

**The Conspiracy:  
The Canadian Response to the Order of the Midnight Sun and the Alaska Boundary  
Dispute**

A Thesis Submitted to the College of Graduate Studies and Research

In Partial Fulfillment of the Requirements

For the Degree of Master of Arts in History

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By

Scott Dumonceaux

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## **Abstract**

In September 1901 the North-West Mounted Police learned that a group of American miners, calling themselves the Order of the Midnight Sun, were planning to take over the Yukon. The Conspiracy, as the plot to overthrow the Mounted Police and establish an independent republic in the Alaska boundary region was known, appealed to Americans in the region. The location of the Alaska boundary was not set when the Klondike Gold Rush (1897-1899) brought thousands of miners and traders into the Yukon, northern British Columbia, and Alaska. The Canadian government's efforts to maintain order and protect its interests in the Alaska boundary dispute angered American miners and businessmen and led them to support the Order. After the Conspiracy was discovered, the Mounted Police and the Canadian government launched a full scale investigation and response. To fully investigate the Conspiracy during the Alaska boundary dispute, the Mounted Police, a domestic force, had to operate in Canada and the United States and cooperate with American authorities in Skagway. The Dominion Police were also involved in the investigation and they too had to work with American authorities in Seattle and San Francisco. But the Mounted Police did not view the Conspiracy as a serious threat. Their experience in the north had shown that such threats rarely amounted to anything. The Canadian government, however, responded differently. Canadian officials in Ottawa feared that the Conspiracy would cost Canada in the Alaska boundary negotiations and they took steps to ensure that the Mounted Police could defend the region and prevent further unrest. This thesis examines the Mounted Police and Canadian government responses to the Conspiracy and the reasons for these different responses, within the context of the Alaska boundary dispute.

## **Acknowledgements**

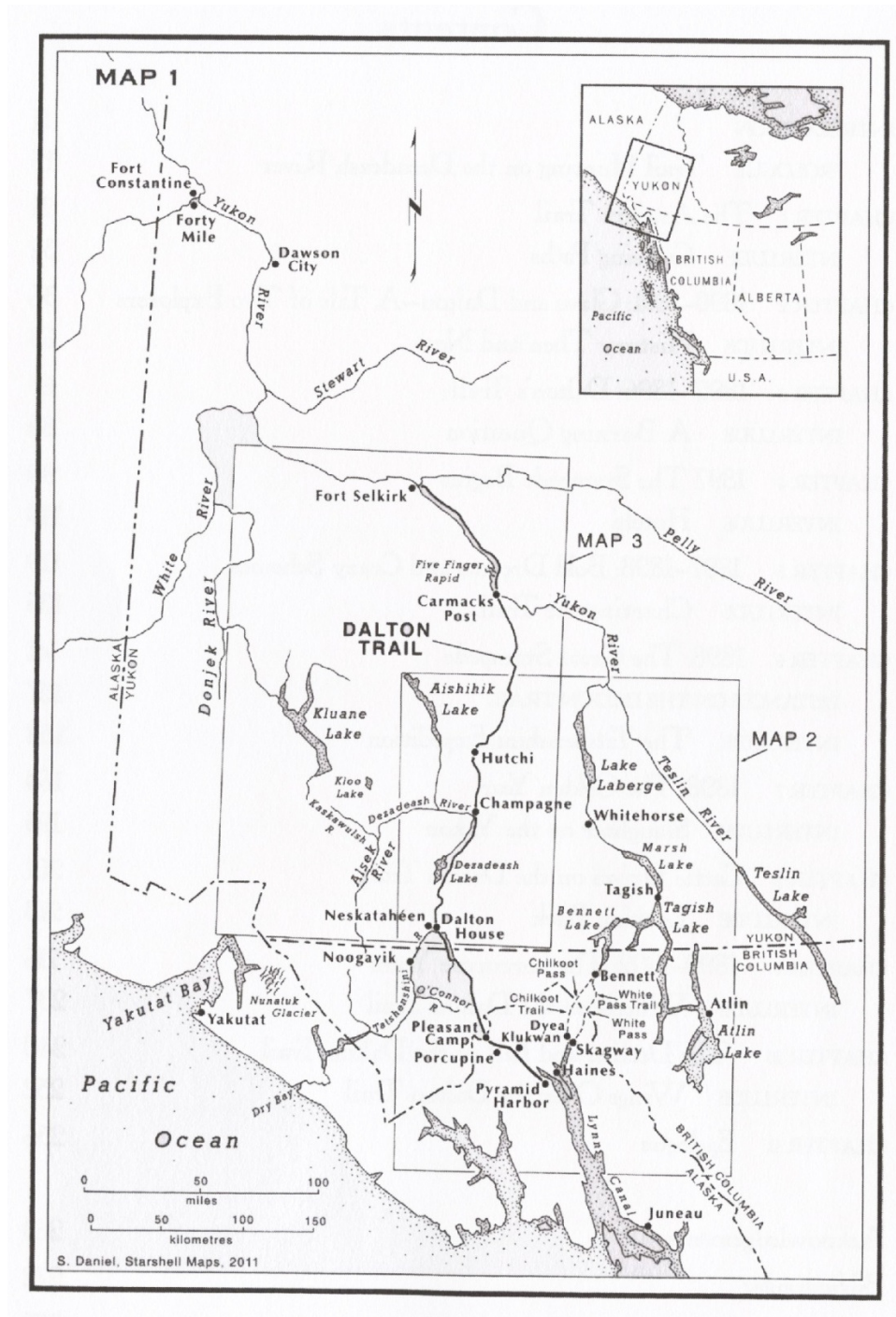
I would like to first thank my supervisor Dr. Bill Waiser, whose advice and support has been invaluable, particularly during the writing process. I would also like to thank the other members of my committee Dr. Tom Deutscher and Dr. Martha Smith-Norris and my external examiner Dr. Ken Coates for their suggestions during my thesis defence and Jeremy Dumonceaux for proofreading the draft. And lastly a special thanks to my family for their support during the process of researching and writing this thesis.

