36TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 77.

ISLAND OF SAN JUAN.

LETTER

FROM

THE SECRETARY OF STATE,

TRANSMITTING

A report relative to the occupation of the island of San Juan.

APRIL 26, 1860.—Laid upon the table, and ordered to be printed.

DEPARTMENT OF STATE,
Washington, April 23, 1860.

SIR: In compliance with the resolution of the House of Representatives of the 6th instant, I transmit a copy of the report of Henry R. Crosbie, esq., relative to the occupation of the island of San Juan.

I have the honor to be your obedient servant,

LEWIS CASS.

HON. WILLIAM PENNINGTON,
Speaker of the House of Representatives.

Mr. Crosbie to General Cass.

WASHINGTON, D. C., *April* 3, 1860.

SIR: In compliance with your request, I transmit herewith a communication embodying the facts and occurrences with regard to the occupation of the island of San Juan.

I have the honor to be, very respectfully, your obedient servant,

HENRY R. CROSBIE.

HON. LEWIS CASS,
Secretary of State.

The first permanent occupation of the island of San Juan was effected on the 13th day of December, 1853, by the landing from the Hudson's Bay Company's steamer "Beaver" of a flock of 1 300 sheep, under charge of Mr. Charles J. Griffin, then a clerk, now a chief trader in the company's service, and who has ever since remained on the island in charge of their property and interests. The place had, however, been frequented the three previous years as a fishing station;

the fishing parties were respectively under charge of Messrs. Simpson and McDonald, both clerks in the company's service. They occupied the island simply the few weeks of the salmon season, abandoning it as soon as that was over.

No English settler or colonist has ever been on the island, and no occupation or claim was attempted to be set up previous to the year 1853. In the summer of that year the propriety of claiming and occupying it was discussed by the chief factors of the Hudson's Bay Company at Victoria, and having determined on doing so, Mr. McDonald, the same who had been in charge of the fishing parties for the two previous years, was designated as the person to open a sheep farm, and thus make the claim through the company in behalf of the English government. This was determined in the month of July. Delays, however, arose till the early part of December, when, on the arrival of Mr. Griffin from Fort Simpson, it was deemed that he was a more suitable person, and he was accordingly forthwith despatched to San Juan for that purpose.

On learning of this invasion of American soil, J. M. Ebey, the collector of customs for the Puget's Sound district, at once notified Governor Douglas that the sheep were liable to seizure for being brought within the jurisdiction of his custom-house without paying duty. Governor Douglas thereupon claimed it as British soil, and appointed Mr. Griffin a stipendiary magistrate for the island of San Juan, as a dependency of Vancouver's island, thus extending the English laws over the island.

The United States collector having no means of enforcing the collection of the customs—there was at that time no revenue cutter in the district, or other available force—protested against the action of Governor Douglas, notifying him that eventually this unjustifiable intrusion would have to be accounted for. He also appointed a United States inspector of customs to remain on the island, directing him to keep an account of all goods and dutiable effects that might be landed by the English. Shortly afterwards a complaint was sworn to against Mr. Webber, the inspector, by Captain Sangster, the collector of Vancouver's island, and on that complaint, the purport of which was the very absurd one of calling himself a custom-house officer, a warrant was issued. Captain Sangster himself, acting as constable, placed his hands on Webber's shoulder, and attempted to arrest him in the Queen's name. Webber declined to obey the arrest, threatening to shoot the first man who interfered with him in the possession of his rightful liberty, saying, first, that he had committed no crime; and, secondly, that he was on American soil, and would not recognize their right to issue any process against him. The warrant of arrest is still in Mr. Webber's possession. The constable having handed it to him, on his request to see it, he retained it as proof, should there be any necessity for such, of the strange and absurd course of conduct pursued by the Hudson's Bay Company and the English colonial authorities of Vancouver's island.

Mr. Webber remained on San Juan about a year, but was forced at last to leave on account of the daily insecurity of his life from the

northern Indians, on several occasions having to seek the shelter of the Hudson's Bay House, at one time remaining several days within their enclosure without daring to go out.

He was succeeded in office by Oscar Olney, who left from the same reason after a few months, and he in turn by the present inspector, Paul K. Hubbs, jr., all of whom have at different times been compelled temporarily to avail themselves of the protection of Mr. Griffin, the Hudson's Bay Company's agent, and which, in justice to him, I must say was always freely accorded.

This feeling of insecurity, however, effectually prevented the settlement of the island, which would otherwise, from its position and its agricultural avdantages, been years ago almost entirely taken up by farmers.

