

Core Documents: the Murder of Peter Brown

**Document #1: Douglas reports on the murder**

Governor James Douglas describes the murder of Peter Brown in a despatch sent to the British Colonial Office.

“Our relations with the Native Tribes, continued in the most satisfactory state up to the 5<sup>th</sup> Inst., when an event occurred which I fear may lead to serious difficulties with the Cowegin [Cowichan] Tribe. The event of which I have reference is the foul and wanton [without justifiable reason] murder of Peter Brown a servant of the Hudson's Bay Company, by some Cowegin Indians, at one of the Company's sheep stations, about 5 miles distant from this place, under circumstances of great atrocity. In such cases we are naturally led to suspect the existence of some exciting cause, of some previous injury or provocation [reason for committing the murder], that has tempted the untutored [uneducated] mind of the Savage to commit a fearful crime, but after the closest investigation of that case I have not been able to discover any mitigating circumstance whatever, which can be urged in extenuation [excuses] of its guilt. The murder of Peter Brown may be therefore regarded in the light of a mere wanton [unjustifiable] outrage, as this unfortunate victim, of savage treachery was known to be a remarkably quiet and inoffensive young man, the only son of a respectable widow in Orkney.”

Source: Despatch to London, Douglas to Pakington, 933, CO 305/3, p. 147; received 29 January 1853, [No. 8], Vancouver's Island, Fort Victoria, 11<sup>th</sup> November 1852.

**Document #2: Douglas described his meeting with the Cowichan**

Governor James Douglas describes his meeting with the Cowichan regarding the murder of Peter Brown in a despatch sent to the British Colonial Office.

“The expedition anchored off the mouth of the Cowegin [Cowichan] River, on the 6<sup>th</sup> of Jan<sup>y</sup> and I immediately despatched messengers with an invitation to the several native Tribes, who inhabit the valley and banks of that river, to meet me, as soon as convenient, at some fixed point; for the purpose of settling the dif[f]erence, which had led me to visit their country, and at the same time giving them distinctly to understand that I should be under the painful necessity of assuming a hostile attitude, and marching against them with the force under my command, should they decline my invitation.

Their answer, accepting my proposal, and expressing a wish to meet me the following day, near the entrance of the river, was received on the evening of the same day. The disembarkation of the force was made early the following morning, and we took up a commanding position, at the appointed place, fully armed and prepared for whatever might happen. In the course of two hours the Indians began to drop down the river, in their war canoes, and landed a little above the position we occupied, and last of all arrived two large canoes, crowded with the friends and relatives of the murderer, hideously painted and evidently prepared to defend the wretched man, who was himself among the number, to the last extremity. On landing they made a furious rush towards the spot where I stood, a little in advance of the force, and their deportment [behavior] was altogether so hostile, that the marines were with difficulty restrained, by their officers, from opening a fire upon them. When the first excitement had a little abated, the felon, fully armed, was brought into my presence, and I succeeded after a great deal of trouble, in taking him quietly into custody; and sent him a close prisoner on board the Steam vessel.”

Source: Despatch to London, Douglas to Pakington, 3852, CO 305/4, p. 1; received 1 April [No. 1], Victoria, Vancouver's Island, 21<sup>st</sup> January 1853.

**Document #3: Exchanging a slave for a murderer**

University of Victoria historian Daniel Marshall describes how the Cowichan used a slave as compensation for the crime in an excerpt from his book published by the Cowichan Tribes Cultural and Education Department.

“The threat of total annihilation backed by an incredible array of fire-power achieved Douglas’ aim, as a Native by the name of *Sque-is* was handed over in due course. *Sque-is* maintained he was innocent, and it has only been in recent years that further research suggests that the name *Sque-is* in the *Hul’qumi’num* language is more correctly pronounced *Skwuyuth*, meaning slave or prisoner of war.

In past times, it was common practice that a slave, like any other possession, could be paid as compensation in this way. Perhaps the way the affair was played out allowed both sides to save face. The Cowichan First Nation acknowledged that a wrong had been committed and responded in the usual way by offering restitution, as they saw it, for a crime committed against a member of a foreign nation. Douglas, in accepting the slave – perhaps knowingly – could report to British authorities that British law and order had been upheld to the fullest.”

Source: Daniel P. Marshall, *Those Who Fell from the Sky: A History of the Cowichan Peoples*. (Duncan, BC: Cultural & Education Centre, Cowichan Tribes), pp. 99-100.

**Document #4: Douglas describes the action he took**

Governor James Douglas describes the actions he took in apprehending Siamisit at Nanaimo in a despatch sent to the British Colonial Office.

“In consequence of that breach of faith, his Father and another influential Indian were taken into custody; in hopes of inducing them by that means, to yield to our demands; my earnest wish being, if possible, to gain our object without bloodshed, and without assailing the Tribe at large.

