

# THE LYNCHING OF LOUIE SAM\*

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THE ONLY DOCUMENTED CASE of vigilante lynching in British Columbia occurred in the Fraser Valley in late February 1884. The victim was Louie Sam, a fifteen-year-old Stó:lō boy,<sup>1</sup> who, on the night of his execution, had been in the custody of the British Columbia Provincial Police. The lynch mob comprised approximately one hundred Americans from the border community of Nooksack. These men accused Louie of having killed one of their neighbours, a shopkeeper named James Bell.

Within American society, vigilante violence had long been viewed as a legitimate means of establishing (or re-establishing) social order.<sup>2</sup> The perceived fragility of European civilization on successive American frontiers has led countless "vigilance committees" to take the law into their own hands. However, it is doubtful that many of the American settlers who participated in, or condoned, the lynching of Louie Sam regarded northern Washington Territory in 1884 as a particularly dangerous frontier where criminals were beyond the reach of legitimate law-enforcement agencies. Indeed, young Louie Sam was incarcerated by Canadian officials within twenty-four hours of the murder of the Nooksack shopkeeper. The records documenting the lynching suggest that the crime was actually committed by an American settler from Nooksack, who used Louie as a scapegoat. Canadian

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<sup>1</sup> The Stó:lō (pronounced "Staw-low") or "River People" are Coast Salish people whose mother language is Halq'eméylem. They continue to live along the lower Fraser River and its tributaries.

<sup>2</sup> William C. Culbertson, *Vigilantism: Political History of Private Power in America* (New York: Greenwood Press, 1990), 2-46. See also H.L. Neiburg, "The Threat of Violence and Social Change," *American Political Science Review* 56, no. 4 (1962): 865-73.

courts threatened to expose this scheme, and, in response, the Americans organized a lynching. By representing themselves as vigilantes, complete with costumes, Nooksack settlers cloaked themselves (literally as well as figuratively) in the “respectable” garb of nineteenth-century American vigilantism.

Initially, Canadian officials were more concerned with the implications of the violation of territorial sovereignty than with the murder of an “Indian” boy. Not until Aboriginal leaders indicated that they intended to retaliate did the Canadians make serious efforts to identify and punish Louie’s lynchers. Motivated by fear of a full-scale cross-border Indian war, Canadian federal officials secured a promise from the Stó:lō leadership that, for a time, the matter would be left in the hands of the Canadian legal system. The province launched an official undercover police investigation and coroner’s inquest, and diplomatic cables from Victoria and Ottawa solicited American assistance to bring the vigilantes to justice; yet nothing came of these initiatives. Although the Stó:lō repeatedly asked for meetings with federal government agents in Victoria to discuss follow-up actions, their requests were deferred. As the months passed, Stó:lō attention was drawn away by other, less dramatic but more immediate, concerns. When the threat of a cross-border Indian war diminished, the Canadian resolve to solve the crime dissipated, as did the federal and provincial governments’ political will to proceed.<sup>3</sup>

The Stó:lō decision to entrust the punishment of the American lynchers to the Canadian government illustrates the pragmatic nature of Coast Salish leadership and provides insights into Aboriginal concepts of justice in relation to Canadian law. The Stó:lō leaders appear to have considered that they could fulfill traditional cultural obligations to maintain a “blood balance” within a new Canadian legal context. For a number of reasons, the Stó:lō anticipated that the Canadian legal system was willing, within certain boundaries, to deal with Aboriginal people on Aboriginal terms. In traditional Coast

<sup>3</sup> For a discussion of the subject of Canadian deference to authority and related subjects see John McLaren et al., *Law for the Elephant, Law for the Beaver: Essays in the Legal History of the North American West* (Regina: Canadian Plains Research Centre, 1992). My own investigations among living Euroamerican settlers in the Fraser Valley and archival records generated by various British Columbian Freemason lodges support the view that, while lynching may not have been considered an acceptable community practice in the late nineteenth century, the associated activity of “tarring and feathering,” until as recently as the 1930s, certainly was. For a historical analysis which challenges the notion that American frontier society was a lawless place where vigilantism was embraced by sceptical settler communities, see John Phillip Reid, *Law for the Elephant: Property and Social Behavior on the Overland Trail* (Salt Lake City, UT: Publisher’s Press, 1980).

Salish society, perpetrators of “real or perceived” injury and/or insult were expected to make restitution to the victim’s extended family. Failure to do so invited acts of revenge.<sup>4</sup> Raids and murders were answered with counter-raids, which, in the early contact period at least, almost inevitably led to yet more raiding.<sup>5</sup> Stó:lō leaders were responsible for their community’s physical, social, and material well-being. As such, they appreciated the implications of ever-increasing American and Canadian settlement in relation to rapid Aboriginal demographic decline and political marginalization. Given these circumstances, when faced with Louie’s murder, the Stó:lō leaders cautiously promoted accommodation with the new Canadian regime while retaining the option of autonomous action. Thus, by allowing the Canadians to assume responsibility for punishing Louie’s murderers, they hoped to satisfy the “legitimate” Stó:lō desire for revenge while simultaneously eliminating the risk of further American retaliation.

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On 24 February 1884, two Nooksack residents noticed smoke rising from the direction of a local shopkeeper’s residence. Rushing to the source, they found James Bell’s home and dry-goods store in flames. On the floor, a few feet from the fire, they discovered the merchant’s lifeless body — blood still flowing from a fresh bullet hole in the back of his head.<sup>6</sup> Immediately, everyone assumed that theft was motive for the crime, for it was known that Bell had \$500 in gold in his home. The last person to talk to Bell was William Osterman, who, in his capacity as telegraph operator, claimed to have visited Bell earlier that day and to have overheard, in the back room, a loud and angry discussion between the shopkeeper and an unknown stranger.

