The Other Gulf War

There Was a Nose-to-Nose Confrontation When Lyman Cutler Shot the HBC Pig

By ALBERT G. FOWLER

When American settler Lyman Cutler shot a Hudson's Bay Company pig in the early hours of 15 June 1859, he had no idea that such a mindless action might bring Great Britain and the United States to the brink of war. The death of the black, marauding swine in Cutler's potato patch on San Juan Island, just eight miles from Victoria, brought into the open the frustrations of men of action on both sides of the border. It highlighted the colonists' fear of the growing tide of American settlers that was now surging in their direction and the growing lack of interest in the colonies by the Motherland. The incident led to a nose-to-nose confrontation between British and American soldiers that would last for twelve years.

It was the first day of August when the news of the clandestine landing of United States soldiers reached the citizens of Victoria. The editor of the *British Colonist* described the event as ". . . . an act of treason to the age and mankind" and ranted on: "Like thieves in the night . . . they sought to plant themselves on an island over which we have exercised sovereignty many years and to which, by every rule of right . . . we are lawfully entitled."

The *Colonist* went on to describe the roots of the difficulty as being the unsettled boundary between the United States and Vancouver's Island. The Oregon Treaty of 1846 had fixed the starting point of the boundary on the 49th parallel, "in the middle of the channel which separates the continent from Vancouver's Island." This meant in the middle of the Gulf of Georgia. From this point the line was to go ". . . southerly through the middle of the said channel". To British eyes this indicated that the boundary went southerly through Rosario Channel, on to the Strait of Juan de Fuca and westward to the Pacific. This made San Juan Island British. The Americans believed that the boundary went south further to the west, through the channel known as Haro Canal. That made San Juan an American island.

Originally, the trouble was caused by misinformation. The men who drafted the Oregon Treaty had never seen the San Juan archipelago. To make matters worse, they were working with the outdated reports of Captain George Vancouver. In 1792, Vancouver had mentioned only the one small island of San Juan which was bounded, on the eastern side, by the navigable Rosario or Vancouver Strait. In the early days, ships from every nation used Rosario as the main channel. On the western side of the island, Vancouver described a dangerous and uncharted channel known as Canal de Haro. On most charts of the day the Canal de Haro was shown to be closed at its northern end by an ill defined cluster of islands.

At first the lack of specific detail went by without notice but, as time passed and the population increased in the area, Haro Strait was found to be navigable and to be the quickest route between Victoria and the growing settlement of Nanaimo. Some Americans, like Brigadier-General W.S. Harney, the Military Commander-in-Chief of the State of Oregon, came to look upon San Juan Island as a place of great strategic importance. He called it "the Cuba of the west" and saw the island as the ideal place from which to control the "savage Indians" from the north and the water route to the mainland. This added weight to the American perspective that Haro Canal was the boundary and that San Juan was theirs. The British and, in particular Governor James Douglas, saw this as one more act of American expansionism. Specific directions from the home government were required, but they were not forthcoming.

British settlers west of the Rockies and representatives of the Hudson's Bay Company had already felt threatened by the large numbers of Americans surging westward and northward over their territory. When the Treaty of Oregon was signed everyone north of the border had assumed that the boundary between the nations would have been drawn along the Columbia

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By the end of August 1859 the Americans had 400 men on San Juan Island, ready to repel invaders.

River. When the British government gave away everything south of the 49th parallel, the British settlers felt betrayed by what they saw as the unnecessary "surrender" of valuable land to the Americans.

In Britain, the economic and political powers had come to realize that greater wealth could be gained by trade than by colonization. The traditional concept of the Hudson's Bay Company and its sister companies around the globe was to reward investors with trade monopolies and so encourage the exploration of new territories. But Britain had found that the maintenance of colonies around the world was difficult and expensive. There was a growing feeling that the colonies were a millstone around her neck.

On the other side of the coin, the Royal Navy had been looking for a suitable station in the North Pacific. Although Esquimalt on Vancover Island was not formally established as a naval depot until 1865, it was looked upon and used as the northern station from the early 1840s. In the boundary negotiations, Vancouver Island was the prize and anything in between was looked upon as an extra benefit.

The Hudson's Bay Company was charged to establish settlements of resident colonists to secure the area against American expansion. It was hoped that the Company would discourage American interlopers and encourage British gentlemen farmers to open up and possess the land, making Vancouver Island into a miniature version of the Motherland. Company control would ensure that Vancouver Island remained in British hands and that the North Pacific Station would be secure.

