

# The “Pig War” and the Settlement of Sovereignty over the San Juan Islands

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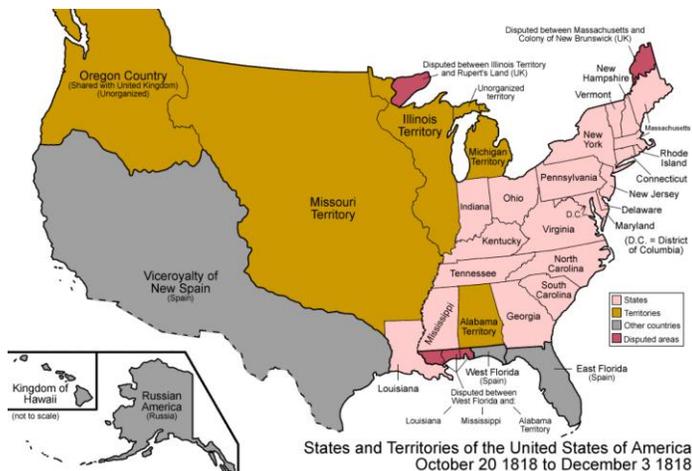
## Abstract:

The San Juan islands, lying in the midst of what is now called the Salish Sea, have a story that illustrates how and why rival claims of sovereignty by nations with a recent history of oppression, war, and lingering animosity were resolved peacefully. There are many examples of islands lying in ill-defined areas and being claimed by rival nations. Because such claims can, and in some cases actually have led to combat and the loss of human lives, it might help prevent future strife to review how a powder keg of anger involving citizens of the United States and Great Britain on San Juan Island, the principal island within the group, was defused because of other national interests (and by skillful diplomacy) and an agreement was reached that led to the final and peaceful settlement of sovereignty. This story illustrates, I believe, the underlying importance of commercial value, the comparative importance of other national interests, the lesser importance of local interests, and the felicitous value of an innocuous name.

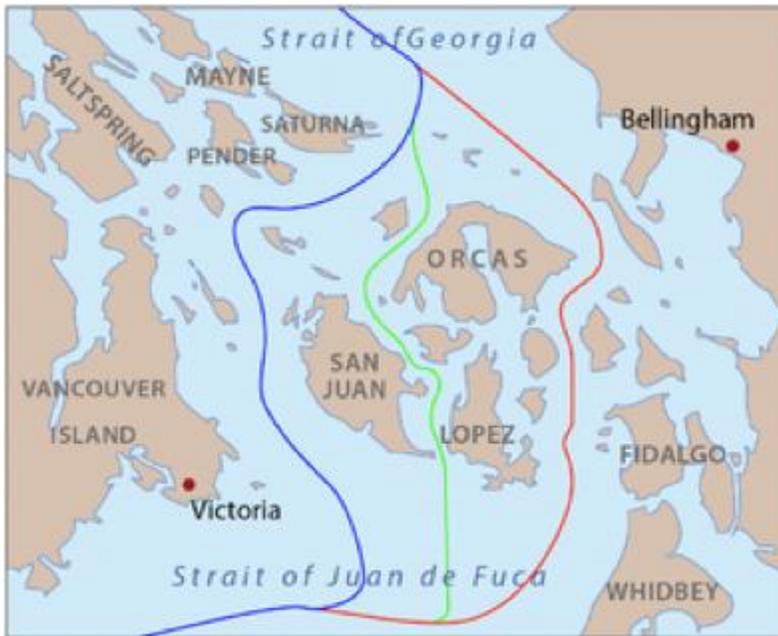
**Key Words:** Sovereignty, San Juan Island, Pig War, Fur Trade, Oregon Treaty, Hudson Bay Company

## Introduction

The Oregon Treaty of 1846 between Britain and the U.S. terminated their joint occupation of the Pacific Northwest by extending the border separating their territories along the 49<sup>th</sup> parallel to the channel between Vancouver Island and the mainland and then south around Vancouver Island through “the middle of said channel.” The following two maps (Wikipedia) show first the borders of North America in 1818, and second a closer view of the “Oregon Country” as jointly occupied by the U.S. and Britain between 1818 and 1846.







### The Key Incident

On 15 June 1859 a black pig wandered out from the Belle Vue sheep farm on San Juan Island managed by Charles Griffin for the Hudson Bay Company, which, from its headquarters in Victoria, then represented the essential economic, juridical, and political interests of the British government. The pig began rooting the delectable vegetables in Lyman Cutlar's garden. Lyman Cutlar was one of about 30,000 Americans who had their dreams shattered in the Fraser River Gold Rush of 1858 and many of whom then had to settle nearby to scrap out bare subsistence livelihoods from the soil. This was not the first time that Griffin's pigs had been rooting in Cutlar's garden, and in spite of Cutlar's complaints, Griffin had done nothing to keep his pigs from roaming freely on San Juan Island. Desperate to save his garden, Cutlar grabbed his rifle and shot the pig dead.