While waiting for the sheriff, some of the locals conducted an informal investigation, which, they later claimed, led to the discovery

<sup>4</sup> In the early contact period, most Coast Salish raids appear to have been initiated by men who wanted to acquire slaves, either for their personal use or for resale. At other times, novice warriors might initiate a raid in order to demonstrate their prowess in battle and the potency of their “spirit power.” Counter-raids were undertaken to restore balance and make restitution. See Homer G. Barnett, *The Coast Salish of British Columbia* (Eugene, OR: University of Oregon Press, 1955), 267–71.

<sup>5</sup> Wilson Duff frequently states that the “Upper Stó:lō” were less aggressive than were other Coast Salish groups living along the coast. Wilson Duff, *The Upper Stalo Indians of the Fraser Valley, British Columbia* (Victoria: British Columbia Provincial Museum, 1952).

<sup>6</sup> “Indian Murder and Vigilantes Thrilled Lynden District Once,” *Lynden Tribune* (Washington), Thursday, 7 March 1946.

of footprints leading to a nearby swamp.<sup>7</sup> Later that day, a teenage boy named Peter Harkness reported seeing an adolescent Canadian “Indian” named Louie Sam travelling back along the Whatcom Trail towards what is now Abbotsford, British Columbia. Years later, Harkness recalled that “the look on the Indian’s face as he approached me, struck me with terror. I moved to the far side of the road in passing him.”<sup>8</sup> Others confirmed that Louie Sam had been seen in the area earlier that day, carrying a musket.<sup>9</sup> This circumstantial evidence was all that was needed to convince the Nooksack settlers of Louie’s guilt.

After surveying the scene, Whatcom County Sheriff Stuart Leckie travelled to Sumas, BC, to report the murder and his suspicions about Louie Sam to William Campbell, the local justice of the peace. Accompanying the sheriff was the victim’s neighbour, Robert C. Brackenridge. Campbell listened to the Americans and immediately filed murder charges, after which Brackenridge returned to Nooksack while Campbell and Leckie rode to the Sumas Indian reserve to arrest Louie. Campbell seems to have attempted to explain to Louie that, like his father (who was then serving time in the provincial prison), Louie, too, was accused of killing a man. Louie was then handed over to two special constables, Thomas York (William Campbell’s father-in-law) and J. L. Steele, who were to keep him in custody at York’s farm before escorting him to court in New Westminster in the morning.<sup>10</sup>

Meanwhile, during the funeral ceremony for James Bell, approximately 100 men,<sup>11</sup> led by William Osterman, Robert Brackenridge, Bill Moultray, and Bert Hopkins, decided to take matters into their own hands. Returning to their respective homes after the service, these men donned their wives’ dresses or skirts and put their coats on inside-out. Then, in what might have been an attempt to mimic and mock the face paint and regalia worn by Stó:lō spirit dancers during

<sup>7</sup> Reminiscences of George Gillies, recorded by P. R. Jeffcott in 1946. Located in Jeffcott Collection, Archives and Records Management Division (hereafter ARMD), Western Washington University, Bellingham, Washington, box 1, folder 8.

<sup>8</sup> Reminiscences of Peter Harkness, recorded by P. R. Jeffcott. Jeffcott Collection, ARMD, box 1, folder 8.

<sup>9</sup> Report of Inspector Charles Russell of Victoria Provincial Police Department to Superintendent Roycroft (hereafter Russell to Roycroft), 17 March 1884, British Columbia Archives and Record Service (hereafter BCARS), Government Record (hereafter GR) 431, Attorney-General Inquisitions, file 1884.

<sup>10</sup> Ibid.

<sup>11</sup> Estimates of the number of men in the lynch mob range from 65 to 120. This suggests that almost every adult male from the American community of Nooksack was involved in the event.

their sacred winter ceremonies, the men tied sheets or sacks over their hair, darkened their faces with charcoal, and drew a red band across their eyes.<sup>12</sup> So attired, the "Nooksack Vigilance Committee" headed north to Canada.

As the self-appointed judges and executioners neared the border, they met the returning Sheriff Leckie, who informed them of Louie's current incarceration at the York farm. The mob leaders then sent a scout, posing as a traveller, ahead to the farm. Later that night, after everyone had gone to sleep, this man, having managed to get inside the farmhouse, unbolted the front door.<sup>13</sup>

At 10:00 PM, the entire York household was roused from its slumber when the group of armed and disguised men burst into the living room. Running downstairs to investigate, Thomas York was greeted by the barrel of a gun and told to release his prisoner. Constable Steel seems to have been disarmed before York confronted the vigilantes. One of the mob then grabbed Louie, tied a rope around his left arm, and dragged him out of the house. Louie was then forced onto the back of a horse, and they all started down the dark trail towards the border.<sup>14</sup>

A few kilometres down the Whatcom Trail, before they crossed over into the United States, the vigilantes stopped. Drawing around Louie, they flipped one of his legs over the horse's head so that he was sitting side-saddle. They then tied his feet firmly together and slung one end of a rope around his neck while the other end was tossed over the branch of a giant cedar and then secured to a smaller tree across the trail. The mob taunted Louie, who, in the words of one of his assassins, remained "as dumb as a brute." After a few minutes of being thus tormented, Louie was able to see past the disguise of the man leading his horse. He boldly addressed his captor by name, proclaiming: "Me get out of this, me fix you Bill Moultray." Shocked at his

<sup>12</sup> The winter dance ceremony, known as "Smilha," is a central feature of Coast Salish culture and spirituality. It was strongly discouraged by early Christian missionaries and was ultimately banned in Canada under the anti-potlatching law. For a discussion of Coast Salish winter dancing and its recent revival, see Pamela Amoss, *Coast Salish Spirit Dancing: The Survival of an Ancestral Religion* (Seattle: University of Washington Press, 1978) and J. E. Michael Kew, "Central and Southern Coast Salish Ceremonies Since 1900," in Wayne Suttles, ed. *Handbook of North American Indians*, vol. 7, *Northwest Coast* (Washington DC: Smithsonian Institute, 1990), 476-80.