Governor Douglas sent Charles J. Griffin to establish a farm on San Juan Island in 1853. Buildings were constructed and three thousand sheep were brought in from Nisqually, Washington, along with a few cattle, oxen and servants — and possibly a pig.

About the same time and in spite of Douglas's efforts, the Americans decided that it was their turn to act. They formally declared the San Juans to be American territory and a part of Whatcom County. In 1854 they conducted the first census on the island and reported 4,500 sheep, 40 cattle, 5 yoke of oxen and 18 servants. Next, the Americans attempted to collect taxes on the Hudson's Bay Company sheep which, mistakenly, they claimed had been imported from another country without the payment of duty.

With the conflict continuing to heat up, something had to be done and a boundary commission was estab-

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First camp of the Royal Marines at Roche Harbour, 1860.

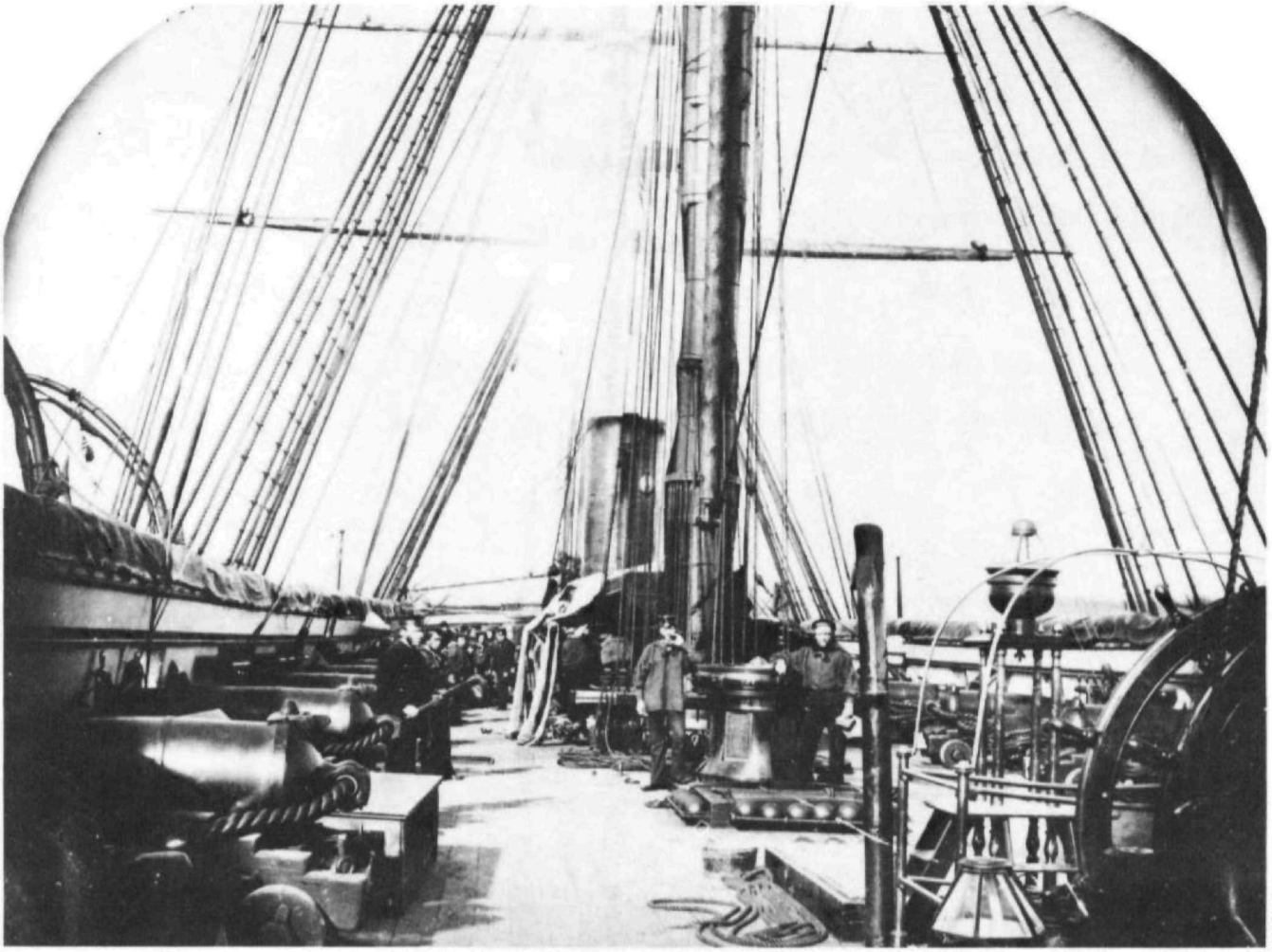
lished in 1856. The British commissioners wanted to clarify the ownership of the San Juan Archipelago, but the Americans insisted on including in the discussion the boundary on the mainland right back to the mountains. Unable to agree at the local level, the commissioners referred the whole issue to their respective governments. In good faith and to help clarify where the 49th parallel fell on the mainland, a detachment of Royal Engineers went out to survey west of the Rockies.