At the first session of the legislative assembly of Washington Territory, in 1854, the upper part of Island county, which, by its organization in 1852 by the Oregon legislature, included within its boundaries the islands of San Juan, Lopez, Orcas, Blakely, Decatur, and Shaw, was organized into the new county of Whatcom.

The assessment of San Juan was made with the other parts of the county the same year, but the enforcement of the tax was not made till March 18, 1855, when the sheriff, in pursuance with the requirements of the law in such cases, seized thirty-odd sheep on the Hudson's Bay Company's farm, and sold them to the highest bidder, the payment of the taxes due the county having been refused by Mr. Griffin.

It is for this seizure the Hudson's Bay Company have had the assurance to present a claim through the British minister to the State Department for the moderate sum of nearly $15,000. As a more full and complete answer to this extravagant claim, to show how out of all proportion to the damage incurred is the amount claimed, I annex herewith a review of the report of Governor Douglas published in the "Pioneer and Democrat," at Olympia, Washington Territory, April 30, 1858.

Whatcom county never relinquished her claim, and the taxes were regularly assessed each year, though no attempt was again made to enforce them, in the strong hopes that prompt and energetic steps would be at once taken by the government to prevent any further necessity of having thus rigidly to assert her rights. The county authorities, in order to prevent any collision or difficulty, which they saw would be inevitable should they follow their original determination, contented themselves by simply each year making the annual assessment, feeling confident that in the end the rightful dues would be paid, looking forward to a speedy settlement of their undoubted right of sovereignty over the island.

The same was also the course of conduct pursued by the custom-house inspector, he merely taking an account of the vessels arriving and the goods landed.

The last assessment was made on the 20th of May, 1859, at which time there was due the county $935. There were 4,500 sheep, 40 head of cattle, five yoke of oxen, 35 horses, and 40 hogs on the island, the property of the company, with about 80 acres fenced and under

cultivation, sowed principally with oats, peas, and potatoes. There were attached to the Hudson's Bay Company's station, besides Mr. Griffin, eighteen servants, three only of whom were white, and those three were naturalized American citizens, and exercised their rights as such at the territorial election held on the second Monday in July last, at which time there were twenty-nine actual settlers on the island.

The request was made by the American settlers, as early as May, to General Harney to give them a small force, say a detachment of twenty men—something that would give them a feeling of security, as continued apprehension was equally as bad as actual danger; it had prevented the settlement of San Juan and the adjoining isolated islands for years, this being the stopping place or point of departure from whence the northern marauding Indians issued to commit their depredations. Already several murders had been committed in the neighborhood, some of them quite recently, and they claimed that protection which citizens had a right to demand of their government. He was urgently asked to visit the island, to view its resources and its advantageous position. He did so on his inspecting tour, a few weeks later, of the military posts on the sound after his return from a visit to Vancouver's island.

The settlers afterwards drew up the request in writing, which they had before verbally made, and forwarded for his action thereon. At the same time he was also informed of the expectation of the settlers, that one of their number would be arrested by the English authorities.

In accordance with this request, General Harney placed upon the island Captain Pickett's company of the 9th infantry. Troops had previously been sent there in small detachments to inquire into outrages committed. What was asked was permanent protection, and not an occasional visit of an inadequate force at long intervening periods. Not the most remote idea was entertained by the settlers that the thus affording them the protection to which they were entitled was to be made the excuse for the excitement so very unnecessarily created by the indiscreet action and demonstration made by Governor Douglas. They the less apprehended it because those of their own number who had been thrown most in contact with the English authorities were convinced that the English themselves did not conscientiously believe they had any legitimate right whatever to the island. It had simply been located on by the Hudson's Bay Company, to give to a shadowy claim the substance of an occupation, hoping that they would be left undisturbed in possession long enough to dignify the pretence into something like a right—a mere stroke of colonial policy, perhaps successful from its very audacity. By claiming all the islands to the Rosario straits, rather than have any difficulty —and we were to be compelled to believe, if possible, we were on the verge of it—a compromise would be effected by the adoption of Washington channel, a narrow strait between the islands of San Juan and Lopez, in some parts a scant quarter of a mile across, and the surrender to them of Point Roberts, at the mouth of Fraser river,

thus obtaining the most valuable of the islands—indeed the only one they cared about. These are known to have been their hopes and expectations ever since they took the bold step of occupying San Juan.