<sup>13</sup> Evidence concerning the actions of the "mysterious stranger" was provided by Thomas and Anne Marie York at the coroner's inquest into Louie Sam's death: "Testimony of Witnesses at the Coroner's Inquest into the Death of Louie Sam, an Indian, Coroner Charles Todd Presiding," Russell to Roycroft, BCARS, GR 431, Attorney-General Inquisitions, file 1884.

<sup>14</sup> *Ibid.*

identification, Moultray slapped Louie's horse, causing the rope around the young Stó:lō boy's neck to pull taut; after several long minutes of struggling, Louie died.<sup>15</sup>

Neither York nor Steele took any action against the vigilantes until the following morning, when Steele visited William Campbell and told him of the previous night's happenings. Together, the two law officers then rode to the nearby Sumas Indian village and secured the services of two Stó:lō men, known as "Big Charlie" and "Jim York," respectively, to help trace the mob's tracks back along the Whatcom Trail. Eventually, the four men came across Louie's body swinging stiffly in the frigid morning air. The two Stó:lō held the body as Justice Campbell cut the rope. Steele and Campbell then studied the corpse and, reportedly finding no outward signs of abuse, concluded that the boy had not been physically tortured before being hanged. Big Charlie and Jim York, meanwhile, had been sent by Campbell to pace off the distance from the site of the lynching to the US-Canada boundary marker. They determined that the lynching had occurred at least 500 feet north of the forty-ninth parallel.<sup>16</sup>

Within the day, news of Louie's lynching spread throughout Stó:lō territory. Outraged, a delegation of approximately 200 Stó:lō from over twenty communities between Fort Langley and Yale in the Fraser Canyon gathered in a Chilliwack village to "consider the best means of obtaining justice." The conference lasted over a week, as people tried to agree upon an appropriate response to Louie's murder. Into the middle of these debates walked Canadian Indian agent Patrick McTiernan. McTiernan had been "summoned" by the sons of two prominent Stó:lō leaders and the local "Indian constable."<sup>17</sup> He

<sup>15</sup> Ibid. See also P. R. Jeffcott, *Nooksack Tales and Trails* (Ferndale, WA: Sedro Wooley Courier, 1949), ch. 18.

<sup>16</sup> See Testimony of Witnesses at the Coroner's Inquest into the Death of Louie Sam, an Indian, Coroner Charles Todd Presiding, especially the Testimony of William Campbell, "Big Charlie" and "Jim York." Russell to Roycroft, BCARS, GR 431, Attorney-General Inquisitions, file 1884; and Russell to Roycroft, BCARS, GR 431, Attorney-General Inquisitions, file 1884. See, particularly, notes concerning David Harkness, Mrs Eddy, and Mr Tallhammer. Evidence collected in this police investigation indicates that the vigilantes knew they were still on Canadian soil when they lynched Louie, but they did not care. Not surprisingly, local Nooksack historian P. R. Jeffcott found that the descendants of the vigilantes he interviewed in the 1930s and 1940s believed that the "posse was not aware they were trespassing on foreign soil; all was wilderness." See marginal notes made by Vancouver City Archivist J. S. Mathews on a letter from P. R. Jeffcott, dated 18 April 1946, now held in the Vancouver City Archives (hereafter VCA). These notes relate to the donation of handcuffs supposed to be those worn by Louie Sam on the night of his lynching.

<sup>17</sup> By the 1880s, Roman Catholic Oblate missionaries had appointed church "watchmen" in most Stó:lō communities. These officers were charged with the task of keeping track of illicit

arrived hoping to calm Stó:lō tempers and to avert an escalation of cross-border hostilities. Upon meeting with the Stó:lō, he was asked to record, "on paper," the Stó:lō people's feelings and intentions and to send that message "to Superintendent [of Indian Affairs Dr I. W.] Powell." Through McTiernan's pen, we hear the voice of a Stó:lō spokesman: "Some of those present objected to letting you know anything about our intentions until it was all over, but the majority have decided to tell you everything and to take your advice." McTiernan was told that "some of the most determined men" believed that the Stó:lō community had "a perfect right to . . . hang and kill sixty-five Americans" in order to avenge the outrage committed against one of its members. On his second day at the meeting, McTiernan recorded that those gathered were "unanimous" in feeling "fully justified in going immediately in very large numbers across the boundary line and tak[ing] the first white man [they met] and bring[ing] him to the spot where they hung the Indian and treat[ing him] in the same manner."<sup>18</sup>

Stó:lō discussions were not restricted to debating how many lives would meet their cultural requirement for revenge. Significantly, the Stó:lō leaders believed that, if justice were to be served, they would have to determine who was guilty of murdering James Bell. (Possibly a retaliatory raid would have been perceived as less justified had they believed Louie to have been guilty of Bell's murder.) As mentioned, Coast Salish society was (and continues to be) organized around the extended family. Families are viewed as collective social units; to injure a member of a Stó:lō family was to injure the entire kin group. This being the case, retaliatory raids were not necessarily made against the individual who committed the crime; they could be made against any member of that individual's extended family.<sup>19</sup> After considerable

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community activities and reporting any transgressions to the priests. Indian agents later appointed some watchmen as special "Indian constables." Although this was a secular appointment, the role of the latter was, essentially, the same as was that of the former.