As one further complication, gold was discovered on the Fraser River and it brought a small flood of American adventurers to Vancouver Island. In 1854 the population of Fort Victoria was only 70 people and the colony was controlled by the Hudson's Bay Company. On 25 April 1858 the population doubled in one afternoon. On a day two months later, 2,800 men arrived from the south to get food and supplies and to begin their search for gold. By the end of 1858, 30,000 people had passed through Victoria enroute to the gold fields. Victoria was becoming far too important a place to remain as a Hudson's Bay Company outpost and control of the colony was taken away from the Company. James Douglas was named governor of the new colony, ending his former connection with the HBC.

It was around this time that the pig was slain. The Company boar had made repeated visits to root up Lyman A. Cutler's potatoes. On or about the 15th of June 1859, totally frustrated by the persistence of the unwanted visitor, Cutler shot and killed the animal.

At this point serious contradictions enter the narrative. According to an American version of the story, Farmer Griffin and officials of the Hudson's Bay Company, led by senior Company representative Alexander Grant Dallas, ordered Cutler to pay $100 in compensation or else be taken to Victoria to stand trial. In a British version of the story, Dallas and his colleagues simply remonstrated with the American settler, who responded with a threat to shoot any other Company animal that wandered onto his land.

Line claimed by the United States.
Line claimed by Great Britain.
Proposed Middle Channel.



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British firepower was considerable. The guns of HMS Satellite II are ready for action, but the Royal Navy is restrained.

In late July Governor Douglas appointed Major John de Courcy magistrate and justice of the peace and sent him to San Juan on H.M.S. *Satellite* with instructions to enforce law and order on the "British island". Even as de Courcy travelled to the disputed island, Victoria newspapers, who knew nothing of the pig incident, criticized the government for creating one more sinecure for a gentleman and one more tax drain on the common man's purse. On 27 July 1859, de Courcy landed on San Juan and read his commission. He then hoisted a small Union Jack near the Hudson's Bay Company establishment at Griffin Bay.

Keeping in close touch with the dispute from the other side of the border was General W.S. Harney. Harney was a hot-headed general who wanted to be president and who believed in the concept of "manifest destiny". In a letter to Governor Douglas dated 6 August 1859 Harney declared that he had placed a military command on San Juan Island:

> . . . to protect the American citizens residing on that island from the insults and the indignities which the British authorities of Vancouver Island, and the establishment of the Hudson's Bay Company have recently offered them by sending a British ship of war from Vancouver Island, to convey the chief factor of the Hudson's Bay Company to San Juan, for the purpose of seizing an American citizen and forcibly transporting him to Vancouver Island to be tried by British laws.

On 18 July 1859 Harney ordered Captain G.E. Pickett to go to San Juan from Bellingham and occupy the island. The official reason for sending the soldiers was to respond to the request from "American citizens for protection against the attacks of Indians." The presence of the soldiers also would protect Americans against interference by British authorities and would strengthen the claim of the United States to the islands.

On 26 July United States troops of the 9th Infantry were landed on San Juan Island at the Hudson's Bay Company wharf and set about making a camp next to Griffin's farm. They numbered between 40 and 63 men and were the first of four or five companies destined for the occupation.