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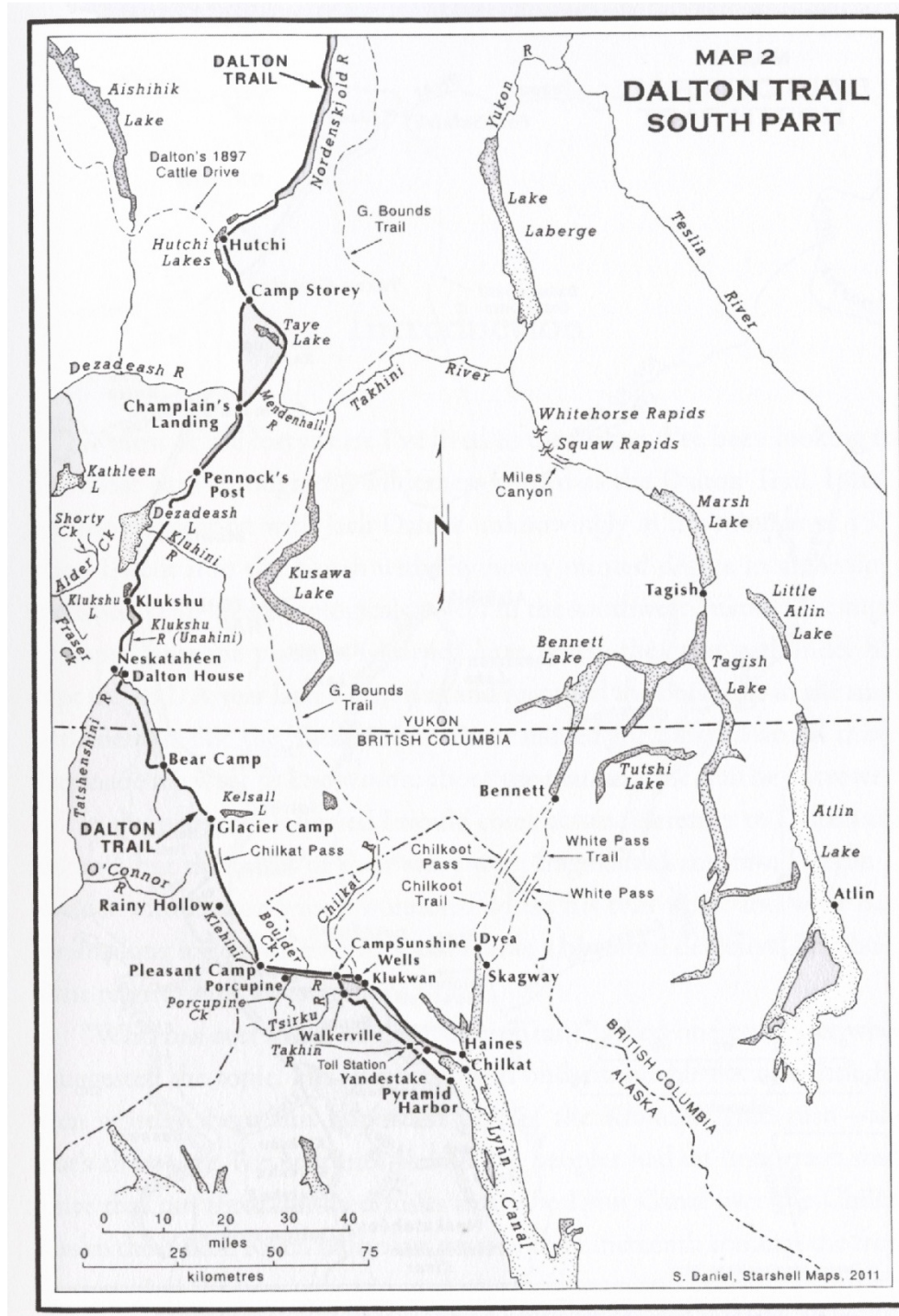
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Map: Alaska Boundary Region



From Michael Gates, *Dalton's Gold Rush Trail: Exploring the Route of the Klondike Cattle Drives* (Madeira Park, British Columbia: Harbour Publishing, 2012), 8.

## Map: Head of the Lynn Canal



From Michael Gates, *Dalton's Gold Rush Trail: Exploring the Route of the Klondike Cattle Drives* (Madeira Park, British Columbia: Harbour Publishing, 2012), 9.

## **Introduction**

### **The Order of the Midnight Sun in History**

“Reported politics from Seattle to seize Territory. More Constables required. Please send at once.” 18 September 1901 telegraph, P.C.H Primrose<sup>1</sup>

On 21 September 1901 Fred White, Comptroller of the North-West Mounted Police (NWMP), received a telegram from P.C.H. Primrose, Superintendent of the North-West Mounted Police detachment at Whitehorse, warning that Americans in the Yukon were planning to take over the Territory. The NWMP’s worst fears seemed to be confirmed. Tensions over the Alaska boundary now threatened Canada’s sovereignty in the northwest. The vague message only increased White’s anxiety.

Four days later, in a letter written 20 September 1901, Primrose sent copies of two letters from Inspector Cortlandt Starnes, who first reported the threat. According to his informant, a “secret organization” based in Skagway and Seattle was planning to “rush Whitehorse, take the smaller detachments along the [Yukon] River and then... take the barracks at Dawson,” subduing the 200 Mounted Police in the area and taking “possession of the Yukon.”<sup>2</sup> Primrose was “unable to confirm this report.”<sup>3</sup> But he added, “I do not consider myself an alarmist, but I always believe in being prepared,” asking that sixty men be sent north “before the close of navigation.”<sup>4</sup>

White did not feel the same way about the report and no men were sent. He did not even bother to inform the Canadian government. Such reports from the Yukon were not uncommon. And, as Primrose noted, the report reminded him “very much of the threats which were made in

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<sup>1</sup> *Library and Archives Canada (LAC)*, RG18 Royal Canadian Mounted Police Fonds, Volume 229, File 149, Primrose to White, 18 September 1901.

<sup>2</sup> *LAC*, RG18, Vol. 229, File 149, Starnes to Primrose, 20 September 1901.

<sup>3</sup> *LAC*, RG18, Vol. 229, File 149, Primrose to White, 20 September 1901.

<sup>4</sup> *Ibid.*



the earlier years in this country,” which all proved false.<sup>5</sup> It was not until 14 November, when he received two telegrams from Z.T. Wood, Primrose’s replacement, that White acted. On 4 November, Wood informed White that after further investigation he was “satisfied such [a] conspiracy exists.”<sup>6</sup> And in a 13 November telegram Wood wrote that the police believed that the Conspiracy, as the plot was now known, still posed a threat. White then wrote a memorandum outlining the developments in the north since September and informed the commissioner of the NWMP A.B. Perry and the Canadian government of the Conspiracy.<sup>7</sup>

The “secret organization” was the Order of the Midnight Sun. And there was a plot to take over the Yukon. As Starnes noted, the Order, formed in December 1900, planned to invade the Yukon from Alaska and subdue the 254 Mounted Police in the area. The Order’s ultimate goal was to establish an independent Yukon republic in the upper Yukon River area, free from “oppressive” Canadian mining laws. When White was first informed of the Conspiracy, the Order’s plans were in their infancy but they still posed a threat to Canadian sovereignty. In October 1901 the members of the Order learned of the police investigation and quickly dispersed.

The Conspiracy was the result of tensions created by the Alaska boundary dispute. Canada, Britain, and the United States were still negotiating the location of the boundary between Alaska, British Columbia, and the Yukon when the Order was discovered. The response of the Mounted Police and the Canadian government to the Conspiracy was also profoundly influenced by the boundary dispute. The discovery of the Conspiracy showed that tensions in the boundary region could lead to conflict. Even after the Order dispersed, the

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<sup>5</sup> *Ibid.*

<sup>6</sup> LAC, RG18, Vol. 229, File 149, Wood to White, 4 November 1901.

<sup>7</sup> LAC, RG18, Vol. 229, File 149, Wood to White, 13 November 1901; LAC, RG18, Vol. 229, File 149, White, 15 November 1901 Memorandum; LAC, RG18, Vol. 229, File 149, Wood to Perry, 15 November 1901.

Government remained concerned. The Mounted Police were instructed to carry out a thorough investigation into the Order's activities and take steps to defend the region against further trouble.

For Canadian officials in Ottawa, the Conspiracy convinced them of American intentions in the north and demonstrated the need to prevent any future unrest in the boundary region. The Mounted Police, by contrast, were less concerned. They had worked closely with United States authorities and American miners in the north to control the region during the boundary dispute and the Klondike gold rush and suspected that the Conspiracy would lead to nothing.

There has been little scholarly attention devoted to the Order of the Midnight Sun. The works that discuss the Order and the Alaska boundary dispute or the history of the Mounted Police in the north do so indirectly. The few works that discuss the Order directly are written more for a general audience. In *Call in Pinkerton's: American Detectives at Work for Canada* and a 1998 *The Beaver* article "The Invasion of the Yukon," David Ricardo Williams gives a brief narrative account of the Order of the Midnight Sun investigation. Williams provides a few good stories from the investigation and mainly focuses on the role of Pinkerton's National Detective Agency, with a brief attempt to analyze the situation that led to the forming of the Order. But there is no discussion of the Conspiracy and the Alaska boundary dispute.<sup>8</sup>

Carl Betke's 1977 *RCMP Quarterly* article "The Order of the Midnight Sun" provides more detail on the NWMP response to the Conspiracy. Betke discusses Mounted Police plans to defend their Dawson and Whitehorse detachments against further unrest and the four independent investigations launched by Fred White "to establish once and for all the precise

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<sup>8</sup> David Ricardo Williams, *Call in Pinkerton's: American Detectives at Work for Canada* (Toronto: Dundurn, 1998): 124-134; David Ricardo Williams, "The Invasion of the Yukon," *The Beaver* 78, No. 3 (1998): ebscohost.com.

extent of the threat” posed by the Order.<sup>9</sup> Even through Betke’s article demonstrates the seriousness of the police response to the Conspiracy, again there is no attempt to place the Order within the history of the Yukon and the Alaska boundary dispute.