<sup>18</sup> For a discussion of this gathering, as reported by Canadian officials at the time, see: I. W. Powell, Superintendent of Indian Affairs for BC, to John Robson, Provincial Secretary (hereafter Powell to Robson), 24 March 1884, National Archives of Canada (hereafter NAC), Ottawa, Record Group (hereafter RG) 10, Indian Affairs, vol. 3,679, file 12,061; Powell to Robson, 21 March 1884, NAC, Ottawa, RG 10, Indian Affairs, vol. 3,679, file 12,061; Report of a Committee of the Honourable the Privy Council, Approved by His Excellency, L Marquis de Lansdowne, Governor-General of the Dominion of Canada, 2 June 1884, NAC, Ottawa, RG 10, Indian Affairs, vol. 3,679, file 12,061; P. M. McTiernan, Indian Agent, to I. W. Powell, Superintendent of Indian Affairs for BC, 14 March 1884, NAC, Ottawa, RG 10, Indian Affairs, vol. 3,679, file 12,061; Report of Indian Agent Patrick McTiernan, New Westminster, BC, 15 August 1884, NAC, Ottawa, RG 10, Indian Affairs, vol. 3,679, file 12,061.

<sup>19</sup> Coast Salish raiding or warfare has been described in detail by a number of anthropologists. See, in particular, Barnett, *Coast Salish*, 267-71; Duff, *Upper Stalo*, 96.

discussion — and from evidence likely provided by Louie to his family prior to his arrest — the Stó:lō determined that William Osterman, the Nooksack telegraph operator, was Bell's killer. Therefore, the Stó:lō believed they would be justified in retaliating against Osterman's kin group. That the Stó:lō leaders likely did not know which American settlers were Osterman's true blood relatives probably did not matter; in the Halq'eméylem language, the word for "family" and the word for "friends" is the same: "Si:yé'ya." Moreover, the American community had acted collectively against Louie — a fact which likely allowed the Stó:lō to view the Nooksack settlers as a hostile kin group.

According to the Stó:lō version of what happened, as recorded by McTiernan and the local newspaper, Osterman orchestrated events to shield his own guilt and to direct suspicion towards Louie. The American telegraph operator had invited the young Stó:lō to travel with him along the Whatcom Trail towards Bell's home on the pretext of employing him to repair the telegraph line. Then, just as they approached the shopkeeper's establishment, the telegraph operator pretended to have changed his mind and told Louie to "go away," which he did. Osterman apparently then murdered Bell and quickly rode away from the scene of the crime, correctly assuming that others would see Louie near Bell's store both before and after the incident and draw the obvious conclusion.<sup>20</sup>

If the Stó:lō version of events is correct, then Osterman no doubt assumed that Louie would be quickly arrested and summarily disposed of by a "jury" consisting of Bell's neighbours. This plot would have succeeded had Louie not discovered that people were looking for him. So informed, he headed south before doubling back through the forest to rejoin the Whatcom Trail and escape to Canada. This unforeseen development apparently forced Osterman to rethink his plans and to organize the bold cross-border lynching. Leaving matters in the hands of the British court system was too risky, as Louie would be provided with a translator and permitted to recount his own version of what had occurred. There was a real risk that the Canadian courts

<sup>20</sup> "The Sumas Tragedy," *British Columbian* (New Westminster), 15 March 1884. The reporter cites McTiernan as his source. Interestingly, McTiernan never officially communicated this information to his superiors in Victoria or Ottawa. It is also interesting that, on the morning of 28 February 1884, the *Guardian*, another New Westminster newspaper, reported that the previous night, at 10:30 PM, a telegraph message arrived from Nooksack stating that a man travelling from Canada had met up with a group of vigilantes near the border. The telegraph warned that these men were probably going after Louie Sam. Given that Osterman was the local telegraph operator, it is unclear why and how such a message was transmitted.



might actually give credence to "Indian" testimony. After explaining matters to the Indian agent, the Stó:lō leaders asked McTiernan to "let the Government know how sick our hearts are . . . And we all promise you that we will go back to our homes and leave the matter at present in the hands of the Dominion Government. We hope you will meet us again about the 1st of May."<sup>21</sup> Upon learning that the Stó:lō would wait before attacking the Nooksack settlers, McTiernan lost no time in assuring those gathered that Her Majesty's government would prove worthy of their trust.<sup>22</sup>

The Stó:lō leadership's decision to leave the matter temporarily with the Dominion Government suggests that they were not so much submitting to Canada's legal jurisdiction as they were adapting to altered circumstances and exploiting new opportunities. They acted independently, cautiously opting to test the Canadian system, while reserving for themselves the right to act in their own fashion should the experiment prove unsatisfactory. The Canadian legal system, as presented by McTiernan, offered the possibility of restoring a Stó:lō-American "blood balance" without precipitating a potentially endless series of retaliatory and counter-retaliatory raids like those characteristic of disputes between Coast Salish communities during the fur trade era.<sup>23</sup> If the Americans responded with renewed hostility, it was reasonable to assume that their actions would be directed at the Canadian government, not at the Stó:lō communities. Their decision to involve the Canadian government does not suggest that nineteenth century Coast Salish and Canadian concepts of justice were synonymous. Rather, it indicates that McTiernan's assurances gave the Stó:lō the impression that the two systems were similar enough for Canadian legalism to accommodate indigenous requirements concerning vengeance and restitution.