The next day Captain Pickett issued an order to all inhabitants of the island:

> I. In compliance with orders and instructions from the General Commanding, a Military Post will be established on this Island, on whatever site the Commanding Officer may select.
>
> II. All of the inhabitants of the island are requested to report at once to the Commanding officer, in case of any incursion of the northern Indians — so that he may take such steps as he may deem necessary to prevent any further occurrence of the same.
>
> III. This being United States Territory, no Laws, other than those of the U.S., nor courts, except such as are held be virtue of said Laws, will be recognized, or allowed on this island.
>
> By Order of Capt Pickett

This was contrary to the Marcy-Crampton agreement of 1855 which recognized the dilemma of the San Juans and had put a hold on all such claims until the boundary issue had been settled. It would appear that neither Harney nor Pickett had ever heard about the Marcy-Crampton agreement.

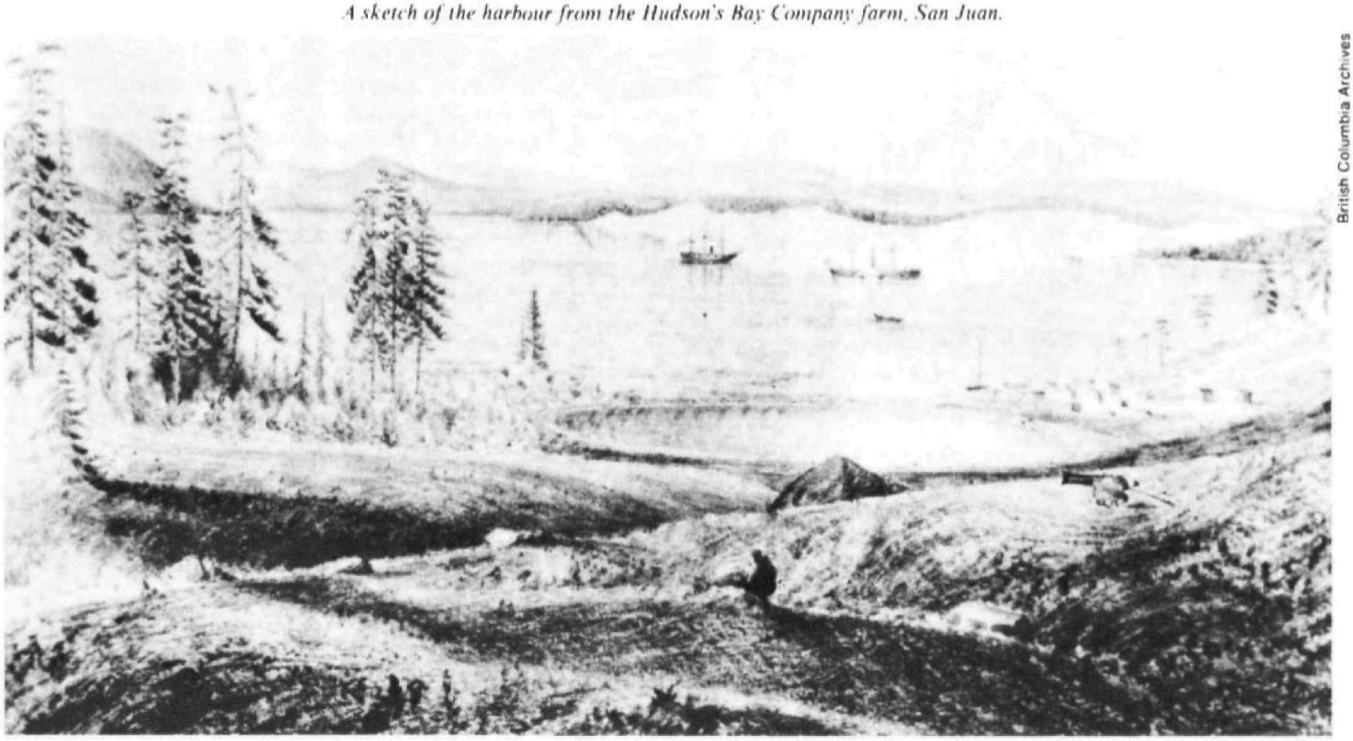
After reading the proclamation Magistrate de Courcy served Capt. Pickett with a summons for trespassing on lands used by the Hudson's Bay Company for a sheep pasture. The case was to be heard at 6 P.M. on Saturday 30 July, but Pickett failed to respond.

