege as requiring redress can only be examined under our own laws, to which they must submit their claims in proper form.”

Captain Pickett was a brave and gallant officer, cool, and of excellent judgment. He was a southern man and on the outbreak of the rebellion, two years after these events, resigned his commission in the United States Army and took service with the Confederacy. He rose to high rank in the southern army, and commanded the Confederate troops in that justly famous charge on Cemetery Ridge at Gettysburg. That 3d day of July, 1863, when at one o'clock in the afternoon General Lee made his supreme effort to retrieve the fortunes of the day, and launched a grand assault upon the Union center along Cemetery Ridge, George Pickett's division was probably the most distinguished in that splendid army of northern Virginia for discipline and valor. It was composed of fifteen Virginia regiments, the very flower of southern chivalry. The bold, determined and enterprising spirit he had manifested in Indian scouts and campaigns on the frontier, where he had been ordered immediately after graduating from the Military Academy, fitted him for dealing with the emergency that had been precipitated by the action of the British authorities. It was his fine soldierly qualities, developed by active service on the frontier, that made him one of General Lee's trusted lieutenants.

But to return to my subject. Captain Pickett did not wait for the quartermaster's transport steamer to come out of Puget sound and move his company and stores, for he had heard that a British man-of-war was maneuvering about the island, and, appreciating the importance of gaining a foothold on San Juan unmolested, he shipped his men with their stores and supplies on a fishing schooner, and quietly sailed away from Fort Bellingham in the night, passing Lummi island into Rosario strait, and through the narrow channel between 41 Blakely and Orcas islands into Upright channel, passing between Shaw and Lopez, and before daylight cast anchor off a smooth gravelly beach in Griffin bay.

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A thick fog shrouded his movements from observation and he effected his landing without being seen and without opposition, if any was intended. When the morning sun scattered the fog, the astonished British seamen, from the decks of their men-of-war lying outside San Juan, saw a few white tents pitched on the ridge that extends along the middle of the island, and over them, on a flagstaff brought for the purpose, the United States flag dancing in the summer breeze.

If you were to visit the island now, you would find, after landing in Griffin bay, the ground sloping gently upward from the water's edge until after about a mile it culminates in quite a ridge, highest where Pickett pitched his camp. Standing on the ruins of the little earthwork at that point, you command a fine and extensive view of both sides of the island, and of the bays, channels, and inlets, that separate the islands of the archipelago. The ground sloping away in all directions, you would see to the north and west the waters of the Canal de Haro and Vancouver's island beyond; southward, the broad sweep of the waters of the strait of Juan de Fuca, extending as far as the eye can reach toward the Pacific ocean; and eastward and northeastward, the waters of Rosario straits and the chief islands of the group.

The defensive position selected by Pickett was an excellent one and gave him complete command, in every direction, of the approaches to his fort. The fort he afterwards built had a profile only on the south, east and west sides, the top of the parapet on the north merging there into the general level of the ridge.

The action of that prompt old soldier, General Harney, in sending Captain Pickett to take military possession of San Juan did not meet the full approval of the President. Under date of September 3d, 1859, the Acting Secretary of War informed him: "The President [Mr. Buchanan] was not prepared to learn that you had ordered military possession to be taken of the island of San Juan or Bellevue. Although he 42 believes the Straits of Haro to be the true boundary between Great Britain and the United States under the treaty of June 15, 1846, and that, consequently, this island belongs to us, yet he had not anticipated that so

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decided a step would have been resorted to without instructions.” But he further adds, “If you had good reason to believe that the colonial authorities of Great Britain were about to disturb the *status* , by taking possession of the island and assuming jurisdiction over it, you were in the right to anticipate their action.”

Immediately upon its being known that Captain Pickett had landed on the island, the Hudson Bay Agent sent him the following note:

Bellevue Farm, San Juan Island, July 30, 1859.

Sir,—I have the honor to inform you that the island of San Juan, on which your camp is pitched, is the property and in the occupation of the Hudson's Bay Company, and to request that you, and the whole of the party who have landed from the American vessels, will immediately cease to occupy the same. Should you be unwilling to comply with my request, I feel bound to apply to the civil authorities. Awaiting your reply, I have the honor to be, sir, your obedient servant,

CHAS. JNO. GRIFFIN, Agent, Hudson Bay Company.