The Stó:lō were probably also encouraged by some of their earlier experiences with the police and the Canadian justice system, both of which appear to have generally proven satisfactory to Stó:lō and British Columbian authorities alike. Colonial and provincial police

<sup>21</sup> Report of Indian Agent Patrick McTiernan, New Westminster, BC, 15 August 1884, NAC, RG 10, vol., 3,679, file 12,061.

<sup>22</sup> P. M. McTiernan, Indian Agent, to I. W. Powell, Superintendent of Indian Affairs for B.C., 14 March 1884, NAC, RG 10, vol. 3,679, file 12,061.

<sup>23</sup> An analysis of the raids and battles as described in the Fort Langley Journal between 1927 and 1830 indicates that what was perceived as a legitimate raid by the family or community conducting the raid was not typically viewed that way by the raided community. This often led to counter-raid followed by counter-raid, etc. (*Fort Langley Journal*, 1827-1830, Stó:lō Nation Archives (hereafter SNA), Chilliwack, B.C.) See also Barnett, *Coast Salish*, p. 270.

records from the 1860s and 1870s indicate that Stó:lō communities not only sometimes cooperated with the police in apprehending and prosecuting accused Aboriginal murderers, but they also worked with the police on cases involving conflict between Stó:lō people (or their close neighbours) and British and American citizens.<sup>24</sup>

Immediately upon receiving Stó:lō assurances, the Indian agent set in motion a series of diplomatic and bureaucratic events which ultimately involved BC Indian superintendent I. W. Powell; BC Provincial Police chief inspector C. Todd; BC attorney-general Alexander Davis; Premier William Smithe, Lieutenant-Governor Cornwall (who, like the governor-general of the Dominion, was, at that time, more than just a figurehead), Governor-General L' Marquis de Lansdowne, and Prime Minister John A. Macdonald. In considering the lynching, Macdonald anticipated that the Americans would "much regret" having the matter brought to their attention, and he even joked to the governor-general that making the issue a priority would be one way of paying the Yankees back for complaining each time an eastern Canadian "Indian happened to appropriate a horse or cow across the frontier." Yet, while the prime minister could make light of the lynching, he found the possibility of Stó:lō reprisals against the Nooksack settlers a serious matter. Such actions had the potential to develop into a full-scale cross-border Indian war. To forestall such a development, Ottawa and Victoria requested that officials in Washington DC identify the leaders of the lynch mob so that appropriate actions could be initiated and the Stó:lō placated. In the meantime, on the afternoon following the lynching, Attorney-

<sup>24</sup> In particular, see the correspondence of Chartre Brew, British Columbia Colonial Attorney-General, BCARS, GR 1,372, file 189/4, MF B-1310; and the papers of the Provincial Attorney General, BCARS, GR 429 and 996. See also such newspaper issues as: *British Columbian*, 5 October 1864, 3 June 1864, 24 December 1864, and 26 May 1865; *New Westminster Times*, 25 February 1860; *North Pacific Times*, 10 December 1864, 11 February 1865; and *Victorian Colonist*, 17 June 1860, 28 May 1863. Rich data of a similar nature have been found and documented in American court transcripts and related materials from the period preceding 1885, the year the US Congress passed the Major Crimes Act. Prior to the passing of this legislation, the American Supreme Court had declared that, within "Indian territory," the legal proceedings following the murder of an Aboriginal person by another Aboriginal person fell solely within the jurisdiction of "Tribal Courts." Some US courts allowed unique Aboriginal customs, as defined by Aboriginal people, to be used to determine guilt and punishment. See William C. Canby, Jr, *American Indian Law* (St. Paul, MN: West Press, 1981). See also Brad Asher, "A Shaman Killing Case on Puget Sound 1873: American Law Coast Salish Culture," paper presented at the 47th Annual Pacific Northwest History Conference, Western Washington University, March 1994. Asher documents a case in which a jury acquitted a confessed Coast Salish murderer of killing a shaman whom he believed had placed a deadly curse upon his wife. The jury determined that the man had been exercising his retaliatory prerogatives under Salish custom.

General Davis had already sent a telegram directly to Governor William A. Newell of Washington Territory, asking him to instruct his police to “watch out for and arrest . . . [members of the lynch mob] on their return pending our application for extradition.”<sup>25</sup>

Ottawa’s concerns, relayed through the American capital, reached Governor Newell a little later than did the provincial cables. Responding to both, Newell directed the prosecuting attorney of the Third Judicial District in Port Townsend, C. M. Bradshaw, to act “immediately and vigorously” against the leaders of the lynch mob, so that they could be “extradited to Canada.” However, at this point, the international paper chase, like the American investigation, stopped. Without the necessary investigative resources, Bradshaw could not and would not act. Months later, in justifying the prosecutor’s inaction to Canadian authorities, Governor Newell offered the following defense:

It is well nigh impossible to make discoveries of a band of disguised people who, with the entire community, are interested in the secrecy which pertains to such illegal and violent transactions . . .

Furthermore, many of the people oft times make but little account of an Indian’s life when any act which they assume to justify hanging by a mob has been perpetrated, and are oft times not fastidious about the guilt of their actions.<sup>26</sup>

These comments suggest that either Bradshaw neglected to contact Sheriff Leckie or that the latter somehow managed to forget the names of the men he himself had directed to the York farm.