Cutlar then went to Griffin to apologize and to offer him \$10 in compensation. Griffin refused and demanded at least \$100. The demand was deliberately exorbitant because in Griffin's eyes, Cutlar and twenty or more other Americans who had recently settled on San Juan Island were simply a bunch of "squatters" (National Park Service) and illegal aliens in a British territory. However, the Americans viewed the island as American territory, had filed their claims to farmland on the basis of the *Donation Land Claim Act* of 1850. They also nursed bitter memories about how they had been treated by the British authorities further north during the gold rush. Griffin reported the incident to his bosses, who then threatened to arrest Cutlar and expel all American "trespassers." To the Americans, the threat and the demand for \$100 looked like another example of strong-armed extortion.

Local tensions escalated rapidly. National flags were raised by both the American and British citizens who happened to be living on the island, and the Americans appealed for protection to Gen. William S. Harney, commander of the U.S. Army in the Oregon Department.

On 18 July, Gen. Harney ordered Capt. George E. Pickett, who would later gain dubious fame at the Battle of Gettysburg, to move his company of 66 soldiers from Bellingham to San Juan Island and to “resist all attempts at interference by the British” (Smith 3). Harney and Pickett were both ambitious, simplistically inclined, and pugnacious. Pickett landed on the island on 27 July, and was quoted as saying, “We’ll make a Bunker Hill of it” (Tagg), referring to the glorious stand by colonial forces against British troops at the start of the Revolutionary War (17 June 1775).

James Douglas, head of the Hudson Bay Company, Griffin’s boss, and the governor of Vancouver Island and British Columbia, was appalled and at first equally intransigent. He expressed his disrespect for General Harney and ordered three British warships under the command of Captain Geoffrey Hornby to anchor in Griffin Bay, just off shore from the American encampment. As a counter to the warships, Pickett’s troops were soon reinforced, and by 10 August, 461 Americans with 14 cannons, now under the command of Colonel Silas Casey, were facing five British warships with 52 guns and 2,140 men (National Park Service). When Governor Douglas had heard that American reinforcements were on their way, he also ordered Captain Hornby to land troops on the island. Captain Hornby wisely delayed landing any troops, but armed conflict still seemed likely.

### **National Intervention and the Stand-Down**

Fortunately, no shots were fired at any human target before national officials took control from local authorities. When Admiral Lambert Baynes of the British Royal Navy, who outranked Governor Douglas, arrived in Victoria on 5 August, he foresaw that any troop landing by Captain Hornby might very well lead to some sort of incident, sparking a much larger conflict. He countermanded the governor’s order, refusing, as he said, to “involve two great nations in a war over a squabble about a pig” (NPS).

President James Buchanan did not learn about the crisis until September but reacted quickly by appointing the highly respected Gen. Winfield Scott as his personal emissary. Scott at age 73 was the longest serving general in the history of the United States Army, had arranged the peaceful settlement of the “Nullification Crisis” in South Carolina (1832-1833), and had negotiated the settlement of the bloodless “Aroostock War” between Maine and New Brunswick (1839). He had immense respect internationally as well as nationally. When the Duke of Wellington, the victor at Waterloo, learned about Scott’s tactics and subsequent diplomacy in capturing Mexico City, he called him “the greatest living general” (Johnson 1.). General Scott had also had previous personal experience with General Harney. As a colonel under Scott’s command in Mexico, Harney had executed prisoners contrary to Scott’s orders.

Scott arrived aboard ship in October with a mandate to avoid conflict and to undo, insofar as possible, the festering animosities provoked by the local authorities. General Scott and Admiral Baynes both had the authority to reinforce previous orders of both governments that no soldier should fire a first shot. The presence of these senior military officers helped to maintain discipline. Expletives were exchanged, but no shots after the killing of Griffin’s pig. Insisting on restraint was Scott’s first and minimal task. His greater task was to win the trust and

cooperation of Governor Douglas because it would be he who would have continuing authority and presence after Scott and Baynes left the area.