The same day that Captain Pickett landed, her Britannic Majesty's ship "Satellite" came into the harbor of San Juan and landed Major De Courcy as the English stipendiary magistrate. At the time the "Satellite" left Victoria it was not known that there were any American troops on the island or to be placed there. Captain Prevost, the commander of the "Satellite," stated that it was not even known at Victoria such a movement was contemplated. He had come over by direction of the colonial governor to instal the English magistrate in his position as the civil official of the island.

So many false statements have been published in the "London Times," which are somewhat official in their nature, being written by Mr. Donald Fraser, a member of the executive council of Vancouver's island, and which are taken for the true history of the affair, instead of being, as they most generally are, exactly the reverse, that I deem it proper here to say, in contradiction of some of those misrepresentations, that no American magistrate, or any other civilian whatever, came with Captain Pickett. As the magistrate of Whatcom county, on my arrival in the steamer "Constitution," on the 29th July, I came merely for a temporary visit; finding there was an English official claiming to be the civil authority of the island, I remained as such on the part of the United States. I did so in accordance with my own judgment of what was my duty in the premises, informing the English magistrate that whilst I could not for a moment acknowledge he had any right whatever to exercise any magisterial functions on the island, and the attempt to execute any process he might issue would be at once promptly met, yet I felt sure that, taking into consideration the disastrous consequences that might ensue by a collision on the part of the civil authority, he would do whatever lay in his power to avoid so deplorable a result. By direction of Governor Douglas, the British naval force were to obey any command or requisition that he might make upon them for assistance.

Major de Courcy realized the responsibility of his position, and acted throughout the whole difficulty with a discretion and good feeling which tended very much to preserve quiet and peace. That he was appointed for the express purpose of seeing British laws enforced upon the island is beyond doubt. His commission is dated July 26, 1859, and he was notified that he was to be appointed nearly a month previous. These are facts that cannot be disputed.

Governor Douglas's letter to General Harney is not correct in two essential points: one with regard to Mr. Dallas, and the other as to the intended attempt to apprehend an American citizen.

Mr. Dallas, it is true, did not come over in a man-of-war; he came over in the Hudson's Bay Company's steamer "Beaver;" nor could he have known till after his arrival, as the occurrence had taken place but a few hours previous, anything with regard to the difficulty. His subsequent indiscreet conduct, and the controlling influence he pos-

sesses over Governor Douglas, is the whole cause of all the trouble on that score.

Mr. Dallas is not a chief factor; his powers are much more extensive. He is one of the directors of the Hudson's Bay Company, and has extraordinary powers granted him by the company, as will be seen by his commission. So far from not being connected with the government, he has been ever since his residence on Vancouver's island —for nearly the last two years—a member of the executive council, as is also Mr. Donald Fraser, who was with him at the time above alluded to.

Immediately on his return from San Juan, the appointment of a magistrate for the island was determined on, and the agent of the Hudson's Bay Company was directed to lodge a complaint against the party referred to, not only on the ground of the killing of the animal, but also as a trespass upon lands belonging to the company, in addition to which he was directed to proceed against any other of the settlers that he might deem interfered with his sheep runs, or wherever he might think proper to place his flocks or other stock. *This cannot, with truth, be denied.*

As that would leave it at the option of the agent to claim the whole island, or, to the same effect, all the grazing portions, the result would have been, if enforced, the removal of all the settlers.

The only inference that can be drawn is, had there been no probability of at once an active resistance to the execution of process, the original intention would have been carried out.

The governor says further, in his letter, that had there been any complaint against an American citizen, he should have referred it to American authorities, and that he paid no attention to a complaint which was made by an English subject upon one occasion, out of respect to the friendly government to which the alleged offender belonged. Thoroughly conversant with the occurrences that have taken place on San Juan from 1853 to the present time, I am, in common with other residents of the island, at a loss to know to what or whom he alludes. That he does not hesitate to take notice of exceedingly frivolous complaints, the one he forwards to General Scott with regard to the fine and imprisonment of a man who was engaged in the nefarious traffic of liquor to Indians is in itself an evidence. The reply to his communication is hereto appended.

The island of San Juan does not command, as has been asserted, the entrance to the harbor of Victoria, nor the passage northward to the settlements in British Columbia.

It is not in any manner, nor could it by any means of offence or defence become, essential in a military point of view to the protection of either of the British colonies. The entrance to the harbor of Victoria is full eighteen miles from the nearest portion of San Juan, and the Canal del Haro has a width of over seven miles. It is the only one of the channels that is over a cannon shot across.