Historians writing on the Alaska boundary dispute, such as Charles Tansill (1943), Charles S. Campbell Jr. (1957), A.E. Campbell (1960), John A. Munro, (1970), Norman Penlington (1972), and D.J. Hall (1985), generally look only at the diplomatic negotiations between Canada, Britain, and the United States, ignoring the role of local, “on the ground” issues. When local issues, such as the Order of the Midnight Sun Conspiracy, are mentioned, their effects on the larger negotiations are minimized. For these histories, the underlying theme is unrest. Local unrest along the Alaska boundary was on the minds of the negotiators but was not a major factor in the negotiations. Because these histories look at the Alaska boundary dispute from a wider, international diplomatic perspective, the Order of the Midnight Sun is pushed to the background.

In *Anglo-American Understanding, 1898-1903* Charles S. Campbell Jr. examines the growing friendship between Great Britain and the United States, focusing on the diplomatic negotiations that attempted to settle outstanding issues between the two countries, including the Alaska boundary. Relying mainly on British sources from the Foreign Office, Campbell Jr. argues that maintaining Anglo-American friendship was the ultimate goal in these negotiations. For Campbell Jr., local issues were more of a hindrance to quick negotiations than a major player. Both countries were generally willing to compromise, but the interests of West Coast business owners, miners, and the Canadian government made it difficult.<sup>10</sup> The Order of the Midnight Sun Conspiracy is seen by Campbell Jr. as one of several “disturbing reports [that] had

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<sup>9</sup> Carl Betke, “The Order of the Midnight Sun,” *RCMP Quarterly* (1977): 42.

<sup>10</sup> Charles S. Campbell Jr., *Anglo-American Understanding, 1898-1903* (Baltimore: John Hopkins Press, 1957).

been coming from the north country” during the summer and fall of 1901.<sup>11</sup> News of the Conspiracy alarmed officials on all sides, who worked quickly to calm the situation. And Britain and the United States became convinced of the need to settle the Alaska boundary dispute.<sup>12</sup> Campbell Jr. hints at a larger connection between the growing unrest in the gold country, the Order of the Midnight Sun, and the Alaska boundary negotiations, but it is not explored and the focus remains diplomatic.

Norman Penlington’s *The Alaska Boundary Dispute: A Critical Reappraisal* examines the Alaska boundary dispute from the Russian government’s 1821 Ukase that began the Alaska boundary negotiations to the 1903 final settlement. Penlington’s main argument is that the Canadian case was weak and unfounded.<sup>13</sup> “Canada’s blindness to political and diplomatic reality” ultimately led to its “humiliation” at the 1903 Tribunal.<sup>14</sup> Developments in the far northwest are used to contextualize Canada’s changing border claims. The growing importance of the region during the Klondike Gold Rush convinced Canada to push for more territory. The Order of the Midnight Sun Conspiracy is seen by Penlington as a response to United States pressure in the northwest to settle the boundary dispute. The possibility of further conflict along the border pushed Prime Minister Wilfrid Laurier to make concessions.<sup>15</sup> By focusing on Canadian border claims, Penlington ignores the effects of local issues on Canadian, American, and British decisions.

In his biography of Clifford Sifton, D. L. Hall explores the Minister of the Interior’s role at the Alaska boundary tribunal. As British agent, Sifton was in charge of preparing and

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<sup>11</sup> *Ibid.*, 240. The other reports Campbell Jr. notes are reports that Canada was planning to seize Skagway and an incident when an American lawyer ripped down the Union Jack at the Canadian customs post in Skagway; Campbell Jr., *Anglo-American Understanding*, 241.

<sup>12</sup> *Ibid.*, 242-244.

<sup>13</sup> Norman Penlington, *The Alaska Boundary Dispute: A Critical Reappraisal* (Toronto: McGraw-Hill Ryerson Limited, 1972).

<sup>14</sup> *Ibid.*, 66.

<sup>15</sup> *Ibid.*, 33-38, 54-57, 64.

presenting the Canadian case.<sup>16</sup> Hall argues that the Canadian delegation “realized that they had practically no prospects of persuading the Americans” and did not energetically prepare the Canadian argument.<sup>17</sup> In Hall’s discussion of local issues, however, a different picture emerges. Hall argues that Sifton deeply mistrusted the United States and that his actions in the far northwest in general “cannot be understood without taking this sentiment into account.”<sup>18</sup> American actions during the Gold Rush convinced Sifton that the United States wanted more territory in southeastern Alaska. The Order of the Midnight Sun Conspiracy confirmed these fears. Sifton responded by rushing additional guns and police north to defend the Yukon.<sup>19</sup> Hall suggests that local issues convinced Sifton of American intentions in the north and caused him to take a harder line on the boundary question. But because Hall discusses the Tribunal and Sifton’s views on the boundary dispute separately, the role of local issues at the Tribunal is not explored.

Local issues in the Alaska boundary dispute are also left out of William R. Morrison’s history of the Mounted Police in the north, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*. Morrison argues that the Mounted Police were “the main factor in bringing [the north] into the orbit of government control.”<sup>20</sup> As the only government agents in the Yukon for much of the Gold Rush, the police were responsible for enforcing Canadian sovereignty in the Yukon and establishing and defending the Canadian border with Alaska. Yet the role of the NWMP in the Alaska boundary dispute is not discussed. Morrison only notes that the police ignited anti-Canadian feelings among American miners by establishing

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<sup>16</sup> D. J. Hall, *Clifford Sifton: Volume Two, A Lonely Eminence, 1901-1929* (Vancouver: University of British Columbia Press, 1985).

<sup>17</sup> *Ibid.*, 117.

<sup>18</sup> *Ibid.*, 124.

<sup>19</sup> *Ibid.*, 124-125.

<sup>20</sup> William R. Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925* (Vancouver: University of British Columbia Press, 1985), xviii.

a temporary border at the summit of White Pass in January 1898, a move that led to the establishment of the Order of the Midnight Sun.<sup>21</sup> Morrison also speculates that the number of Mounted Police in the Yukon remained high until after the boundary dispute was settled “to provide at least a token counterforce” to American troops in the area.<sup>22</sup> Perhaps Morrison also believes that the Alaska boundary dispute was a diplomatic matter and the NWMP only had a small role. Although Morrison hints that the NWMP response to the Conspiracy had a larger role in the Alaska boundary dispute, he does not discuss the idea.<sup>23</sup>

These histories suggest that the Alaska boundary dispute had a significant role in the origins of the Order of the Midnight Sun and the Canadian government’s response to the Conspiracy, a role that has not been sufficiently addressed by historians. Because these histories focus on the diplomatic side of the dispute, the Conspiracy’s place in the history of the far northwest is not emphasized. This study uses the records of the North-West Mounted Police to explore the Order and the Canadian response to the Conspiracy. By focusing specifically on the Order, the role of local issues in the Alaska boundary dispute can be examined in more detail, changing the way historians view the Alaska boundary and the role of the NWMP in the Yukon.

Before the beginning of the Klondike Gold Rush in 1897 Canada and the United States generally ignored the boundary issue. The Gold Rush changed the situation dramatically. With forty thousand mainly American miners rushing to the Yukon and vast quantities of wealth to be made in the region, both countries took steps to enforce the border and finally settle the Alaska boundary dispute.<sup>24</sup> Canadian efforts to gain a favourable boundary settlement and establish

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<sup>21</sup> *Ibid.*, 62-63.

<sup>22</sup> *Ibid.*, 31.