Whatever doubts may have existed in Washington in regard to the attitude of the British government in regard to the ownership of these islands, this letter and the proclamation of Governor Douglas, issued at once on the 2nd day of August, make it plain that nothing less than the sovereignty of the archipelago was claimed. The proclamation reads: “The sovereignty of the Island of San Juan, and of the whole of the Haro Archipelago has always undeviatingly claimed to be in the crown of Great Britain. Therefore, I, James Douglas, do hereby formally and solemnly protest against the occupation of the said island, or any part of the said archipelago, by any person whatsoever, 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.”

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Captain Pickett's answer to the letter of Agent Griffin is as follows:

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Military Camp, San Juan, W. T., July 30, 1859.

Sir,—Your communication of thiS instant is received. I have to state in reply that I do not acknowledge the right of the Hudson's Bay Company to dictate my course of action. I am here by virtue of an order from my government, and shall remain until recalled by the same authority. I am, sir, very respectfully, your obedient servant.

GEORGE E. PICKETT, Captain, 9th U.S. Infantry, Commanding.

Governor Douglas lost no time in assembling a fleet to enforce his proclamation, and on the next day after it was issued, August 3rd, at 10 p.m., Captain Pickett wrote a dispatch to General Harney, stating that three British war ships, the Tribune, the Plumper, and the Satellite, were lying off his camp in a menacing attitude. He then gave the substance of the interviews held during the day with the captains of these ships. Captain Hornby, the senior officer of the fleet, urged Captain Pickett to retire, or to Consent to a joint military occupation until replies could be received from their respective governments, and proposed that during such time the commanding officers of the forces should control and adjudicate between their respective countrymen.

Captain Pickett requested Capt. Hornby, commanding the British fleet, to submit his proposition in writing, and said he would transmit it to General Harney, his superior and commanding officer. This was done and in a few days the Adjutant General of the Department replied: "The General approves the course you have pursued and further directs that no joint occupation or any civil jurisdiction will be permitted on San Juan island by the British authorities under any circumstances. Lieut. Colonel Casey is ordered to reinforce you without delay."

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Lieut. Colonel Silas Casey proceeded with his command on the steamer Julia from Fort Steilacoom and Port Townsend; he had with him companies A, C, and I, 4th Infantry, and H, 9th Infantry, together 203 men, and companies A, B, D, and M, 3rd Artillery, 181 men. Most fortunately he too made the trip in a thick fog and landed on the island under the guns of the British fleet and without the knowledge of the 44 British officers. The fortunate circumstance of the fog doubtless prevented at this time the commencement of hostilities, for the British frigate Tribune was cruising off the landing, and her orders were to prevent Captain Pickett from being reinforced. The morning light and the lifting fog showed the American force materially strengthened. The chagrin and mortification of the British captains were intense at being again outmaneuvered by the American soldiers.

Lieut. Colonel Casey was now in command. Including Pickett's Company his force numbered 461 officers and men. The British fleet, under Captain Hornby, comprised three ships, with 62 guns, and 975 men, part being Royal Engineers and Marines.

Captain Hornby's orders from Governor Douglas had been to force a landing upon the island at once. Fortunately he was a wiser man than Governor Douglas, and did not attempt it; undoubtedly it would have been successful, for he had a greatly superior force of sailors and marines, with the guns of his ships to cover the movement, but he knew that the attempt meant war, and wisely refrained.

Very soon after the landing of Colonel Casey, Rear Admiral Baynes, commander in chief of her Majesty's navy on the Pacific coast, came in from a cruise to Esquimaux, the naval station near Victoria His flagship, the Ganges, of 84 guns and 840 men, with her consort, the Pylades, of 21 guns and 325 men, increased the British fleet to five men-of-war with 2,140 men, seamen and marines, a very formidable force for those days.