Because of his corpulence and recurring gout, Scott never left his ship while in the area. He pursued negotiations with Douglas and Baynes by mail while sailing between ports (Oldham 14). He quickly appeased his counterparts by ordering Casey and Pickett to return to their previous posts and put Captain Lewis C. Hunt in charge of a single company of soldiers at the American camp. The British in turn removed all but one ship. The stand-down led to a formal agreement by November of 1859 (National Park Service). The United States and Great Britain would maintain joint military occupation of the island – analogous to their joint occupation of the entire “Oregon Country” specified in the “Convention of 1818” (described below) – while their respective governments would pursue a final agreement. Details of their agreement specified that each garrison, British and American, would be limited to 100 men and that neither side would exercise legal jurisdiction over citizens of the other side – a bitter pill for local officials of the Washington Territory because of substantial claims (mainly for taxes) pending against HBC and British citizens (Vouri 180-181).

However, the strict limit on military personnel dramatically changed the cultural dynamics and became a palpable contribution to a peaceful settlement at the national level. The residual garrisons ceased to see themselves as tools of power but as symbols of amicability. They competed with one another in athletic games, honored one another’s holidays, and hosted one another in feasts where individual drunkenness posed the most serious threat to peace – not a trivial problem, as it later turned out, considering the confusion of legal jurisdiction.

### **Delays and Complications**

Scott, Baynes, and Douglas seemed to assume their agreement would be short-term, that their governments were in a cooperative mood, and that a way would soon be found at the national level to settle the sovereignty issue. President Buchanan had, in fact, corresponded cordially with Queen Victoria the year before with the first transatlantic cable between heads of state. However, other concerns proved more compelling. Events in the U.S. were cascading toward the American Civil War, and the United States had to ask for repeated postponements of any negotiations. Meanwhile, commercial opportunism of the British during the Civil War created additional problems that made the civil chaos from different legal jurisdictions on San Juan Island very pale in comparison. Although Britain had declared neutrality, it allowed the construction in England of the Confederate cruiser *Alabama*, which then went on to destroy 68 Union ships during the war (U.S. Department of State).

After the war, the U.S. ambassador, Charles Francis Adams, asked that Britain indemnify the ship owners and pay reparations to the Union military. Throughout the administration of President Andrew Johnson (1865-1869), his Secretary of State, William Henry Seward, pursued negotiations with Britain on a number of issues and at the very end of his term produced an agreement known as the Johnson-Clarendon Convention. This agreement provided for limited restitution to private American citizens and, as a minor issue, for a procedure that would allow a compromise division of the San Juan islands between the two nations (e.g., see map above). Many in the U.S. were outraged by the treaty because of the limited restitution, and the newly

elected President Grant felt insulted by Seward's condescending attitude. The treaty was rejected by the Senate, 54-1 (Kennedy).

The failure of the Johnson-Clarendon Convention exacerbated other problems between the two nations – specifically, disputes between American and Canadian fishermen and the Finian raids by Irish nationalists from New York into Canada. Senator Charles Sumner of Massachusetts, the Republican chairman of the Senate Foreign Relations Committee, pursued offensive tactics, arguing that the British government should pay America \$2 billion in damages and should cede all of Canada to the United States as a down payment on that debt. By the time President Grant assumed office in March, relations between the two nations were spiraling downward rapidly.

### **The National Interests in Settlement**

In spite of these difficulties, the new leaders in both nations viewed other national interests as far more important than the squabbles between the fishermen on the Atlantic coast or the lawlessness on San Juan Island. President Grant faced serious opposition from Senator Sumner in repealing the "Tenure of Office Act;" Sumner also blocked some of Grant's key diplomatic appointments and prevented Grant's proposed annexation of Santo Domingo.

More importantly, William Gladstone had become Prime Minister in England and was worried about the growing power of a unified Germany (evidenced by the Franco-Prussian War) and Russia's rejection of the Treaty of Paris, which could have set a desirable precedent in neutralizing the Black Sea. Gladstone was disparate to prevent ships being built for other European powers in the ports of a neutral America, and so he asked that the *Alabama* claims and the other minor disputes be arbitrated by a new joint commission of the two nations (Kennedy).

Led by George Robinson, Lord President of the Council during Gladstone's administration, and Hamilton Fish, the new U.S. Secretary of State, a Joint High Commission began meeting in Washington, D.C., on 24 February 1871, and they quickly produced the Treaty of Washington. It was signed on 8 May and established new guidelines for maritime neutrality, granted the Atlantic fishermen free access to one another's territorial waters for ten years, and specified that sovereignty over the San Juan islands would be adjudicated by Kaiser Wilhelm of Germany (Kennedy). Although the guidelines for maritime neutrality were a response to the rise of German power, the treaty ironically referred to the Kaiser as "the common friend of the two states" (Smith 6).