Their claim is based upon the statement that in olden times the captains of their brigs and trading vessels more frequently used the Rosario straits; that it was more frequently used is owing to the fact

of the Canal del Haro, which is in reality but a continuation of the Straits of Fuca, being a broad, deep arm of the sea; in case of adverse winds or calms the anchorage was both difficult to reach, and when found afforded but poor holding ground, whereas Rosario straits is a much narrower channel, in some parts not two miles across, and afforded everywhere secure anchorage. Yet on this flimsy pretext of the action and caution of Hudson's Bay Company captains, who were well aware if they lost a vessel their employment ceased, is based their claim that the Rosario straits is the channel designated as the boundary by the treaty of 1846, notwithstanding the fact that in all the discussions in the United States Senate at the time of its ratification the Canal del Haro was especially alluded to as the boundary.

From Victoria to Fraser river, by the way of Rosario straits, is nearly twenty miles further than by the Canal del Haro. The steamers and other American vessels, during the Fraser river excitement, went a still nearer passage inside of Saturna island, called the "Active Pass," but which the British surveying steamer "Plumper," that came out eighteen months after the United States coast survey steamer "Active" had surveyed and named the same—indeed went through it with the sailing directions of the "Active"—very coolly puts down on the chart as the "Plumper Pass," a piece of appropriation that resembles only their claim to the islands.

In 1846 the vessels owned by the Hudson's Bay Company, independent of their ships bringing their supplies direct from England and returning with furs, were the steamer "Beaver," the brigs "Mary Dare" and "Cadboro," and the schooner "Una."

The "Beaver" went up north as far as Sitka, supplying the northern posts and trading with the Russian Indians; the "Mary Dare" and "Una" traded to the Sandwich Islands, whilst the "Cadboro" was more especially for the posts on Fraser river and Puget's Sound.

The "Beaver" used the Canal del Haro, as did also the "Cadboro," when she had a leading breeze. One of the passages out of the Canal del Haro into the Gulf of Georgia is named the Cadboro passage. All of the vessels had been years employed in the fur trade; the "Beaver" since 1835, the first steamer ever on the Pacific, and the "Cadboro" as far back as 1829.

The island of San Juan is nineteen miles long, with a width of seven miles, containing about 50,000 acres of land. The soil is fertile. There are on it many prairies, and, as the woods have not that thick matted undergrowth so common to the Oregon coast, is easy of access in all directions. The causes before assigned are the only reasons why it has not been before entirely occupied.

There is but a small band of Indians residing on the island—a part of the Lummi tribe of Bellingham Bay. The Sanich and Cowitchins, of Vancouver's island, both large tribes, frequent it in great numbers during the fishing season in summer. The Sanich are a tribe whose winter camping grounds adjoin the town of Victoria.

As their land is of great value, and exceedingly desirable as a continuation of the water front of the town, the motion was made some

months since in the colonial legislature, and gravely discussed, to remove them from Victoria as seriously interfering with the interests of the community, and locate them permanently on the island of San Juan. It was introduced and urged mainly by the speaker, Dr. Helenchen, a son-in-law of the governor. Parties of the Bella-Bellas, Milbauks-chim-zi-ans, Hyder, Stickens, and Tongas, constantly visit the island. The three last tribes are the most dangerous of all, though none are to be trusted; they live far to the north. The Hyders are from Queen Charlotte island; the Stickens and Tongas from the Russian possessions. It is these northern Indians that keep the whole upper part of the sound in a state of continual dread. Their canoes are large, carrying generally from 20 to 30 paddles, sometimes double that number, all being well armed, each canoe having an arm-chest, in which there is stowed a gun for each man, in addition to the one beside him for immediate use. They move rapidly from point to point, await a favorable opportunity to commit a depredation, and then push at once for their homes. What conduces in some manner to the protection of the settlers is, that the tribes of the sound are our outposts of alarm; between them there is always an open war, though, as the northern Indians are bold and remarkably athletic men, having a singular resemblance to the Tartar race in complexion and appearance, they never attack them unless in much greater numbers, and only then when at a great disadvantage.

As they never have been punished for their depredations, each year they increase in boldness and numbers. The Stickens are the Indians who committed the murders in Bellingham Bay in 1854, and a branch of the tribe called the Ka-acks, the murder of Colonel Ebey, in the summer of 1856.

The heads of the persons murdered are always carried off as trophies, around which, on their arrival amongst their tribes, are performed ceremonies similar to the scalp dance of the plains.