Colonel Casey, hearing of the arrival of Admiral Baynes, concluded to waive ceremony and pay that officer a visit. He wrote to Captain Alfred Pleasanton, at Fort Vancouver, under date of August 12th, 1859, that he invited Captain Hornby of the British fleet to an

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interview, and, on his arrival in the camp, intimated a wish to have an interview with the admiral, saying that he would go down to Esquimault the next day for that purpose. The captain and the British commissioner with him seemed pleased with the suggestion.

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The next day, accompanied by Captain Pickett and by Mr. Campbell, the United States commissioner, Colonel Casey went down to Esquimault on the steamer Shubrick. He anchored near the Ganges, the British flagship, and sent to the admiral a note by an officer asking for an interview on the Shubrick. The admiral declined the interview on the American vessel, but stated he would receive the gentlemen on his own ship. Colonel Casey says: "I was of opinion that I had carried etiquette far enough in going twenty-five miles to see a gentleman who was disinclined to come one hundred yards to see me. The proposition which I intended to have made the admiral was this: ... that in case he, the admiral, would pass his word on honor that no threats should be made, or molestation given, by the force under his command, for the purpose of preventing Captain Pickett from carrying out the orders and instructions with which he is intrusted, I would recommend to the commanding general the withdrawal of the reinforcement which had landed on the island under my command, and that affairs should so remain until the sovereign authorities should announce their intentions." He closed his dispatch by saying: "I have so far had no further intercourse with any of the officers of the fleet. ... The British have a sufficient naval force here to effectually blockade this island when they choose. I don't know what the intentions of the British naval authorities with respect to this island are. I shall resist any attack they may make upon my position."

Colonel Casey's attempt to avoid a hostile collision between the forces of two friendly nations was well meant, but to visit a foreign port in an armed vessel and seek an interview with a flag officer under the circumstances was an extraordinary step to take, and it was promptly disapproved by his military superiors. It was a case where zeal outran discretion.

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Although Admiral Baynes would not meet Colonel Casey in the informal manner suggested by that officer, he did a wise thing in immediately countermanding Governor Douglas's warlike and menacing orders to force a landing. This judicious action immediately relieved the strain and both parties tacitly agreed to await further instructions from their governments.

By this time the news of what had occurred had reached Washington, and the President, seeing that some decisive steps must be taken to prevent collision between the forces thus brought face to face on a question of national rights, conceived the idea of sending the Commander in Chief of the Army to the scene of difficulty with full powers to act as the emergency might require.

Under date of September 16th, 1859, the Secretary of War wrote to General Winfield Scott:

“Sir,—The President has been much gratified at the alacrity with which you have responded to his wish that you would proceed to Washington Territory to assume the immediate command, if necessary, of the United States forces on the Pacific coast.” The letter then goes on to recite the situation, and continues: “It is impossible, at this distance from the scene, and in ignorance of what may have already transpired on the spot, to give you positive instructions as to your course of action. Much, very much, must be left to your discretion, and the President is happy to believe that discretion could not be entrusted to more competent hands.”

After expressing his desire to preserve the peace and for adjudication of the difficulties by the two governments, he says: “It would be desirable to provide, during the intervening period, for a joint occupation of the island, under such guards as will secure its tranquillity without interfering with our rights. The President perceives no objection to the plan proposed by Captain Hornby, of Her Majesty's ship Tribune, to Captain Pickett; it being understood that Captain Pickett's company shall remain on the island to resist, if need be,

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the incursions of the northern Indians on our frontier settlements, and to afford protection to American citizens resident thereon. In any arrangement which may be made for joint occupation, American citizens must be placed on a footing equally favorable with that of British subjects." The letter closes with the confident hope that, if a collision should occur before the general's arrival, he will not suffer the national honor to be tarnished.

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General Scott sailed from New York for the Isthmus of Panama a few days after receiving his instructions. The passage to Panama, and up the Pacific coast to San Francisco, occupied nearly a month, and a few days more were required for the journey to Puget sound. So it was October 20th when he appeared upon the scene. In the meantime the *status quo* had been maintained by the American and British troops. The English ships cruised off the island, or lay with their guns bearing on the United States camp, where the troops were kept busy building breastworks and redoubts, and mounting guns taken from the Massachusetts, an armed transport of the Quartermaster Department.