At the insistence of Hamilton Fish, the U.S. Secretary of State, the Kaiser had to choose between an American proposal and a British proposal and could not draw a compromise border between the islands (Oldham 17). It was generally assumed that this stipulation would likely give all the San Juans to the United States, and local officials in British Columbia felt abandoned if not actually betrayed. The Kaiser himself appointed a three-person commission that met for a year in Geneva before voting in favor of the United States on 21 October, 1872. On 25 November, the garrison of Royal Marines abandoned their camp on San Juan Island, and in July of 1874 the Americans abandoned theirs.

The final settlement made Americans happy. Today there is a national park at the sites of the British and American camps, and park rangers raise and lower the British Union Jack, as well as the Stars and Stripes, each day in honor of the cordial relations between the two garrisons and the subsequent history of friendly relations between the two nations.



Blockhouse at current British Camp (Oldham).



Officers House at current American Camp (Oldham).

The British settlers on the islands were granted U.S. citizenship if they wanted to keep their claims, but Canadian politicians ranted that Britain had neglected their legitimate interests and began agitating for more control over their own destiny.

### **The Historical Development of National Interests**

The Canadians were justifiably upset, but the value of all things, and especially of remote islands, will always be measured in terms of the shifting values of national powers. At the beginning of the nineteenth century, the Pacific Northwest was valued primarily as a source of furs for the hats and coats of wealthy Europeans. There was a very lucrative trade in beaver pelts, and the Hudson Bay Company (HBC), for whom Charles Griffin managed the Belle Vue sheep farm, was originally established by Frenchmen to exploit the fur trade. Frenchmen, British, and Americans competed in gathering furs with the help of Indians. After Canada came under British control, so did HBC. From its base at Fort Vancouver on the north side of the Columbia River, HBC became the dominant commercial and political power of the Pacific Northwest.

A rival company was established by John Jacob Astor on the south side of the Columbia in 1811 called the American Fur Company. It did less well and was forced to sell out in 1813 to the Northwest Company, which was later absorbed by HBC. Considering the value of the fur trade, this was a serious loss for the U.S., and in the 1814 Treaty of Ghent that officially ended the War of 1812, the eponymous town of Astoria was officially returned as a U.S. possession (Treaty of Ghent). It may have been an unnecessary concession, but Astoria was a weak competitor and Britain sought peace with the United States in order to concentrate on Napoleon and the approaching battle at Waterloo.

Intense wrangling over the Pacific Northwest continued for a long time. In 1817 President Monroe ordered a ship into the mouth of the Columbia to take possession of both sides of the river, thereby claiming sovereignty over a broad area in the Pacific Northwest. The British

countered that the Treaty of Ghent implied equal rights for the Americans but not sovereignty. In 1818 a new commission was formed to negotiate outstanding disputes between Britain and the U.S. Its principal achievement was to set the boundary between British and American territories along the 49<sup>th</sup> parallel “from the Lake of the Woods to the Stony Mountains,” thus eliminating the vague northern limits of the Louisiana Purchase. However, it avoided the issue of sovereignty in the Pacific Northwest – in what the Americans called the “Oregon Country” and the British called the “Columbia Department.” With officials of both nations already in the area, as well as mountain men of several nationalities, the Convention of 1818 stipulated that “the North West Coast of America, Westward of the Stony Mountains, shall . . . be free and open, for the term of ten Years . . . to the Vessels, Citizens, and Subjects of the Two Powers” (Convention of 1818). The basic national interests were commercial and narrowly extractive in their focus on the fur trade. The agreement pleased everyone because it guaranteed unfettered competition in the fur trade. Consequently, it was renewed twice for periods of ten years.

Interests began to shift in the late 1830s. Because of its narrow focus and good management, the Hudson Bay Company became thoroughly dominant in the fur trade. It took extraordinary measures to discourage immigration by either British or American citizens, and to maximize their short-term profits (if immigration could not be contained), they also adopted a policy of deliberately clearing all fur bearing animals from areas they controlled. Ironically, the rapid depletion of this principal resource seriously diminished the commercial value of the region to the British government in far away London – although such a view might not have been formally articulated.

To the American government, the value of the Pacific Northwest shifted away from the mere extraction of furs to settlement and production. The trickle of settlers became a tsunami with the first massive wagon train of 1843, commonly referred to as “The Great Migration.” According to the Convention of 1818, the entire “Oregon Country” was “free and open” to all, and political pressure mounted rapidly in the U.S. to annex the entire region in order to protect the farms and businesses of American citizens with U.S. law.