From the admirable manner in which the Hudson's Bay Company have managed the Indians—treating them with kindness, and at the same time with great firmness; just so sure as they committed an outrage on persons or property, just so sure were they certain to be promptly punished, never allowing that terrible delay of which our frontier settlers have so bitterly experienced its evils, to rob the example of its proper effect, but doing whatever they deemed justice required at once, and thoroughly, thus insuring to their agents and employés, even in the most distant and isolated regions, entire security—one of their number could go anywhere through the most warlike of the tribes or remain in their neighborhood unmolested, whilst an American dared not trust himself in their vicinity, except by deceiving them as to his nationality. The Hudson's Bay Company servants could remain in safety on San Juan: the Americans could not. The question resolved itself into whether the island was to be abandoned or the settlers protected.

[Pioneer and Democrat, Olympia, W. T., Friday, April 30, 1858.]

Reply to the report upon the claims for damages assessed by Governor Douglas, Victoria, V. I.

Statement and valuation of sheep, the property of the Hudson's Bay Company, forcibly seized and carried off, on March 30, 1855, by Ellis Barnes, sheriff of Whatcom county, Washington Territory, aided and assisted by the armed posse of said county, in the name and behalf of the United States of America, and of losses resulting from the violent acts of the said Ellis Barnes, in consequence of the flocks being driven into the woods, and there destroyed by beasts of prey, and through other causes.

Carried off by Sheriff Barnes and posse, of Whatcom county :

	£	s.	d.
12 choice Southdown rams, at £20	240	8	0
8 Cheviot rams, at £20	160	0	0
6 Leicester rams, at £25	150	0	0
8 merino rams, at £25	200	0	0
Number of sheep missing in consequence of the flocks having been driven into the woods :			
156 Southdown ewes, at 33*s.* 4*d*	260	0	0
63 Southdown lambs, at 15*s*	47	0	0
86 Cheviot ewes, at 32*s.* 4*d*	143	6	8
23 Cheviot lambs, at 15*s*	17	5	0
25 Leicester ewes, at 33*s.* 4*d*	41	13	4
56 merino ewes, at 50*s.* 6*d*	141	8	0
Cost of collecting and restoring flock :			
Hire of 10 men for 8 days, at 12*s.* 6*d* per diem	50	0	0
Hire of steam-vessel "Beaver," for protection of property under my charge	500	0	0
Pay of 8 men for 8 days, hired to protect the property in my charge, at 12*s.* 6*d.* per diem	40	0	0
Incidental losses through the derangement and suspension of business in consequence of Sheriff Barnes's violent acts	1,000	0	0
Total	2,990	13	0

CHARLES J. GRIFFIN.

SAN JUAN, *July* 26, 1855.

I hereby certify that this is the signature of Charles John Griffin, and that he is a person worthy of credit.

JAMES DOUGLAS,
Governor of Vancouver's Island.

HUDSON'S BAY HOUSE, *December* 6, 1855.

MY LORD: With reference to the deputy governor's letters of the 11th and 24th of July, and Mr. Hammond's of July 13 and August 2, I have the honor to enclose a copy of a letter just received from Mr. Douglas, governor of Vancouver's island, dated Victoria, September 28, 1855, covering an account of the damage caused to the Hudson's Bay Company by the unjustifiable proceedings of the United States authorities in the isle of San Juan, together with a copy of the further correspondence on the subject between me, Isaac Stevens, governor of Washington Territory, and Governor Douglas. I have to beg that your lordship will call upon the government of the United States to reimburse the Hudson's Bay Company for the illegal acts of their officers.

I have, &c.,

A. COLVILLE, *Governor.*

Earl of CLARENDON, *K. G., &c., &c., &c.*

We publish the above bill of particulars that it may be seen by all acquainted with the facts what an egregious swindle has been attempted. We doubt whether, in the history of the many efforts to defraud the United States treasury, there has been a single instance characterized by such cool assurance as the present effort of Governor Douglas, of Vancouver's island; he claims the sum of £2,990 13*s.*, nearly $15,000, as damages on account of the seizure of Mr. Barnes, sheriff of Whatcom county, of certain sheep, to pay the taxes due from the persons and upon the property on San Juan or Bellevue island.

A simple statement of the facts is all that is necessary to show the fraud attempted and the falsehoods perpetrated in the bill rendered by the Hudson's Bay Company through their agents.