<sup>23</sup> The Order of the Midnight Sun is given the same treatment, including wording in some places, in Ken S. Coates and William R. Morrison, *Land of the Midnight Sun: A History of the Yukon* (Montreal and Kingston: McGill-Queen’s University Press, 2005).

<sup>24</sup> Coates and Morrison, *Land of the Midnight Sun*, 104.

government control over the area infuriated American miners in the region. The unsettled nature of the Alaska border also worried the business community in Skagway and the American west coast. The Order of the Midnight Sun took advantage of these anti-Canadian feelings to gain support for the Conspiracy.

After the Conspiracy was discovered, a large investigation was launched to determine the extent of the Order's activities and its threat to Canadian sovereignty. The nature of the region, along with the effects of the Alaska boundary dispute, meant that the Mounted Police, a domestic force, had to work in Canada and the United States to fully investigate the Conspiracy. Official and undercover officers were sent to Skagway and Seattle to gather intelligence on the Order. The Dominion Police were also involved in collecting information on the Order in the United States, contracting Pinkerton's National Detective Agency in Seattle to help with the investigation.

Initially the Canadian government responded to the Conspiracy by rushing "a large supply of guns and ammunition" into the Yukon and doubling the number of police in the area.<sup>25</sup> By early 1902 fears that unrest in the region would cost Canada in the Alaska boundary negotiations led the Government to reorganize the Mounted Police in the Yukon. As the main government agents in the area, the Mounted Police were expected to play a military role to defend Canadian sovereignty against further trouble.

The emergence of the Order of the Midnight Sun and the Mounted Police and Canadian government response to the Conspiracy were framed by the Alaska boundary dispute. The Conspiracy reveals the complex nature of governing the Yukon. Chapter One, "Anti-Canadian Feelings: The Alaska Boundary and the Origins of the Order of the Midnight Sun," examines the origins of the Order of the Midnight Sun and its goals and grievances by focusing on the

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<sup>25</sup> Hall, *Clifford Sifton*, 125.

settlement of the Yukon within the context of the Alaska boundary dispute. This section highlights the role of the boundary dispute in the formation of the Order. Chapter Two, “Crossing the Border: The North-West Mounted Police, the Order of the Midnight Sun, and the ‘Disputed Jurisdiction,’” examines the investigations into the Order’s activities, in particular the Mounted Police investigations in the United States and the work of the Dominion Police. This section explores on the boundary dispute’s influence on the Conspiracy investigation and the north in general. Chapter Three, “Protecting Canadian Interests: The Canadian Government, the North-West Mounted Police and the Conspiracy,” examines the response of the Canadian government to the Conspiracy. This section focuses on Government fears that the Conspiracy could lead to further unrest during the boundary dispute and the measures taken to protect the region. Chapters Two and Three show that the police and the Government had different understandings of the threat to Canadian sovereignty posed by the Order. These differences reveal a growing mistrust in the ability of the Mounted Police in the north to effectively handle the response to the Conspiracy.

Looking beyond the diplomatic side of the dispute and examining the Order of the Midnight Sun forms a more complete view of the Alaska boundary dispute and northern sovereignty in general. Reexamining the activities of the NWMP in the Yukon presents a more complex view of the relationship between the Mounted Police and the Canadian government during the dispute. The Canadian government was deeply concerned with the Conspiracy, even though the Mounted Police did not view the Order of the Midnight Sun as a serious threat. The Conspiracy and its aftermath reveal that the Canadian government was as determined as the United States in protecting its border claims during the Alaska boundary dispute.



## Chapter 1

### **Anti-Canadian Feelings: The Alaska Boundary Dispute and the Origins of the Order of the Midnight Sun**

In 1898 American Fred J. Clark went to the Klondike. After a venture as a theatre manager in Seattle ended in financial failure, Clark traveled north to seek his fortune. Or so he unwittingly told a Pinkerton's National Defence agent as they painted a house in North Yakima, Washington in May 1902. As they worked Clark continued to tell his new "friend" about his adventures in the gold fields.<sup>1</sup>

By the spring of 1900 Clark was working as a carpenter and painter in Whitehorse. There, he met H. Grehl, an ice salesman known to be involved in gambling.<sup>2</sup> Knowing the anti-Canadian feeling in the interior, they "got the idea of making a success of overthrowing British rule in the Klondike."<sup>3</sup> The Order of the Midnight Sun was formed in December 1900 and Clark and Grehl gathered a small following loyal to their cause.<sup>4</sup> During the following months "the organization was spread up and down the Yukon."<sup>5</sup>

1898 was a year of great change in the northwest. Fred J. Clark joined thousands of mainly American gold seekers who rushed to the Yukon in late 1897 and early 1898. By the summer of 1898 the population of the Klondike area increased from 1500 to over 40,000. Dawson City grew from a bog in August 1896 to a bustling frontier town, with thousands of miners passing through on route to the gold bearing creeks, where mining settlements were built wherever there was enough people. On the Lynn Canal, where the majority of miners passed on

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<sup>1</sup> *Library and Archives Canada (LAC)*, RG18 Royal Canadian Mounted Police Fonds, Volume 229, File 149, Pinkerton's National Detective Agency to A.P. Sherwood, 8 May 1902; *Ottawa Citizen*, 22 November 1901; *Alaska-Yukon Mining Journal*, "That Conspiracy," December 1901.

<sup>2</sup> *Alaska-Yukon Mining Journal*, "That Conspiracy," December 1901.

<sup>3</sup> Pinkerton's to Sherwood, 8 May 1902.

<sup>4</sup> *Ottawa Citizen*, 22 November 1901; *Alaska-Yukon Mining Journal*, "That Conspiracy," December 1901.

<sup>5</sup> *Ibid.*

their way to the interior, Skagway, the Canal's main port, grew from a few buildings to a transient population of 10,000 by the summer of 1898. Dyea, gateway to the Chilkoot Pass, was smaller. Bennett, on the opposite side of the Chilkoot and White Passes, peaked at several thousand during the spring of 1898.<sup>6</sup>

Sawmills ran constantly and commercial traffic increased dramatically to keep up with the booming population. West coast ports such as San Francisco, Seattle, and Skagway profited greatly, supplying and transporting merchants and miners hoping to take advantage of the rush.<sup>7</sup> But the boundary between the Yukon, Alaska and British Columbia was not settled. This massive influx of population and development occurred in an area where international sovereignty was unknown.

The Alaska boundary was originally set by the Anglo-Russian Treaty of 1825. In the Alaska panhandle the boundary line was to "follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141<sup>st</sup> degree of West longitude."<sup>8</sup> From there, the line followed the 141<sup>st</sup> meridian to the Arctic Ocean, incidentally putting the undiscovered Klondike gold fields in British/Canadian territory. But Britain and Russia were not willing to pay for an expensive survey of the unexplored area to draw the line.<sup>9</sup> When the United States purchased the territory from Russia in 1867 there were some efforts to establish the border at the 141<sup>st</sup> meridian in the Yukon River area. But plans to survey the border in the Alaska panhandle were again rejected because of the cost. With only 1500 miners and traders in the region, there was no need to settle the boundary or directly control the area.

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<sup>6</sup> Charles S. Campbell Jr., *Anglo-American Understanding, 1898-1903* (Baltimore: John Hopkins Press, 1957), 65-68; Ken S. Coates and William R. Morrison, *Land of the Midnight Sun: A History of the Yukon* (Montreal and Kingston: McGill-Queen's University Press, 2005), 89, 95-96 102-103.

<sup>7</sup> Campbell Jr., *Anglo-American Understanding*, 102-103. Seattle saw 15,000 people pass through the city in the first three months of 1898.

<sup>8</sup> Quoted in Norman Penlington, *The Alaska Boundary Dispute: A Critical Reappraisal* (Toronto: McGraw-Hill Ryerson Limited, 1972), 11-12.