Immediately upon his arrival, General Scott put himself in communication with Governor Douglas and Admiral Baynes; and after several conferences these experienced officers entered into an agreement, afterwards approved by both governments, by which a joint occupation of the islands of the archipelago should be maintained by the military forces of both governments until the questions in dispute should be finally settled. The agreement provided: 1st, that each power should maintain on the island of San Juan a force of not more than one hundred men; 2nd, that neither power should exercise exclusive jurisdiction; 3rd, that all the affairs of the island, civil and military, should be jointly administered by the two commanding officers; 4th, that full protection and equal rights of person and property were guaranteed to all the people, both British and American.

This agreement went into force at once. Captain Pickett and his company formed the United States garrison, which was located at the south end of San Juan island, and a

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detachment of the Royal Marines under Captain Bazalgette, landing from the British ships March 20th, 1860, took post at the north end of the island. Colonel Casey, with his troops, had withdrawn; and the British fleet no longer threatened the camp with its guns, but returned to Esquimault harbor.

In the eastern United States, already the mutterings of the great storm of the rebellion were heard, and day by day events marched toward the outbreak in April, 1861. Pickett remained 48 at his post in San Juan until he was swept away by the tidal wave of sentiment that took him with other Southern born officers into rebellion. Colonel Silas Casey remained true to the flag, and rose to high rank in our army.

During the war of the rebellion the San Juan matter, like many others, was pushed into the background by the supreme question of the national existence, and the matter of settlement was not taken up by this government until 1871. From 1861 until 1865, the garrison was from the 9th Infantry and the 2nd Artillery. Immediately after the war, it was from the 23rd and 21st Infantry; and the last named regiment, of which I was at one time major, furnished the garrison at the time of the final settlement of the matter in dispute.

My esteemed friend, Captain Ebstein, of the 21st Infantry, who was at one period of the joint occupation stationed at San Juan island, says in reference to the practical working of the agreement entered into by Admiral Baynes and General Scott: "The duties of the two commanding officers were manifold and delicate; they were not only military commanders, but also judges, notaries, customs officials, land commissioners, registrars, and even coroners. There was no other authority on the islands of the archipelago, than that of these officers. The population exclusive of the garrison was about 600, nearly equally divided in national adherence. All British subjects were required to register their land claims at the British camp, and in like manner American settlers made their registry at our camp. Breaches of the peace and misdemeanors were tried before the commander of the power whose protection the offender claimed. If the offense involved citizens of both nations, the two commanders sat in joint court. The punishments were imprisonment in the guard

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house, fine, or, in aggravated cases, banishment from the island. The inhabitants paid no tax of any kind on articles brought from the British possessions. They had the choice of taking their product to either the British or American market, without paying duty, on the certificate of the commanding officer that the articles were the product of the island. Schools were maintained by private subscription.”

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To the credit of the various commanding officers on both sides, it may be stated that they performed their difficult and complicated duties with the greatest care and impartiality, and without the slightest degree of friction, during the thirteen years that this anomalous condition of affairs was maintained. The personal and social relations of the officers and their families were the most amicable, and the enlisted men fraternized as though they belonged to one and the same service.

We come now to the final settlement of the difference concerning which Sir Robert Peel once said in the House of Commons that it must, unless speedily terminated, involve both countries in the necessity to an appeal to arms. And there seemed to be no escape from this when we remember the attitude of the two governments as expressed by Lord John Russell and Mr. Cass. Lord Russell, under date of August 24th, 1859, thus wrote to Lord Lyons, the envoy to the United States: “Her Majesty's government must, therefore, under any circumstances, maintain the right of the British Crown to the island of San Juan. The interests at stake in connection with the retention of that island are too important to admit of compromise, and your lordship will consequently bear in mind that whatever arrangement as to the boundary line is finally arrived at, no settlement of the question will be accepted by Her Majesty's government which does not provide for the island of San Juan being reserved to the British Crown.”