The first legislature of Washington Territory, on the organization of Whatcom county, included San Juan island within its boundaries; the question was not raised as to the legality of its being within our territory; every honest, sensible, disinterested man, even on the English side, acknowledged that. In the adjustment of the Oregon dispute the parallel of 49° was adopted as the compromise; the line was deflected on striking the Gulf of Georgia, so as not to separate the jurisdiction of Vancouver's island. The parallel of 49° of north latitude carried out as the boundary would have included within our limits the principal settlement on Vancouver's island, the most valuable portion of that island. The only just interpretation, therefore, that can be given to the treaty—its clear intent and meaning—is that all land south of 49°, with the exception of Vancouver's island, belongs to the United States. The question is not on the relative merits of either one channel or the other; the nearest channel on Vancouver's island, whether it is best (as it happens to be) or worst, is the line of separation, especially as, by all international law, islands not specially

designated and set apart are appurtenant to the adjacent continent and *not* to another island.

The present English commissioner, a high-toned, honorable gentleman, especially appointed to examine and adjudicate the dispute in the matter of the island, and not likely to surrender an iota of his country's rights, at once, after an examination of the subject, will, we doubt not, concede our claim to San Juan is a just one. Therefore the sheriff was simply performing his duty in collecting, according to law, the tax of his county, and in consequence the Hudson's Bay Company have no claim for damages; on the contrary, are still indebted to Whatcom county a considerable sum for arrears of taxes.

If they are within our domain they must abide by the law of the land in common with every citizen of the United States. It cannot be termed unjust, since it was not a special tax levied upon them. It falls alike on all, whether national or foreign. If they were not willing to abide by it they had only to remove from within our borders to be free from its action.

The question, and the only question, in the affair is, whether legally the sheriff was in the actual discharge of his duty. If he was, then there was no damage; if he was not, then what amount of damage was actually done? That he was in the discharge of his duty, the evidence is the fact of his being the duly elected and qualified sheriff of Whatcom county, and that San Juan island is a part of that county. But that the fraud may be seen in all its bearings, we will state the amount of loss actually incurred. The sheriff took with him a *posse comitatus* on proceeding to San Juan island to collect the tax due, as he was informed its collection would be resisted. He therefore notified that, in pursuance of law, he should seize and sell sufficient property, to the highest bidder, to satisfy the demand. Previous to doing so, however, desirous by every proper means to prevent difficulty, he, and others with him, advised Mr. Griffin, the agent in charge, to either bid the sheep in or pay the tax under protest; that the tax was lawfully due, and as a public officer he was compelled to the course he had taken; they appreciated the unpleasantness of his position, and would do everything consistent with duty to free him from the censure of his employers of the Hudson's Bay Company. Mr. Griffin would have done so but from positive orders from the chief factor, Governor Douglas, which he dare not disobey. His orders were to resist the collection of the tax with all the force at his command. He saw, however, it would be useless, as the sheriff was determined to execute his duty at all hazards. Had Governor Douglas himself been present (and it was a matter of regret that he was not instead of Mr. Griffin) the result would have been the same. On Mr. Griffin refusing to pay the tax, even under protest, he was asked where the flocks were. He said they were on the other side of the island. The party then left the sheriff, stating they would next morning seize the sheep and sell them in the manner prescribed by law. They, however, returned about three o'clock in the morning and found near Mr. Griffin's

house forty-five rams in a pen, which were immediately seized, and about noon were sold to the highest bidder.

Whilst the purchasers were securing their rams, and had taken some thirty-four of them to the boat, leaving one of the posse in charge, some of the shepherds rode up and gave the "shepherd's call." The rams, obeying the well-known signal, jumped the pen and ran away.

The whole damage, then, if any, can only be the thirty-four rams, and nothing else. *So far from the sheep being driven into the woods, the flocks were neither seen nor sought for.*

The claim for hire of the steamer "Beaver" is an item which in itself is sufficient to stamp the whole affair as an unmitigated fraud. The "Beaver," so far from being a hired steamer, is, as every one knows, the property of the Hudson's Bay Company. Besides which, she did not come to the island. She steamed up, it is true; came out two or three miles from Victoria harbor and then returned. By that time, whoever was in charge had come to the conclusion that it was better not to interfere with a sheriff in the discharge of his duty. Since then Governor Douglas has been very profuse in his abuse, terming all concerned "filibusters and sheep-stealers." Were they so in his opinion, why did he not give orders for the "Beaver" to overtake them and capture them? The truth is, the governor himself was more than doubtful of the propriety of his own course.