<sup>9</sup> Campbell Jr., *Anglo-American Understanding*, 76; Penlington, *The Alaska Boundary Dispute*, 12-14.

Until 1898 Canada and the United States ignored the far northwest. But the large number of American miners who traveled to the Yukon in 1897 and 1898 and the richness of the Klondike gold fields caught the attention of the Canadian and American governments. The Canadian government took steps to control the region, increasing the North-West Mounted Police (NWMP) presence, controlling the borders, and establishing a territorial government. The American government was slower to respond. Government control (or lack thereof) created anti-Canadian feelings among miners and businessmen in the Yukon and Alaska and the American west coast. The Order of the Midnight Sun took advantage of these feelings to gain support for the Conspiracy.

In the early 1870s the first miners arrived in the upper Yukon River area. Following the trail from California north to the Fraser River area and the Cariboo country in British Columbia, these early miners were convinced that there was gold in the Yukon and small amounts kept them interested. In 1885 a streak of several thousand dollars on the Stewart River led to a small rush of 200 miners into the region. The following year, a large gold discovery was made on the Fortymile River and the majority of miners in the northwest flocked to the new town of Fortymile, located at the confluence of the Fortymile River and the Yukon River, just inside Canadian territory. By 1894 Fortymile had grown to a town of about 150 buildings and a population of around 1000 people. In the same year, gold was discovered in the Birch Creek area in Alaska and a new town, Circle City was founded on the Yukon River, just inside American territory. By 1896, most of the region's population could be found in the Circle City area, though prospecting continued at Fortymile.<sup>10</sup>

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<sup>10</sup> Coates and Morrison, *Land of the Midnight Sun*, 49-53, 57-60; Thomas Stone, "The Mounties as Vigilantes: Perceptions of Community and the Transformation of Law in the Yukon, 1885-1897," *Law & Society Review* 14, No. 1 (Fall, 1979): 84-86.

The mini-rush to the Stewart River area convinced local traders that there was money to be made selling goods and supplies to the miners. The Alaska Commercial Company began selling mining supplies at Fort Nelson on the Stewart River in 1886 and later that year the company moved its operation to Fortymile. In 1892 a new company, the North American Trading and Transportation Company, began competing with the Alaska Commercial Company along the upper Yukon River. The Company's founder John J. Healy had operated a store at Dyea in 1886 and the Company opened a store at Fortymile in 1893. After gold was discovered at Circle City both companies opened stores there. These traders increasingly relied on west coast shipping companies to supply their goods.<sup>11</sup>

Initially the only route to bring miners, traders, and their supplies into the region was the Yukon River, although a few miners and fur traders used Hudson's Bay Company trails to reach the area from Canada. The trails at the head of the Lynn Canal were initially controlled by the Chilkat Tlingit. In 1880 the American government secured permission (by force) from the Chilkat to allow white travelers to use the Chilkoot and White Passes. These passes were the fastest and cheapest route to the upper Yukon River, and the most popular for miners during the Klondike Gold Rush. Once over the passes, miners reached Lake Lindeman and Lake Bennett in northern British Columbia. From Lake Lindeman it was possible to float down the Yukon River to Dawson. The Chilkat Pass remained closed until the early 1890s, when trader Jack Dalton opened a trail into the interior. The main route for cattle drives during the Gold Rush, the Dalton Trail went over the less steep Chilkat Pass, overland 342 miles to Fort Selkirk on the Yukon River.<sup>12</sup>

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<sup>11</sup> Coates and Morrison, *Land of the Midnight Sun*, 52-54, 58-60; Stone, "The Mounties as Vigilantes," 84-86.

<sup>12</sup> Coates and Morrison, *Land of the Midnight Sun*, 95-96; Michael Gates, *Dalton's Gold Rush Trail: Exploring the Route of the Klondike Cattle Drives* (Madeira Park, British Columbia: Harbour Publishing, 2012), 69-73. For a history of the Dalton Trail see Gates.

These prospectors and traders lived and worked in a northwest that was relatively free of government control. While the Upper Yukon River mining area was split by the international boundary, miners and traders moved freely across the border without government interference. Centered around the towns of Fortymile in the Yukon and Circle City in Alaska, the miners' communities stretched across the international boundary. In the words of historians Ken S. Coates and William R. Morrison,

The fact that the mining districts were split by an international boundary was of no importance to anyone who lived in the region. Miners whose property lay close to the 141<sup>st</sup> meridian often did not know in which country they were working. The merchants moved their operations across the border from one community to another without a thought – because it hardly mattered.<sup>13</sup>

When the NWMP arrived at Fortymile in 1894 at the urging of the region's missionary population<sup>14</sup>, they quickly asserted Canadian sovereignty over the area east of the 141<sup>st</sup> parallel, administering the law, enforcing land and mining regulation, and collecting customs duties. But they did not control who came in and out of the country. Miners and traders were still able to freely cross the 141<sup>st</sup> parallel and the Chilkoot and White passes, although they now had to obey Canadian law.<sup>15</sup>

The miners offered little resistance because they too wanted law and order in the region, regardless of who enforced it. Initially miners relied on the American tradition of frontier self-governance to control the area. Miners' meetings organized by all miners in an area created and enforced laws and regulations for the mining communities by majority vote. Laws governing the size of claims, how often they had to be worked, how many claims a person could have and

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<sup>13</sup> Coates and Morrison, *Land of the Midnight Sun*, 58.

<sup>14</sup> The northern missionaries were concerned about the effects of the mining population on the region's First Nations population, which raised concerns about Canadian sovereignty in the area. Coates and Morrison, *Land of the Midnight Sun*, 69-74.

<sup>15</sup> Coates and Morrison, *Land of the Midnight Sun*, 72-75.

punishments for criminal matters were all dealt with by the miners' themselves.<sup>16</sup> These regulations had the advantage of being specific to the miners needs, but they were subject to change at any moment. The arrival of the Mounted Police and by extension the Canadian government promised stability for the region.

Historian Thomas Stone differentiates between these professional prospectors and the would-be miners who would arrive in the Yukon during the Klondike Gold Rush:

There had... emerged a clear division between a relatively stable, propertied segment of the population (the established claimholders and working miners of the outlying creeks, the principal businessmen in the towns) and an unpropertied, more transient segment (the more newly arrived adventurers, without claims of their own and much of the time without work, who hung about the towns).<sup>17</sup>

Stone argues that established miners and businessmen supported the Mounted Police because they could control the unsavoury element of Yukon society and ensure that established miners, merchants, and shippers could maximize their profits. Would-be miners were generally left out of the mining economy and more likely to cause trouble for both established miners and the Mounted Police.<sup>18</sup> It was from this unsavoury element that the Order of the Midnight Sun would emerge.

After gold was discovered near the Klondike River in August 1896 the Yukon mining community responded the way it always had. The majority of miners and traders in the territory descended on the new town of Dawson City, at the confluence of the Klondike River and the Yukon River, to stake their claims.<sup>19</sup> It was only in the fall of 1897, after word reached the south

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<sup>16</sup> Coates and Morrison, *Land of the Midnight Sun*, 60-63, 75; Stone, "The Mounties as Vigilantes," 95-101. Stone has argued that, in egalitarian societies, such as that of the miners, judgments of character and forward-looking thinking are considered when dealing with criminal matters, miners who were of unsavoury character and unwilling to help their fellow miners were a danger to the whole community and were usually expelled from the territory; Stone, "The Mounties as Vigilantes," 88-89.

<sup>17</sup> Stone, "The Mounties as Vigilantes," 105.

<sup>18</sup> Stone, "The Mounties as Vigilantes," 104-108.

<sup>19</sup> Coates and Morrison, *Land of the Midnight Sun*, 83-86.

of the richness of the discovery and thousands of would be miners began rushing to the north, that things changed.

The thousands of mainly American miners and businessmen rushing to the area changed the established order and brought the region under government control. The international border in the northwest suddenly became very important. There could be gold anywhere, on either side of the border, and both countries wished to maximize profits from the rush.