When Governor Douglas learned of Pickett's defiance he ordered an equal number of British soldiers to land on San Juan. Their orders were to reject all "squatters" until the dispute was settled and to prevent any further foreign intrusions. Governor Douglas saw all Americans as intruders and opportunists. During the gold rush they had descended on Victoria and on the Fraser River and he had been successful only when he dealt firmly with them. He would do so again on San Juan. Because of the Royal Navy's presence in Esquimalt, Douglas knew that military power was on his side.

Immediately, H.M.S. *Tribune* and H.M.S. *Satellite* were dispatched from Esquimalt. When the ships arrived at San Juan they went on stations in the bay in front of the American camp. The sole purpose of this show of force was to prevent the building of fortifications and the landing of any more American soldiers. The Americans had two guns and less than one hundred soldiers. The British ships carried 800 soldiers and 52 guns.

Decisive action could have been taken quickly, but British naval officers around the world had been charged from the highest levels at home to avoid bloodshed and "local collisions" at all costs. Also, most of the Royal Navy's supplies and mail came across the continent to Vancouver Island by American routes. Hoping to avert a confrontation, the senior British Officer in charge, Captain Geoffrey Phipps Hornby, took his second in command and went ashore to look for Captain Pickett. They had not been gone long when the American armed transport *Massachusetts* appeared with 120 troops on board. British first lieutenant Davis

A sketch of the harbour from the Hudson's Bay Company farm, San Juan.



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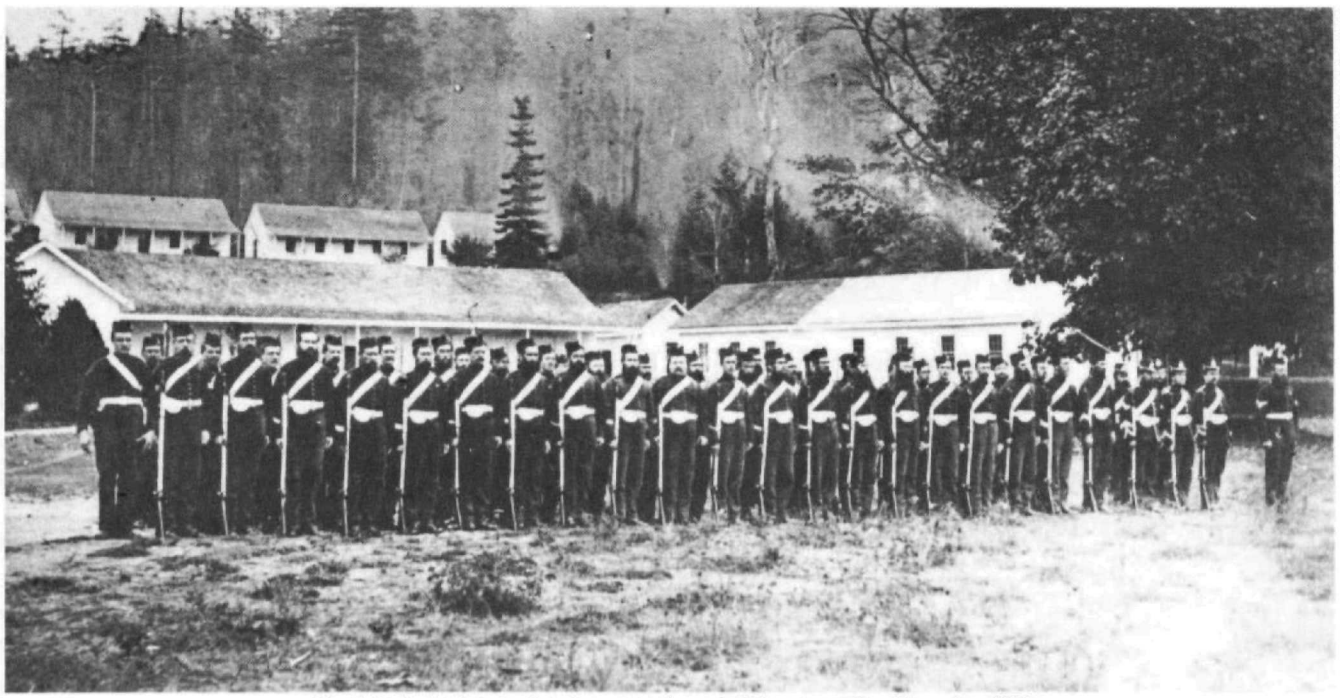

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The British garrison on San Juan near the end of the occupation, November 1872.