Mr. Cass, our Secretary of State, replied, October 20th, 1859: “If this declaration is to be insisted upon, it must terminate the negotiation at its very threshold; because this government can permit itself to enter into no discussion with that of Great Britain, or any

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other power, except upon terms of perfect equality.” Later, on February 4th, 1860, he says: “Since, therefore, Lord John Russell repeats with great frankness his original declaration, that ‘no settlement of the question will be accepted by Her Majesty’s government which does not provide for the island of San Juan being reserved to the British Crown,’ I am directed by the President to state with equal frankness that the United States will, under all circumstances, maintain their right to the island in controversy until the question of title to it shall be determined by some amicable arrangement between the parties.”

When a deadlock like this occurs, settlement is only possible by one of four methods, surrender of rights, compromise, arbitration, or war. Surrender of rights was not to be thought of by two proud nations; compromise had proved to be impossible; war should be the last resort of kindred and Christian nations. Arbitration seemed an honorable and pleasant way out of the difficulty. On the 10th of December, 1860, Lord Lyons proposed settlement by arbitration, proposing the king of the Netherlands, or the king of Sweden and Norway, or the president of the Federal Council of Switzerland, as the arbitrator.

None of these parties named proved agreeable to the United States, the War of the Rebellion came on, and the matter slept until more settled times came to the country. The treaty of Washington settled the difficulties between the United States and Great Britain growing out of the Alabama claims and other international questions hating their birth during the War of the Rebellion. It was signed May 8th, 1871, and its 34th and 35th articles provide that “whereas the government of Her Britannic Majesty claims that such boundary line [referring to the one we are now discussing, and describing it according to the treaty of 1846] should, under the terms of the treaty above recited, be run through the Rosario Straits, and the Government of the United States claims that it should be run through the Canal de Haro, it is agreed that the respective claims of the government of Her Britannic Majesty and of the government of the United States shall be submitted to the arbitration and award of His Majesty the Emperor of Germany, who, having regard to the above-mentioned article of the said treaty, shall decide thereupon finally and without appeal which of these claims is most in accordance with the true interpretation of the treaty

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of June 15, 1846. The award of His Majesty the Emperor of Germany shall be considered as absolutely final and conclusive, and full effect shall be given to such award without any objection, evasion, or delay whatsoever." Other articles provide for each party's submitting its case either in writing or by counsel.

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The officers of my regiment stationed on San Juan island were informed by the British officers that they considered the case won, because, the Crown Prince of Germany having married a daughter of Queen Victoria, his influence and that of his wife would be brought to bear on the Emperor William to induce him in his final judgment to favor the English claim. Time went on, the respective memorials of the governments were presented, and the arguments made before the three eminent judges of the Imperial Court of Berlin. The English officers on the island and the officials in Victoria grew more and more confident of an award in their favor; but one day it was whispered abroad that a commission of German lawyers were in Victoria asking questions of English shipmasters. From the extensive coal fields of British Columbia, as Nanaimo, on Vancouver island, in particular, fleet after fleet of English ships sail with coal for Pacific ports in the United States, and for Japan, China, Australia, and the islands of the South Sea. Now these deeply laden vessels must be taken to sea through the best channel, the main ship channel; and it can be confidently stated that no English shipmaster would have held his warrant an hour after it was known to the underwriters that he had failed to take the ship through the main channel, the Canal de Haro, with its six and a half miles of unbroken width and 180 fathoms of depth, but had chosen the Rosario strait, with the entrance to its waters obstructed by several rocky islets making its safe navigation by sailing vessels dependent on favorable winds and tides.

In answer to the plain question of the commissioners, "What do you consider the main channel through the San Juan archipelago?" the reply of the English ship captains was in every case, I believe, "The Canal de Haro;" for, however much national feelings may have

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inclined them to favor the British claim to Rosario strait, professional pride would compel the true answer.

After these facts became known, the British officers were less sanguine of a favorable award, and I think they were not surprised when it was made in our favor.

On the 21st of October, 1872, the Emperor William made his award. He said: "After hearing the report made to us by 52 the experts and jurists summoned by us upon the contents of the interchanged memorials and their appendices, we have decreed the following award: Most in accordance with the true interpretations of the treaty concluded on the 15th of June, 1846, between the governments of Her Britannic Majesty and of the United States of America, is the claim of the government of the United States that the boundary line between the territories of Her Britannic Majesty and the United States should be drawn through the Haro Channel."