Canada intended to extract as much revenue as possible from the gold fields, for itself and the Canadian business community. But there was little interest in developing the region.<sup>20</sup> “It is good for nothing,” Clifford Sifton observed of the Yukon, “except mining, which in all probability will be temporary”<sup>21</sup> Despite this sentiment, the Minister of the Interior was firmly committed to keeping the region in Canadian hands. Controlling the large number of Americans in the territory required some development and government control.

The United States was more concerned with the interests of its citizens. Most of the 40,000 miners who descended on the Klondike during the gold rush were Americans, who wanted to maximize their profits and looked to the United States government to protect their interests in Canadian territory. The business community on the American west coast also looked to the Government to maintain their advantage in northern trade. But the American government did not develop the region. Above all, the United States wanted regional stability. Since the 1890s the United States began expanding beyond the North American continent, as exemplified by the Spanish American War. Stability in North America would allow them to pursue their

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<sup>20</sup> *Ibid.*, 114.

<sup>21</sup> Quoted in Coates and Morrison, *Land of the Midnight Sun*, 114.

global expansionist goals. The Americans were also interested in keeping Britain (and Canada) as an ally but they were not willing to totally compromise.<sup>22</sup>

The rush of miners brought to light the fact that the boundary remained unsettled. In the Lynn Canal area, miners were “frantically searching” for gold along the Chilkoot and White passes and the Dalton Trail.<sup>23</sup> And if gold was discovered in the disputed territory, it would be unclear if American or Canadian mining laws would apply. On the Dalton Trail there were several gold strikes in the disputed territory in 1898, the most important on Porcupine Creek, Alaska, near the summit of Chilkat Pass. The first prospectors arrived in May and by October there were fifty miners in the area. At a 22 October miners’ meeting it was decided that the Porcupine District was in the United States and would be governed by American mining laws. By the end of 1899 there were several hundred miners working in the area. Porcupine City grew from a tent village to a permanent mining town with two stores, a sawmill, and two hotels. No gold was found on the Chilkoot and White Passes but on nearby Atlin Lake, which was clearly in Canadian territory, a discovery was made in the spring of 1898. By the end of 1898 3000 miners had passed through the area.<sup>24</sup>

There was also unrest. In an 1897 plot similar to the Conspiracy, a group of miners supposedly planned to take over the Yukon by forcing the Mounted Police and other Canadian officials to leave the country on the last boats of the season and then asking the United States for “assistance and protection.”<sup>25</sup> Author R.C. Coutts attributes this plot to the Order of the Midnight Sun, but there is no evidence of any connection. According to Coutts, after

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<sup>22</sup> See Adam Arenson, “Anglo-Saxonism in the Yukon: The *Klondike Nugget* and American-British Relations in the ‘Two Wests,’ 1898-1901,” *Pacific Historical Review* 76, no. 3 (2007): 378.

<sup>23</sup> Campbell Jr., *Anglo-American Understanding*, 74.

<sup>24</sup> Gates, *Dalton’s Gold Rush Trail*, 216-222; William Bilsland, “Draft History of Atlin” (Unpublished, *British Columbia Archives* (BCA), MS-1871 William Bilsland Fonds, vol. 1, 1976), 8.

<sup>25</sup> R.C. Coutts, “The Klondike Free State: An Oddity of Yukon History,” Unpublished Article, *Yukon Archives*, Robert Coutts Fonds, 78169, MSS 79, File 17, 5.



Superintendent Charles Constantine reported the plot to the Canadian government, the Yukon Field Force was sent to protect Dawson. The group then sent an ultimatum to Constantine demanding that the police leave. Constantine responded by sending a man to the bars in Dawson, claiming to have discovered gold in Alaska, drawing the revolutionaries away from Dawson.<sup>26</sup>

In response to rumours that the United States Army was planning to occupy the territory up to Lake Bennett in early 1898, both sides attempted to settle the issue locally. The Canadian government ordered the Mounted Police to take control of the summits of the Chilkoot and White passes in January 1898. At one point, a group of miners obtained official papers from Sitka, Alaska and tried to claim that Lake Bennett was in American territory. And on 26 March 1898 American officials in Dyea asked the Mounted Police to withdraw to Lake Lindemann. In both cases Washington offered no support.<sup>27</sup> There was also alarm in police circles that spring when the Union Jack at the summit of White Pass was cut down.<sup>28</sup> An investigation, however, revealed it “to be a case of a drunken railway navvy using the flag as a blanket.”<sup>29</sup>

By the summer of 1898 Canada, Britain and the United States agreed to submit the boundary question to the Joint High Commission. Much of the discussion at the Commission focused on the Lynn Canal area. Canada claimed that the “coast” referred to in the 1825 Treaty was the mainland coast, excluding the heads of the bays and canals and all interior waters. In other words, the Lynn Canal ports should be Canadian. The United States argued that the 1825

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<sup>26</sup> *Ibid.*, 7-8. This appears to be an idealized account and Coutts has not looked at the Mounted Police records. The 1897 plot is beyond the scope of this study but there is at least one newspaper article from 1901 that supports the existence of the plot. See LAC, RG18, Vol. 207, File 188, “The Truth About Yukon,” Ottawa Daily Free Press, 23 November 1901, discussed in Chapter 3.

<sup>27</sup> Campbell Jr., *Anglo-American Understanding*, 73-76; William R. Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925* (Vancouver: University of British Columbia Press, 1985), 62.

<sup>28</sup> Morrison, *Showing the Flag*, 63; Coates and Morrison, *Land of the Midnight Sun*, 101.

<sup>29</sup> Morrison, *Showing the Flag*, 63.

Treaty gave Russia “a continuous strip of coast separating the British possessions from all the waters of the ocean.”<sup>30</sup> The Americans also claimed that since Canada did not protest the American occupation of Skagway and Dyea until 1898, they had no case. With such a small population before the gold rush, Canada claimed, there was no need to protest.<sup>31</sup>

Canada resented American control of the head of the Lynn Canal. The Alaska panhandle is essentially a series of bays and inlets separated from the interior by a formidable mountain chain. The Lynn Canal is one of the few areas where one can efficiently reach the interior. The Chilkoot and White Passes lead to the headwaters of the Yukon River. Whoever controlled the Lynn Canal would control the Yukon trade.

With no all-Canadian route to the Yukon, the Canadian government had to go through another country to reach its own territory. Militarily, this arrangement meant that Canada might not be able to send troops to the Yukon if a rebellion broke out among American citizens. Economically, it meant that it was more expensive to ship Canadian goods to the Klondike. Initially British ships were not even allowed to unload cargo at Skagway or Dyea. After the United States made Skagway a sub-port of entry, British ships were allowed to operate between the Canadian west coast and Skagway but they could not operate between the American west coast and Skagway. Yukon-bound goods were also subject to import duties before they could be taken over the passes, much to the annoyance of businessmen in Vancouver and other Canadian cities hoping to take advantage of the rush. In March 1898, the United States agreed to exempt goods going over the passes from duties. But the Yukon trade continued to favour American shippers. In early 1898 Canada considered building an all-Canadian railway from Telegraph

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<sup>30</sup> *The Argument of the United States before the Tribunal Convened at London under the Provisions of the Treaty between the United States of America and Great Britain, Concluded January 24, 1903* (Washington DC: Government Printing Office, 1903), 63.

<sup>31</sup> Campbell Jr., *Anglo-American Understanding*, 103-105.