Meanwhile, provincial authorities in Victoria were not content to wait for action from Washington. Accordingly, within a week of the lynching the chief of the provincial police assigned two undercover

<sup>25</sup> Ibid. See also: Isaac Villeweir to L’ Marquis de Lansdowne, 7 June 1884, including a copy of a report from the governor of Washington Territory to the secretary of the interior, NAC, RG 7, ser. G-20, vol. 24, file 9,879; Alexander E. Davis to Governor William Newell of Washington Territory, 29 February 1884, BCARS, GR 443, box 41, file 3.

<sup>26</sup> William A. Newell, Governor of Washington Territory, to Henry W. Teller, Secretary of the Interior, United States Government, 7 July 1884, BCARS, GR 443, box 41, file 3. See also, BCARS, GR 996, file 2, 479/84. In *Vigilantism: Political History of Private Power in America* (Greenwood Press, New York, New York, 1990), William C. Culberson records that fifty-one lynchings occurred in the US in 1884, all of which involved the murder of African Americans. While it is not surprising that, given the lacklustre American attempts to investigate the matter, he missed recording Louie Sam’s lynching, it is interesting that Culberson’s analysis indicates that, sometime during the nineteenth century, Aboriginal people were replaced by African Americans as the primary target of lynch mobs.

detectives to the case. The first, a Mr. Clark, interviewed settlers at Sumas before travelling south of the border incognito. After spending a few days in each of the tiny communities along the Nooksack River, he determined the identity of a number of the lynchers. Sheriff Leckie's travelling partner, Robert Brackenridge, was so proud of his participation in the lynching that, after describing Louie's death in grim detail, he boasted: "I would kill a Chinaman as quick as I would an Indian, and I would kill an Indian as quick as I would a dog." Other settlers were equally bold, stating that if the Stó:lō made any more trouble, people would come all the way from Seattle to "kill every Indian they can get their hands on." All the while, Whatcom County newspapers confirmed that Nooksack residents were "itching for a chance to clean out the entire band of murdering thieving redskins." The Fourth Estate warned that, if the Stó:lō attempted to gain redress for the "international lawlessness" of the vigilantes, then "Her Majesty would be minus a lot of dusky subjects."<sup>27</sup>

Not surprisingly, the Nooksack settlers quickly grew suspicious of the inquisitive Clark. They guessed his identity and threatened that, unless he returned to Canada immediately, he would certainly catch an incurable "throat disease."<sup>28</sup> Charles Russell, the second undercover detective, was less successful than was Clark in inducing admissions of guilt, but he did learn that Special Constable York had suddenly taken an extended vacation to Seattle, apparently because his life had been threatened by the Stó:lō, who blamed him for letting the mob hang Louie. Rumour had it that York had actually sent for the mob and was now afraid the British authorities would discover his involvement. Russell became so interested in York's role in the matter that he boarded a steamship and followed him to Seattle, spending a couple of days waiting for an opportunity to get him drunk and "work him." But York kept close to his wife, thus denying Russell his chance.<sup>29</sup>

Discouraged by his lack of success in Seattle, Russell returned to Nooksack and learned that there were other American settlers who had stronger motives and more opportunities to kill James Bell than

<sup>27</sup> For typical American newspaper accounts, see "Murdered for Money," *Whatcom Reveille*, 29 February 1884; "Indian Outbreak," *Whatcom Reveille*, 3 March 1884; "Speedy Justice," *Whatcom Reveille*, 7 March 1884; and "Indian Warriors," *Whatcom Reveille*, 7 March 1884.

<sup>28</sup> Annette, James Bell's estranged wife, then widow, was one of those who hinted that Clark had better leave the area, as she knew he was "a spy." See Russell to Roycroft, BCARS, GR 431, Attorney-General Inquisitions, file 1884.

<sup>29</sup> Ibid. Comments concerning York's involvement were acquired from Bonty Judson and Mrs. Akerman of Nooksack on 18 March 1884, Russell to Roycroft, BCARS, GR 431, Attorney-General Inquisitions, file 1884.

did Louie Sam. Apparently, James Bell and his wife Annette were estranged, and, for nearly a year, the latter had been living with (and appears to have been married to) none other than mob ringleader David Harkness, the father of the boy who claimed to have seen Louie sneaking back to Sumas after the murder. Apparently, Bell had never accepted what he considered to be his wife's adultery, and he had recently quarrelled with Harkness. Local gossip maintained that Bell was making arrangements to take Harkness and his new bride to court over the affair. For his part, David Harkness was determined to stand up to Bell, and he mustered the support of his influential family. Harkness's sister was married to the telegraph operator, William Osterman, the fellow whom the Stó:lō considered guilty of the murder. Osterman had sided with his brother-in-law against Bell and, as mentioned, was known to be the last person to have seen him alive. In fact, he was seen galloping away from Bell's house only minutes before the fire and murder were detected.<sup>30</sup>

A number of Osterman's neighbours shared the Stó:lō view that he had killed James Bell.<sup>31</sup> And if the Stó:lō supplied an explanation of how Osterman murdered Bell and framed Louie, the results of the Detective Clark's investigation provided a motive. Aside from wanting to protect his brother-in-law from the expense and scandal of a legal battle, Osterman and his family stood to benefit financially from Bell's death (assuming he died before he could legally prove Annette's infidelity). Bell died intestate, and all his wealth went to his and Annette's ten-year-old son, James Jr. It did not take long for Annette to become the legal guardian of young "Jimmy" and thereby gain full control of her murdered husband's assets. This entire process was expedited when James Harkness, David's father, was appointed executor of the Bell estate. Adding further intrigue, James Harkness secured his son-in-law, William Osterman, as appraiser of the Bell estate. After estimating the value of Bell's assets at \$613.84, the Harkness clan immediately auctioned it off. (Significantly, the fees the two men drew for their work on the Bell estate consumed nearly half of its total value — the remainder went to Annette.) After receiving their share, David and Annette used their new-found wealth to establish a dry-

<sup>30</sup> Ibid. Most of the evidence concerning Osterman's motives and opportunities for killing James Bell comes from Mrs. Brackenridge. Detective Clark acquired corroborating evidence from Mrs. Eddy, the wife of the local Presbyterian minister. See Russell to Roycroft, BCARS, GR 431, Attorney-General Inquisitions, file 1884.