The news of the award must have been sent from Berlin by the British minister at once and communicated instantly to the authorities in Victoria, and through them to the officer in command of the British camp on the island. The first information our officers received was a message from Capt. Bazalgette, who for thirteen years had held the British command. The messenger arrived in the American camp soon after reveille. Capt. Bazalgette said he would evacuate the island at once, in accordance with the terms of the award, notice of which he had just received.

Captain (then lieutenant) Ebstein of my regiment, to whom I have before referred, started at once with a small detachment of mounted men and rode rapidly over the sixteen miles that separated the two camps. His instructions from his commanding officer were to receipt for any buildings or other property the British officers might desire to turn over. He also had with him a flag to run up on the flagstaff after the British should have taken their departure. He says: "As I rode into the camp, a number of sailors and marines were engaged, under the direction of an officer, in cutting down the handsome flagstaff which stood in the middle

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of the parade ground. In a few moments it fell with a loud crash. The ostensible reason given for this act was that the staff was needed for a spar on board one of the naval vessels then lying at the dock waiting to transport the troops. These were the Scout and the Petrel, British men-of-war. A young subaltern, however, with perhaps more candor than judgment, put it more correctly when he said, 'You know we could never have any other flag float from a staff that had borne the cross of St. George.'"

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Capt. Ebstein ran up his flag on a telegraph pole, and the few Americans present greeted it with hearty cheers as the English soldiers sailed away to Victoria.

In the meanwhile the information had been received by our government and communicated to Gen. E. S. Canby, commanding the Department of the Columbia, with headquarters in Portland, Oregon, who immediately took steps to send a detachment of troops to San Juan to salute the British flag, and pay the other usual honors on the occasion of an evacuation; but the hasty departure of the English garrison had prevented this act of courtesy on our part. Circumstances indicated that this pleasant duty would have devolved upon me. I have always regretted that I could not have been personally associated with the final act in a series of events which had commenced with the first boundary treaty ninety years before.

Many anxious hours had been spent by statesmen, English and American, over the questions raised by national and local jealousies and rivalries, and the conflicting claims of colonies, companies of traders, states and provinces, combined with an uncertain geographical knowledge of the country, and an ignorance of its commercial, agricultural and political value, as the boundary line slowly marched from the Atlantic to the Pacific ocean, through almost a century of time. The disputes had more than once threatened to end in war. It was the good sense of military commanders that opened the way for a peaceful settlement. It was the word of a soldier king that put the vexed question forever at rest.

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More and more, thoughtful men expect that, in the settlement of international difficulties, nations should arbitrate whenever possible, fight only when they must.

But I would have my friends understand that war is not an unmixed evil. Indeed it has more than once proved a blessing to a people.

“War is honorable in those Who do their native right maintain, Whose swords an iron barrier rear Between the lawless spoiler and the weak.”

In our own country we are a better, a stronger people from the necessity laid upon us to open the continent, step by step, 54 to the progress of civilization, from Nw England to the Golden Gate, by the strong hand of the military power. Much of cruelty, much of injustice, has marked our dealings with the native race, the Indian tribes whom we found in possession of the land; and for these acts I have no word of excuse, for, next to slavery, the treatment in many cases of the native race is the darkest page in American history. But blessings have followed in the train of war. The War of the Revolution made us a nation of freemen. The War of 1812 gave us confidence in ourselves and gained us the respect of England and of Europe. The war with Mexico, although in my judgment not justifiable, opened new fields to American enterprise. The War of the Rebellion made us what we were not before, one people from the Atlantic to the Pacific, from the Lakes to the Gulf of Mexico.

I would not fire the hearts of the young with military ardor for the lust of glory. I would not have them forget the dark side of war. But I would have them so filled with love of country that they would willingly follow in the footsteps of their fathers, and if the emergency shall demand the sacrifice of life, freely give it, that the blessings which follow in the train of a righteous war, freedom for persons, property, and conscience, and the reign of law, may be the heritage of those who follow them.