Hire of eighteen men sixteen days, at 12*s.* 6*d.*—say three dollars per diem! Another absurdity. The Hudson's Bay Company employ Indians at from two to three blankets per month. Their shepherd's pay is £17 per anum. Their bailiffs, as was shown by a contract lately exhibited in court at Olympia, only get £60 per annum. Mr. Griffin, the agent, received but £100 per annum.

The lumping charge of £1,000 is only equalled by the keeper of a tavern who entertained one of the Bonapartes in his travels, and who, the next morning, after footing up the bill as largely as possible, not making it reach beyond eighty dollars, put down "twenty dollars for kicking up a grand fuss generally," with the idea all that would be looked at was the aggregate, and not the items.

The statement of Mr. Griffin was made by Governor Douglas's direction, and doubtless his own individual specification. It was most probably merely *signed* by Mr. Griffin after being thus drawn up by direction of Governor and Chief Factor Douglas.

Governor Douglas is a partner in the concern, and, as the claim over and above the cost and expense of the thirty-four rams is a clear profit, will be the largest gainer by the transaction.

Then, also, Mr. Colville claims on behalf of the Hudson's Bay Company. The Hudson's Bay Company is a trading company, and by the very tenet of its charter is prohibited from agricultural pursuits. To obviate that difficulty the Puget's Sound Agricultural Company was organized. Yet this claim is not on behalf of the Puget's Sound Company—an agricultural and stock-raising association—but of the Hudson's Bay Company.

The fact of the whole matter is, Governor Douglas, anxious to gain

some little notoriety with his government, claims a part of the soil of this territory as belonging to the British government; lands, under cover of night, a flock of sheep on San Juan island, which, so far from being a worthless island, as he represents, contains several thousand acres of fertile land, and which he himself had intended, in case the claim was made good, to purchase for his own individual use.

The quiet occupancy is frustrated by the authorities of the county collecting the claim for taxes. He then lays claim for damages. What those damages are we have all seen; what Mr. Douglas alleges them to be the written documents exhibit. We had always believed that in dealing with Englishmen we had to deal with a frank, outspoken people. If our opinion is correct, then Governor Douglas does not in this affair exhibit the characteristic fair-play of an Englishman. He says that the amount claimed is a less damage than would be granted in a court of law. He seems to labor under the impression that boldness of assertion will supply paucity of facts. So far from it, if that bill of particulars was sworn to in any court, either in the United States or England, it would render the individual so swearing subject to the penalties for perjury, and all others connected therewith accomplices in the endeavor to obtain money under false pretences.

["Alta Californian."]

A. G. Dallas, chief officer of the Hudson's Bay Company's territory.

Alexander Grant Dallas, now residing in Victoria, and son-in-law of Governor Douglas, has been for more than a year the chief officer of the Hudson's Bay Company in America, and he governs a domain almost as extensive as that of the United States. His powers are almost absolute ; at least, they are very great. The following is a copy of Mr. Dallas's commission :

To Alexander Grant Dallas, esquire, hereby appointed president of council :

By virtue of the charter to us given by King Charles the Second, by his letters patent, under the great seal of England, bearing date the second day of May, in the twenty-second year of his reign, we do hereby appoint you, Alexander Grant Dallas, to preside at all councils which shall or may be held within our Territory of Rupert's Land, or within the territory comprehended under the grant of exclusive trade with the Indians in parts of North America, and bearing date the thirteenth day of May, one thousand eight hundred and thirty-eight, as well as in all other places where trade is carried on by the said governor and company, until you receive advice to the contrary.

You are therefore, in virtue of this commission, to do and perform all such duties as are now or hereafter may be performed by a presi-

dent of council abroad. And we do hereby direct all our governors, chief factors, chief traders, and all other servants, to obey all such orders as you may think proper, under the authority of this commission, to give them, as president aforesaid. And you are to observe and follow such orders, from time to time, as you shall receive from the governor and Company of Adventurers of England, trading into Hudson's Bay, or our successors for the time being.

Given under our common seal at our house in London, this 18th day of October, 1858.

By order of the governor, deputy governor, and committee.

[L. S.] THOMAS FRASER,
Secretary.

SAN JUAN ISLAND, W. T.,
November 30, 1859.