Creek near the mouth of the Stikine River to Lake Teslin, bypassing the Lynn Canal. This line was blocked by the construction of the White Pass and Yukon Railway, completed in February 1899. But if Canada could negotiate a port on the Lynn Canal, British ships would be able to operate out of American ports, allowing Canada to participate in the Klondike trade.<sup>32</sup>

At the Commission, which met from 23 August 1898 to 20 February 1899, many options were put forward to settle these issues. The United States first proposed giving British ships full access to the Lynn Canal ports with duty-free shipping over the passes if Canada dropped its claim to the canal. Unwilling to compromise completely, Britain offered to give up its claim to the Lynn Canal, except for Pyramid Harbor and a strip of territory following the Dalton Trail to the boundary, and agree to submit the boundary dispute to arbitration. The United States countered by offering Canada a fifty-year lease of Pyramid Harbor, with equal treatment of British and American ships. This agreement was acceptable to the Canadians, but the Americans were forced to withdraw their offer when news of the proposed deal reached the American west coast.<sup>33</sup>

Unwilling to see their advantage in gold rush trade threatened, the west coast business community vehemently protested the American proposal.<sup>34</sup> President William McKinley received about 100 letters protesting the move and the Washington State Legislature passed a resolution claiming the deal would “humiliate the country from ocean to ocean and end to end.”<sup>35</sup> On 3 February the American commissioners informed the Canadians that their proposal violated American navigation laws and withdrew their offer.<sup>36</sup>

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<sup>32</sup> *Ibid.*, 66, 70-74, 102-103.

<sup>33</sup> *Ibid.*, 108-110.

<sup>34</sup> *Ibid.*, 102-103, 110.

<sup>35</sup> Quoted in Campbell Jr., *Anglo-American Understanding*, 110.

<sup>36</sup> Campbell Jr., *Anglo-American Understanding*, 111.

The Joint High Commission ended in failure. But the situation in the northwest remained dangerous. The Alaska boundary remained unsettled, the miners in the region did not know which laws to follow, the possibility of an all-Canadian route continued to worry businessmen on the Lynn Canal, and the threat of unrest remained high. In response, the United States suggested creating a temporary border at the summits of the Chilkoot and White Passes and thirty marine miles from Pyramid Harbor on the Chilkat Pass. On 20 October 1899 both sides agreed to a *Modus Vivendi*, with the temporary line fifteen miles from Pyramid Harbor.<sup>37</sup>

By 1901 the Order of the Midnight Sun had stepped into this void. “It has become evident to the miners, merchants and the general public in the Porcupine, Bennett Lake and Atlin mining districts,” Clark and Grehl wrote on March 1901, “that the resources of these parts of Canada can never be developed under the present corrupt and incompetent rule of the British Columbia and North-West Territory governments.”<sup>38</sup> According to the *Ottawa Citizen* this manifesto announcing the Order of the Midnight Sun’s plan to “establish a republic” in the Yukon “was circulated up and down the valley of the river in British territory.”<sup>39</sup>

Hoping to “obtain converts,” the manifesto included a list of grievances against the Canadian government.<sup>40</sup> The pair “knew the feeling of the inhabitants of the interior” and could target their message to the needs of their audience.<sup>41</sup> And miners in the Atlin and Porcupine districts were particularly biased against both the Canadian and British Columbia governments.

By the summer of 1899 the Klondike Gold Rush had ended. With all of the profitable claims staked on the Klondike River, would-be miners went to other locations to seek their

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<sup>37</sup> *Ibid.*, 147-149.

<sup>38</sup> Full copies of the Manifesto can be found in LAC, RG18, Vol. 229, File 149, *The Seattle Daily Times*, “Rebellion Against Canadian Authorities was Planned by Desperate Miners,” 21 November 1901; *Ottawa Citizen*, “Plot to Seize Yukon,” 22 November 1901; and the appendix.

<sup>39</sup> *Ottawa Citizen*, “Plot to Seize Yukon,” 22 November 1901.

<sup>40</sup> *Ibid.*

<sup>41</sup> Pinkerton’s to Sherwood, 8 May 1902.

fortunes. The claims around Dawson continued to be worked, but the miners there were making enough money to be content with the current system.<sup>42</sup> Locations such as Atlin and Porcupine now attracted the type of miners that could cause trouble.

When gold was first discovered at Atlin, British Columbia, the Mounted Police believed that it was in the North-West Territories. The first claims at Atlin were registered under North-West Territories mining laws. When the area was found to be in British Columbia there was “considerable confusion” (the British Columbia border was at sixty degrees north).<sup>43</sup> According to historian William Bilsland “the creeks and rivers flowing into Lake Atlin swarmed with miners” in 1898 and “before the year was out every creek... in the district had been prospected and staked.”<sup>44</sup> Originally all claims had to be registered at Bennett, but in August 1898 a mining recorder’s office was established at Atlin. But it was unable to cope with the rush of miners and the ever changing regulations. In the confusion of reregistering claims that had been registered under North-West Territories mining laws and registering new claims, some claims were recorded three or four times.<sup>45</sup>

On 1 December 1898 the British Columbia government appointed a more experienced gold commissioner, J.D. Graham, to correct the problem. In June 1899 a special commission was appointed to settle the remaining disputes over claims. Justice P.A.E. Irving arrived in Atlin on 16 June and settled 647 mining claims that had not been dealt with, including 40 claims that were originally registered under North-West Territories mining laws.<sup>46</sup> By 1901, Atlin miners were angered by Commissioner Graham’s practice of unfairly granting rich claims to hydraulic

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<sup>42</sup> Coates and Morrison, *Land of the Midnight Sun*, 118.

<sup>43</sup> Bilsland, “Draft History of Atlin,”

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

<sup>46</sup> Bilsland, “Draft History of Atlin,” 11-13; “Report of Bennett-Atlin Commissioner,” *British Columbia Sessional Papers* (1900), 495-496.

mining companies. In August 1901 a special commissioner was appointed to investigate Graham's activities and he was forced to resign in June 1902.<sup>47</sup>

In 1899 the British Columbia government passed the Alien Exclusion Act, an amendment to the Placer Mining Act, which closed the Atlin mining district to non-British citizens. The mostly American miners already working in Atlin were allowed to keep their claims but the estimated 10,000 American miners rushing to Atlin in 1899 were refused mining licenses. Americans in Atlin wrote to President William McKinley protesting the law, and the Canadian government was notified.<sup>48</sup> The British Columbia Legislature claimed that the act was "purely a matter for the Legislature to judge of and... not the concern of outsiders."<sup>49</sup> The federal government, however, overturned the law because dealing with aliens was federal jurisdiction.<sup>50</sup>

The *Modus Vivendi* in the Porcupine district was greeted as a victory in Washington and Ottawa. Since most Americans remained in United States territory, "the greatest danger of a clash was removed," giving both sides more time to reach a final settlement.<sup>51</sup> But the situation was more complicated for those in the district, located on the American side of Chilkat Pass on the Dalton Trail. The *Modus Vivendi* laid out the temporary line in the simplest terms, "a line beginning at the peak west of Porcupine Creek... running to the Klehini River in the direction of the peak north of that river... following on the... right bank of the said Klehini River to the junction thereof with the Chilkat River."<sup>52</sup> Until a survey was completed Inspector A.M. Jarvis,

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<sup>47</sup> Bilsland, "Draft History of Atlin," 15.

<sup>48</sup> Bilsland, "Draft History of Atlin," 14; Campbell Jr., *Anglo-American Understanding*, 139.

<sup>49</sup> "Reply to Petition of United States Residents of Atlin," *British Columbia Sessional Papers* (1899), 486.

<sup>50</sup> Bilsland, "Draft History of Atlin," 14.

<sup>51</sup> Campbell Jr., *Anglo-American Understanding*, 149. Showing the diplomatic focus of Campbell Jr.'s work.