<sup>31</sup> Ibid.

goods store, thereby taking advantage of the void created by the sudden closing of James Bell's establishment.<sup>32</sup>

Louie, for his part, was an easy target. As an "Indian," he was subject to prevalent racist stereotypes. Moreover, newspapers like New Westminster's *British Columbian* and the *Whatcom County Reveille* lost no time in reminding their readers that Louie's name was associated with an earlier murder in the Sumas area. Louie's entire family was singled out in the press as a particularly "bad lot." Canadian editorials commented that "there would be few regrets wasted upon Louie's sudden exit." The easy tarnishing of Louie's reputation is, more than anything else, attributable to the legacy of his father, "Me-sa-chie" Sam, who was then serving time for murder in the New Westminster prison. Indeed, "Me-sa-chie" is not even a traditional Stó:lō name; it is Chinook jargon for "bad" or "wicked." If Bell's murderer had wanted to direct suspicion on to someone else, then young Louie was an ideal choice.<sup>33</sup>

The Canadian government never acted upon Detective Clark's evidence. Nor did it make use of subsequent supporting evidence unearthed at the coroner's inquest into Louie's lynching.<sup>34</sup> Lacking the support of American authorities, Canadian officials were faced with the daunting prospect of initiating extradition proceedings without the assistance of the American government. And Canada was reluctant to push the issue and so jeopardize relations with Washington. Apparently, the settler population of the Fraser Valley agreed with the Canadian government's inaction. In his report of 30 April 1884, Attorney-General Davis summed up his personal frustration with the neglect of Stó:lō concerns: "Even our own people who were engaged in the Coroner's jury would seem to have been primarily animated by

<sup>32</sup> Affidavit of James Harkness in Estate of James Bell, 8 April 1884; Inventory and Assessment of James Bell's Estate, 6 May 1884; Petition to Establish Heirs of James Bell's Estate, 16 September 1884, etc. See Probate Court Records, Whatcom County, Washington Territory, 1884, ARMD. On 27 June 1884, the local newspaper, the *Whatcom Reveille*, reported that "Messrs. Moultray and Harkness are doing well in business, as evidenced by the large barns they have erected to hold the wealth of the stores of the summer. The injurious rivalry has about died away and all are combining to make the Crossing the future seat of Whatcom county. Wm. Osterman's neat cottage residence gives the town a city air." Interestingly, young Annette became a widow yet again a few months later, when David Harkness died in October 1884, leaving her the sole proprietor of the expanded dry-goods store. See also *Whatcom Reveille*, 2 and 23 May 1884, 20 and 17 June 1884, 4 July 1884, and 8 August 1884.

<sup>33</sup> For a contemporary discussion of the character and "worth" of Louie Sam and his father, "Ma-sa-chie," see the *British Columbian*, 25 and 27 February 1884, and 1 March 1884.

<sup>34</sup> See also *Whatcom Reveille*, 29 February 1884, 3 March 1884, 28 March 1884; *British Columbian* (New Westminster), 27 and 28 February 1884, 1 March 1884, 3, 12, and 13 March 1884; and *Daily Colonist* (Victoria), 28 and 29 February 1884, 1, 6, and 16 March 1884.

a desire to preserve the good will of their American neighbours." The Dominion government's only motivation to act was the continued threat of open hostilities between Canadian Aboriginal people and American settlers. In the months following the lynching, the Stó:lō repeatedly requested a meeting with Indian Superintendent Powell to discuss the government's progress in punishing Louie's murderers, but their petitions were always politely deferred. That the Stó:lō remained patient suggests that their earlier experiences had given them what would prove to be an unwarranted confidence in the Canadian legal system. However, their patience may simply reflect the fact that, in Coast Salish society, it was not essential that revenge be administered quickly. Indeed, inter-village raids dating to the mid-1800s played important roles in inter-group relations well into the twentieth century. Stó:lō elders interviewed by Wilson Duff in the 1940's explained that, when numerous Coast Salish families from all along the Coast arrived to work at the Fraser Valley hop yards, it was not uncommon as recently as the 1930's for people to seek out the descendants of those accused of raiding their community generations earlier. Such delayed acts of revenge were apparently so common that "night watchmen" were employed by hop-yard owners to patrol the camps and keep the peace.<sup>35</sup> In the case of Louie Sam, however, the Stó:lō did eventually weary of the government's patronizing treatment and gave up trying to meet with Powell. As Stó:lō pressure on the government subsided, so, too, did government concern. Despite the diligent work of individual police detectives, the Canadian government was never as concerned with addressing Louie Sam's murder as it was with preventing an escalation of Canadian Indian-American settler hostilities.

For their part, American and Washington Territory officials never gave Louis Sam's lynching serious consideration. In the wake of Chief Joseph's Nez Perce uprising, and in the decade of the Battle of the Little Big Horn and Geronimo's Apache Wars, investigating and punishing a group of American citizens for lynching an "Indian" accused of murdering a "White" was not a priority.