After two days of the most anxious suspense, it was again settled that the felon should be given up; and he was accordingly brought to within half a mile of the anchorage, but on seeing me repair to the spot; he fled to the woods and made his escape. It was then impossible to temporize [delay in acting] longer, without a loss of character, negotiation had been tried in vain, and I therefore decided on adopting more active [military] measures, and with that view, ordered an immediate advance towards the Nanaimo River, where their villages are situated. We accordingly pushed rapidly in that direction, but the boats had scarcely entered the River before their progress was arrested by the shallowness of the stream, about three quarters of a mile below the first village... We then moved up the river to the second village, which we found nearly deserted by its inhabitants, who had fled to the woods with their effects.

The murderer's father was Chief of this last village, consisting of many large houses and containing the greater part of thei[r] stock of winter food. They were now completely in our power, and as soon as I could collect a sufficient number of the inhabitants I told them that they should be treated as enemies, and their villages destroyed, if they continued longer to protect the murderer, who we were now informed had left the river and lay concealed in the woods near the sea coast, about three miles distant.

The pinnace [light sailboat] was immediately despatched with 16 seamen and 9 half whites, towards that point, where his place of refuge was soon discovered. After a long chase in the woods in which the half whites took the principal [leading role] part the wretched man was captured and taken on board the Steam vessel. The troops were withdrawn the same day from the River, without molesting or doing any injury whatever to the other natives.”

Source: Despatch to London, Douglas to Pakington, 3852, CO 305/4, p. 1; received 1 April [No. 1], Victoria, Vancouver's Island, 21<sup>st</sup> January 1853.

**Document #5: Pleading not-guilty**

Hamar Foster is a University of Victoria law professor, specializing in colonial legal history, and Aboriginal history and law:

“[Some people may have] difficulty in seeing a jury of British sailors as the peers [unbiased equals] of Sque-is and Siam-a-sit, especially in the absence of any surviving explanation of why they killed Brown. At the very least, the fact that they pleaded not guilty suggests that there may have been some sort of justification [reason] for the deed [killing Peter Brown], even if retaliation by the British was expected.

Faced with this strange and new form of proceeding, the mother of Siam-a-sit begged Douglas to hang her husband instead, because ‘he was old and could not live long... and one for one was Indian law.’ In short, she recognized that the circumstances required that the blood debt be paid, and offered in satisfaction the life of a chief for that of a mere shepherd. But this proposal ‘did not meet the ideas of the whites, backed by a British man of war with a file of marines.’ English law required that the killer die, the actual perpetrator, not someone put forward in his place. . . English law, not Salish, would govern relations between the two peoples at Nanaimo. . . .”

Source: Hamar Foster, “‘Queen’s Law Is Better Than Yours’: International Homicide in Early British Columbia,” in Jim Phillips, Tina Loo, Susan Lewthwaite eds., *Essays in the History of Canadian Law*, (Toronto: Osgoode Society, 1994), p. 63.

**Document #6: Douglas describes the aftermath of the trial**

James Douglas reflects on the murder, trial and execution in a despatch sent to the British Colonial Office on January 21, 1853.

“I am happy to report that I found both the Cowegin and Nanaimo Tribes more amenable to reason than was supposed; the objects of the Expedition having, under Providence [care and guidance of God], been satisfactorily attained [achieved], as much through the influence of the Hudson's Bay Company's name, as by the effect of intimidation. The surrender of a criminal, as in the case of the Cowegin murderer, without bloodshed, by the most numerous and warlike of the Native Tribes on Vancouver's Island, at the demand of the Civil power may be considered, as an epoch [the beginning of a distinctive time in history], in the history of our Indian relations, which augurs [predicts] well for the future peace and prosperity of the Colony. That object however could not have been effected without the exhibition of a powerful force.”

Source: Despatch to London, Douglas to Pakington, 3852, CO 305/4, p. 1; received 1 April [No. 1], Victoria, Vancouver's Island, 21<sup>st</sup> January 1853.

**Document #7: Response by the Colonial Office**

An official in the British Colonial Office in London offers an assessment of Governor Douglas' actions in a despatch sent to Douglas.

“I have to acknowledge the receipt of your Despatch of the 21<sup>st</sup> of January last reporting the measures which you had taken for effecting the surrender of the murderers of the late Peter Brown, and to acquaint you that Her Majesty's Government regard the conduct of you[r]self, the Naval Officers, and Seamen, and others engaged in the two expeditions against the Native Tribes, as highly creditable to all the parties concerned, and deserving of their entire approbation [official approval].”

Source: Despatch from London, Newcastle to Douglas, NAC, RG7, G8C/1, p. 117; received 16 April 1854, No. 4, Downing Street, 12 April, 1853.