### **The Tipping Point**

National interests in the “Oregon Country” had reached a tipping point, and abandonment of the joint occupation agreement from 1818 came about in a seeming swoosh. In 1844 James K. Polk was elected President on an expansionist platform, meaning the annexation of Texas and a clear extension of U.S. borders to the Pacific Ocean. On 9 February 1846 “the House of Representatives passed a resolution giving notice to Great Britain terminating the joint occupancy agreement” (Borneman 218). Many senators called for war if all of the “Oregon Country” were not ceded to the U.S. Moderate voices mocked the bellicosity of those suggesting war with the phrase “54, 40 or fight,” but the hawkish politicians then used the phrase as a badge of honor. A much more conciliatory Senate version of the termination notice expressing hope for an “amicable settlement” reached London on May 15, [and] it took the British government only four days before a compromise was en route” (Borneman 221).

The government in London apparently welcomed the opportunity to extend its own territory to the Pacific without a fight and offered (as noted above) to continue the boundary line

drawn in 1818 from the “Stony Mountains,” “westward 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” (Document: The Oregon Treaty, 1846). The compromise pleased President Polk because the U.S. was getting the better part the “Oregon Country” and a free hand to pursue just one war at a time; i.e., although the British might not have been fully aware of it, the U.S. war with Mexico was already underway. Polk had the Senate ratify the Oregon Treaty on 18 June 1846 (Borneman 223, 224).

As noted above, this treaty of 1846 left the sovereignty of the San Juan islands ambiguous because it did not specify which channel to follow around the San Juan islands. Not only were the maps confusing (see especially Vancouver’s map of 1798 below), the negotiators had more important goals in mind, and so the ambiguity itself illustrates the dominance of national interests over local interests and the way in which those national interests reflect perceptions of commercial value and the seriousness of other potential conflicts. The later settlement of the “Pig War” and sovereignty over the San Juan islands was likewise decided not on the basis of local antagonisms but by national governments that saw too little value in these remote islands to justify armed conflict. In a technical sense, the “Pig War” lasted over thirteen years (June 1859 to October 1872), and the national governments did not pursue negotiations vigorously until they wanted to win bigger prizes – Gladstone to prevent Americans from building ships for European adversaries and Grant to gain significant reparations from Britain for building the *Alabama*.



Today there are a number of unresolved disputes over the sovereignty of islands and island groups, and if we are to ask what the possibilities are that such disputes will lead to serious conflict, the “Pig War” suggests it is not really likely. War is always destructive, and more can be gained by combining many issues for negotiation.

One of the hottest examples of current times might be the Spratly Islands in the South China Sea, a relatively large geographical area claimed by no fewer than six nations – People’s Republic of China, Taiwan, Malaysia, Philippines, Vietnam, and Brunei. Major oil and gas reserves were discovered in 1968, and the perceived value of these reserves has increased considerably since then. Five of the six nations, i.e., all but Brunei, have occupied and/or partially settled this group of very small and remote islands. The islands cannot support significant settlement, and so claims of sovereignty are motivated almost exclusively by commercial value.

China and Vietnam have begun to develop oil reserves, and the Philippines already draws fifteen percent of its oil from this area. Because of its value, there has already been one serious incident. In 1988 China sank a ship transporting Vietnamese soldiers to the Johnson Reef, killing 64 of them (BBC). At the same time, ten nations, including China, signed the “Declaration on the Conduct of Parties in the South China Sea” in 2002, pledging “to resolve their territorial and jurisdictional disputes by peaceful means” (ASEAN), and in July of 2011, the Spratly Islands are again the central issue on the agenda of the Asian security forum in Bali (Gomez). Thus, all nations claiming sovereignty have pursued peaceful diplomacy; However, the commercial value of the islands is increasing, and if that commercial value is any guide, the chances of future conflict will increase as well. The chances of diplomacy, on the other hand, might be enhanced if different types of claims and extraneous issues could be combined.

### **What’s in a Name**

Because this essay has been prepared for a names conference, a few comments about the name of San Juan Island is appropriate. The Spanish explorer Juan Francisco de Eliza charted this island as *Isla y Archipelago de San Juan* on 24 June 1791 (Hitchman 263). In Spanish tradition, each day of the year honored a particular Catholic saint, and the saint for this day was San Juan Bautista. Thus, Eliza’s use of the name was little more than a routine journal entry, and this name and others by Eliza were carried over by Captain George Vancouver, whose maps were most used in the early nineteenth century.

Clearly, no claim of sovereignty by the U.S. or Britain could be based on the meaning of this name. In itself, the name neither denoted nor connoted any sense of association with one claimant or the other. At the same time, because there was no meaningful association with either claimant, the name posed no favor or impediment to either claimant, and therefore may have fostered the willingness of both claimants to accept the procedure of neutral arbitration.

In short, the innocuousness of the name did no harm, and might have been a little help.

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