SIR: In answer to the complaint made by William Moore, of alleged injustice received at the hands of the civil authority of Washington Territory, and forwarded by Governor Douglas, on the ground that the complainant is a British subject, I have to state that some sixteen months since this man was sick and destitute at Whatcom, and was taken care of by the authorities at that place at an expense to the county of nearly three hundred dollars. He then claimed to be an American citizen, and so far from abandoning that claim, during the latter part of July and the earliest part of August, when there was serious apprehension of a collision, made himself extremely useful in obtaining and conveying information with regard to the English movements. It was on account of the services thus rendered that I requested Colonel Casey that he should have the privilege of stopping within the military reserve or confines of the camp for the purpose of selling his vegetable and other commodities, which request was granted on assurance being given that he would not sell any liquor to the soldiers. Shortly afterwards representations were made to me from all quarters—the camp, the Hudson's Bay Company employés, and the citizens—that Moore was selling large quantities of liquor, both to soldiers and Indians. On a complaint made to that effect a warrant was issued for his apprehension. He was convicted mainly on the evidence of his own partner. After trial he was remanded to the guard-house for sentence next day, at twelve o'clock, for safe-keeping. His effects were taken in charge by the sheriff. It was entirely optional with the prisoner to pay the fine of fifty dollars and costs, or to be subject to imprisonment for the usual number of days. He chose the former, and was discharged. The penalty amounted in all to sixty-five dollars, and not seventy-five dollars, as he has falsely sworn. On his discharge he expressed his extreme penitence, and showed its utter insincerity by engaging the very next day more extensively in the traffic than before, and I was again called upon to issue a warrant, to avoid the service of which he fled the island.

I have gone into details further than necessary, although the right

of inquiry ceases from the fact that the man, to my own knowledge, has for the last two years claimed to be an American citizen, in order to show that the whole complaint was simply "a made up case."

The "injustice" in this matter is evidently against the law and not the individual.

To those who have seen the intoxication prevalent amongst the Indians on the island for the last few months, and the great trouble and annoyance that has arisen entirely from that cause, the complaint must seem more than an absurdity, and I cannot refrain from expressing my utter astonishment that Governor Douglas should have forwarded it, the more so from the fact that there was an English magistrate on the island, Major de Courcy; in addition, there were also Captain Prevost, commanding H. B. M. ship "Satellite," and Mr. Griffin, the agent of the Hudson's Bay Company, either of whom could have furnished a true version of the affair; indeed, the British magistrate was the source from whence this complaint should have originated, as he was placed on the island for the avowed purpose of seeing that the rights of British subjects were not infringed upon.

I take pleasure here in stating that so far from captiously endeavoring to thwart my efforts in preserving quiet and order, Major De Courcy has done whatever lay in his power to assist me. When a similar complaint was made to him by a person engaged in the same trade as Moore, he replied that "he came to the island for the purpose of seeing the laws enforced, and not to assist in breaking them by throwing a shield around those engaged in illegal traffic."

In reviewing the transaction, all that I can blame myself with is the mistaken leniency of not inflicting a penalty more in proportion to the mischief created.

Very respectfully, your obedient servant,

HENRY R. CROSBIE.

His Excellency R. D. GHOLSON,
Governor of Washington Territory.

P. S.—As an evidence of how little just cause Governor Douglas has to take exception to any of my official acts, I enclose herewith letters from Colonel Casey and Captain Pickett, the military commanders of the island.

This complaint seems as much a matter of astonishment to the English officials that I have alluded to as it is to myself. It is too plainly put in as "a set-off" to that against the colonial authorities. The governor is determined to make trouble if he possibly can effect it.

H. R. C.

SAN JUAN, W. T., *August* 12, 1859.

DEAR SIR: I take great pleasure in expressing my thanks for your assistance during the past two weeks, and also that I consider our present position without a conflict in a great measure due to your urbanity and judicious management of what might have become serious

affairs. As a civil official you have been of material service, not only in supporting me, but in maintaining the supremacy of the United States over what is most undoubtedly *our own soil.*

Very truly, your obedient servant,

GEO. E. PICKETT,
Captain 9th Infantry.

Hon. H. R. CROSBIE,
San Juan, W. T.

SAN JUAN, W. T., *November* 15, 1859.

Since the 10th of August last, I have been in command of the United States troops, who held the military occupancy of the island of San Juan. During this time H. R. Crosbie, esq., held the office of justice of the peace on the part of the Territory of Washington.

Collision with the British naval forces, to arrive from the threatened conflict between the civil authorities of the island, has at times been quite imminent.

That no such collision has taken place is, in my opinion, due, in part, to the prudent, conciliatory, and patriotic manner in which Mr. Crosbie has performed the duties of his office.

SILAS CASEY,
Lieutenant Colonel 9th Infantry,
Commanding on San Juan Island.