We will never know for certain what the average Nooksack resident, and in particular the members of the Nooksack Vigilance Committee, thought of the lynching.<sup>36</sup> Apparently, after their own

<sup>35</sup> Duff, William, *Stalo Notebook #4*, Interview with Edmund Lorenzetto, copy of file in Stó:lō; and with Andy Commodore, Soowahlie, BC, August 1992.

<sup>36</sup> However, we do know that, in light of the American government's indifference to prosecuting the lynchers, members of Louie's lynch mob became so emboldened that they made an unsuccessful attempt to duplicate their activities on another Stó:lō the following summer.

sheriff had proven incapable of capturing Louie on American soil, the community members determined that it was up to them to deal with James Bell's murderer. If, as it seems, the mob's disguises were meant, in part, to imitate Stó:lō face paint and regalia, then one might conclude that the American settlers were, in typical vigilante fashion, attempting to use "appearance" and "costume" to discipline the Aboriginal population. In discussing the transgressive actions of people within the context of the "carnavalesque," Umberto Eco notes that "by assuming a mask [or costume] everyone can behave like an animal . . . [They] can commit any sin while remaining innocent: and they are indeed innocent, because [they] laugh."<sup>37</sup> Within this context, we may interpret the mob's actions as an attempt to deflect accountability by transposing responsibility for the lynching away from themselves and onto their assumed personae. It has been argued that social status and/or gender roles can be temporarily inverted when a group ritually assumes the role of its binary opposite through costume and/or mask. The American settlers saw themselves as "civilized" and the Stó:lō as "savage." Ironically, to protect their supposedly more evolved civilization from savagery, they needed to "revert" to what they considered to be a "less civilized" state by disguising themselves as Aboriginal

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Regrouping after a Sunday picnic, the Nooksack settlers lynched Jimmy Poole (apparently then residing in Washington State) for alleged horse theft. In this instance, the attempt was unsuccessful, for, although left for dead by his would-be murderers, Poole escaped before choking to death. While there are living Stó:lō elders who have knowledge of this second lynching, I was, until very recently, unable to document any contemporary oral information regarding the murder of Louie Sam. However, in the Stó:lō Nation archives there is an unpublished research paper by Reuben Ware entitled "Stó:lō History Field Notes," which mentions an oral history wherein a large cedar tree on the Sumas Indian Reserve is referred to as "the hanging tree." When the first scanty archive-based information describing the notorious events of 1884 was shared with Stó:lō community members by a Stó:lō Tribal Council employee in 1992, people immediately connected it to the Sumas hanging tree (although no research was conducted to confirm such a connection). Concerned band members marked the tree as a sacred site and conducted a special ceremony for Louie Sam's spirit. Subsequent research has failed to reveal any oral history explaining the tree's name, but it has determined that the "Sumas hanging tree" is a considerable distance from the site where Louie was killed. Recently, I came across a taped interview of Stó:lō elders Dan Milo and John Hall, which was made in the early 1960s. In it, they begin to discuss Louie Sam and Ma-sa-chie Sam and explain that Louie had been "hung" because "he went and killed a storekeeper in Everson." Unfortunately, the recording ends abruptly, just as they were beginning to discuss what had led to the lynching. It is impossible to tell whether the information in the truncated taped conversation was passed on orally to Milo and Hall or whether they had read the Nooksack settler's revised version of events in P. R. Jeffcott's *Nooksack Tales and Trails*.

<sup>37</sup> See Umberto Eco, "The Frames of the Comic Freedom," in Thomas A. Sebeok, ed., *Carnival!* (New York: Mouton Publishers, 1984), 3.



people and invoking the spirit of “carnival.”<sup>38</sup> Moreover, they needed to dehumanize Louie, to characterize him as a “dog.” Only after transforming themselves and dehumanizing Louie could the vigilantes view the lynching as a matter of justice rather than as a crime. Clearly, when compared to the American settlers’ response to the murder of James Bell, the Stó:lō response to the murder of Louie Sam stands as a model of restraint.

To conclude, the rich archival documents describing the events surrounding British Columbia’s only vigilante lynching provide much more than a fascinating tale of intrigue and murder. These records present an intimate view of three cultures vying with each other for control of their respective social environments in a rapidly changing world. We witness American racism and ethnocentrism in its most base form — the lynch mob — as American settlers were apparently manipulated by members of their own community into murdering an innocent Aboriginal boy; we witness a Canadian government preoccupied with preventing an open cross-border Indian war and unwilling to upset its southern neighbour over the wrongful death of an “Indian”; and we witness a Stó:lō society concerned with maintaining a “blood balance” and determined to do so in a manner which is in their long-term best interest. The Stó:lō leaders acted without sacrificing their autonomy. The Canadian legal system was not forced upon them; they *decided* to accept it because it appeared to suit their purposes. The Stó:lō leaders demonstrated the flexibility that was so crucial to their cultural and physical survival in this pivotal era — an era of rapid Aboriginal population decline and increased American/Canadian social and political hegemony. Indeed, in the lynching of Louie Sam, we may witness the shifting nature of late nineteenth-century power relationships on the Northwest Coast.

<sup>38</sup> V. V. Ivanov, “The Semiotic Theory of Carnival as the Inversion of Bipolar Opposites,” in Sebeok, *Carnival*, 85-103. See also M. Keith Booker, *Techniques of Subversion in Modern Literature: Transgression, Abjection, and the Carnavalesque* (Gainesville, FL: University of Florida Press, 1991).