Boyle on the *Tribune* told the American captain that *Tribune* was there to prevent landings and that he would open fire if necessary. The American captain ignored him and landed supplies. War seemed imminent but moments before the first shots were fired, HMS *Plumper* appeared in the bay with more British troops from Queenborough and the latest news from Victoria.

The Legislative Council had met in Victoria and decided that British troops would be landed and shots fired only if the honour and interests of Britain were in jeopardy. To the editor of the *British Colonist* there was no question but that British honour was at stake, but in the eyes of the Royal Navy, British citizens were not endangered and so there was no need for action. The American soldiers were permitted to land on San Juan unhindered by the British.

Douglas was furious and blamed Hornby for inactivity. The navy was lambasted by the Victoria newspapers. In Friday morning's editorial, 5 August, the *British Colonist* sneered that it was apparent that "paper bullets only will be fired, and the only claret spilt will be French." Even the surgeon on board HMS *Plumper* wrote that San Juan was the military key to the interior of British Columbia and there was no reason why the superior British Forces could not have taken the Americans. In a letter to his headquarters, Pickett agreed that the British could have won any battle. Pickett reported: "They have a force so much superior to mine that it will be merely a mouthful to them." But guided by the policy of restraint at home and abroad and using patience and sound judgement, the Royal Navy was able to avoid open warfare.

The American people were not sure what was happening. Papers presented the American point of view and reported that the situation was serious. The *Pioneer and Democrat* published in Olympia, Washington, on 12 August reported that the "ship *Tribune* lies with spring cables and her guns double-shotted, broadside to the camp of Captain Pickett; her decks are covered with red coats, having on board 450 marines and some 180 sappers and miners." In fact, the British just sat there while the Americans continued to land soldiers, build fortifications and to stake their claims to the island. By the end of two weeks Pickett had 400 men, 6 field pieces and from 100 to 150 artillerymen in his camp. The British kept their soldiers aboard ship and waited for diplomacy to act.

It was the middle of September before news reached Washington, D.C., and action was taken. The country was embarrassed by the way in which the situation had escalated and President James Buchanan sent General Winfield Scott, Commander in Chief of the United States Army, a man respected by Americans and Englishmen alike, to check into the actions of General Harney. On arrival in October, Scott assumed immediate control of the United States forces on the Pacific Coast. The papers were delighted. The *British Colonist* reported that ". . . . instead of laurels for disturbing the peace of the border, he is very quietly, respectfully, and deservedly made a subordinate in the

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The American artillery camp, San Juan, at the height of the stand-off.

theatre of his glory". By 7 December, all of the British vessels, except H.M.S. *Satellite*, were withdrawn and it was time for negotiation.

Scott proposed that the island be jointly occupied by an equal number of troops from each nation, while the British proposed the withdrawal of all troops and the return to the situation as it had been before the incident. Eventually Scott and Douglas agreed to a plan of joint occupation, whereby each government was ultimately represented by a company of 100 men.

On 20 March 1860, Rear-Admiral Robert Lambert Baynes, on orders from the home government, landed British troops on San Juan. The soldiers, a detachment of Royal Marines under Captain George Bazalgrette, was brought from the fleet in Victoria and landed in Roche Harbour on the north point of the island. They were located ten miles north of the United States troops, who then numbered 87.

Discussions continued and it looked as though the occupation of the San Juans would be ended in the early part of 1861 when Captain Pickett received orders that he was to withdraw all of the United States troops from the island. At the same time, Captain Bazalgrette was given the order to remain. Later, the order to withdraw the United States troops was cancelled.

The joint occupation continued for another ten years, until 1872 when the matter went to international arbitration. It was resolved by the Emperor of Germany, Kaiser Wilhelm I, who saw Haro Strait as the main geographic channel and also noted that in discussions leading to the previous treaty, all that the British side had really asked for was Vancouver Island. On receiving news of the decision, which has been called the Treaty of Washington, all British soldiers were withdrawn and San Juan Island became a part of the United States.

Of course there was still the matter of Cutler and the pig. After everything had settled down, Cutler appeared before an American magistrate. In the end, Cutler was given a small fine for shooting the Hudson's Bay Company pig. ♦

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