<sup>52</sup> BCA, GR-0727 Commission on Mining Claims in the Porcupine District of the Bennett Lake Mining Division (1900), Vol. 1, "Canada Alaskan Boundary Modus Vivendi."

commander of the Dalton Trail Detachment, was instructed to stay clear of Klehini Creek and nearby Glacier Creek, where gold had been discovered in November 1899.<sup>53</sup>

A survey party from the International Boundary Commission arrived in the Porcupine area in June 1900.<sup>54</sup> By mid-July they had determined and marked the location of the boundary on Klehini Creek, confirming that Glacier Creek, and several other productive creeks, were in Canadian (and British Columbian) territory. W.F. King, the Canadian International Boundary Commissioner, suggested building a NWMP post on Klehini Creek for customs purposes. The British Columbia government was building a trail along the boundary to Rainy Hollow and there would be increased traffic to Glacier Creek. On 30 August 1900 the Mounted Police established a post at Wells and began regular patrols on the Canadian side of the new border.<sup>55</sup>

The British Columbia government also established a mining recorder's office at Wells. And on 20 August 1900 the provincial government created a special commission to re-register any claims that were recorded under American mining laws before the *Modus Vivendi*. Special Commissioner Justice Archer Martin opened the commission on 17 September outside Porcupine City.<sup>56</sup> But, as the *Skagway Daily News* reported, the "miners did not come."<sup>57</sup> Of 164 claims now in Canadian territory, only two applications were made and a large number of miners left

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<sup>53</sup> LAC, RG18, Vol. 218, File 786, A.M. Jarvis to Wood, 29 December 1899; Deputy Minister of the Interior to White, 27 March 1900.

<sup>54</sup> An important factor in the work of surveyors, miners, and the police in the Yukon was the winter season. It was difficult to construct buildings or complete surveys during the winter months and travel in and out of the region was almost impossible.

<sup>55</sup> LAC, RG18, Vol. 207, File 204, Primrose to Wood, 23 July 1900; W.F. King to S.M. Fraser, 11 July 1900; Fraser to Primrose, 12 July 1900; White to Wood, 30 August 1900; Gates, *Dalton's Gold Rush Trail*, 225-226.

<sup>56</sup> Gates, *Dalton's Gold Rush Trail*, 226; BCA, GR-0727, Vol. 1, "Bill Ordering Commission," 20 August 1900; "Report of Commissioner on Porcupine District," *British Columbia Sessional Papers* (1901), 1056. Martin's report can also be found in BCA, GR-0727.

<sup>57</sup> BCA, GR-0727, Vol. 1, *Skagway Daily News*, "Miners Did Not Come: Porcupine Commission Returns, Did But Very Little," 29 September 1900.

for a new strike on Bear Creek, further inside Canadian territory. Justice Martin closed the Commission on 26 September 1900.<sup>58</sup>

Miners in the Porcupine district were not happy with the *Modus Vivendi*. Although they initially greeted it with indifference, the International Boundary Commission survey brought the agreement to the miners' attention. In early July 1900, 149 miners wrote a collective letter to President McKinley to protest the "unjust and unwarrantable seizure of vast areas of the public domain."<sup>59</sup> The *Modus Vivendi* dictated that the temporary line would follow Klehini Creek in the Porcupine area, but, the miners claimed, the course of the river was "very uncertain."<sup>60</sup> "Within the past two days," they claimed, the river "changed its bed nearly a mile."<sup>61</sup> The temporary line also crossed the Dalton trail in five places, which the miners claimed would restrict access to their claims.<sup>62</sup> This letter was also sent to the secretary of the Seattle Chamber of Commerce, who wrote to Secretary of State John Hay and President McKinley informing them of the situation.<sup>63</sup>

On 3 August 1900 Hay wrote back to the 149 miners:

This government foregoes no part of its right and power to protect its citizens in the Porcupine Creek region, whether they be temporarily within American or British jurisdiction, in the full enjoyment of all rights and privileges which they had before the *Modus* was concluded, and to see that their freedom of access and exit, with their goods, is not unreasonably impeded.<sup>64</sup>

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<sup>58</sup> "Report of Commissioner on Porcupine District," 1057-1058. Martin considered the Commission a success because he had established provincial title over the region and made observations on the Porcupine and Chilkat Districts, his report contains an appendix with his observations. *Skagway Daily News*, 29 September 1900; "Report of Commissioner on Porcupine District," 1059-1065.

<sup>59</sup> *BCA*, GR-0727, Vol. 1, George Bick, S.W. Mix, Perry Wiley, et al to William McKinley, July 1900.

<sup>60</sup> *Ibid.* This may have been possible with the workworks in the area. Gates

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

<sup>63</sup> *BCA*, GR-0727, Vol. 1, .H.P. Emmons to Thomas W. Prosch, 11 July 1900; Prosch to John Hay, 14 July 1900; Prosch to William McKinley, 23 July 1900.

<sup>64</sup> *BCA*, GR-0727, Vol. 1, Hay to Emmons, 3 August 1900.



But the miners were not convinced that Hay had their best interests in mind. In fact, Americans in the Lynn Canal area generally blamed the Secretary of State who negotiated the *Modus Vivendi* for the problems it created. A Skagway newspaper, for example, accused Hay of “ignorance or treason” when he suggested that American troops and the Mounted Police formed a dual government in Skagway, seemingly giving credence to Canada’s claim to the region.<sup>65</sup> “The people who are not ready to turn over American territory to the British lion,” the paper warned, “will keep right on threshing ‘Hay’ until he pushes back the boundary line to where it belongs.”<sup>66</sup> The miners, however, did take from Hay’s letter that they did not have to follow Canadian law because Hay had assured them that the territory would soon be American again. There was no need to attend the special commission.

From Whitehorse, Clark and Grehl would have been well aware of the situation developing in the boundary region. Their March 1901 manifesto (See Appendix for the full text) announcing the Order’s plan to “establish a republic” in the Yukon was written to appeal to disgruntled miners and create support for the Conspiracy in the boundary region and the upper Yukon area.<sup>67</sup> The pair provided a list of nineteen “reasons for doing so.”<sup>68</sup> Clark and Grehl reminded miners of “the insatiate greed of the present government which loses no opportunity to bleed the miner.”<sup>69</sup> As the manifesto noted, miners had to buy miners’ licenses to mine in Canadian territory, loggers’ licenses to cut any wood, and pay recording fees every year to keep their claims and a ten percent royalty on all gold taken out of the country. All miners in the

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<sup>65</sup> BCA, GR-0727, Vol. 1, *Skagway Daily [News? Illegible]*, “Ignorance or Treason: Gross Misinformation by Secretary Hay,” 28 August 1900.

<sup>66</sup> *Ibid.*

<sup>67</sup> LAC, RG18, Vol. 229, File 149, *Seattle Daily Times*, “Rebellion Against Canadian Authorities was Planned by Desperate Miners,” 21 November 1901; *Ottawa Citizen*, “Plot to Seize Yukon,” 22 November 1901.

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*

boundary region and beyond<sup>70</sup> were unhappy with these taxes. The Order proposed that they would be eliminated under their republic.<sup>71</sup> For the miners in the Atlin district and those who were not allowed to stake claims there and had gone to the Porcupine district, the manifesto emphasized “foolish legislation such as the British Columbia alien act and others,” and “corruption in the recorders’ offices at Dawson and Atlin.”<sup>72</sup> For the miners in the Porcupine and Bennett districts, the Order highlighted the problems caused by what they saw as the Canadian government’s refusal to settle the Alaska boundary.<sup>73</sup>

But the manifesto was more of an announcement of the Order’s plans to take over the Yukon than a call to arms. The Order’s plans to rush the Mounted Police posts in the Yukon and hold the region were kept within the organization until newspapers in Seattle and San Francisco reported on the plot in November 1901 and Clark spoke to Pinkerton’s National Detective Agency. “The raid was to be started on the border line... just after the close of navigation,” the *Seattle Daily Times* reported on 21 November 1901.<sup>74</sup> The Order planned to start “by overpowering the small outposts of the Mounted Police along the Yukon,” before taking the larger barracks at Whitehorse and Dawson.<sup>75</sup> The Pinkerton’s agent reported in May 1902 that the Order believed that it would be “an easy matter to banquet the police and military posts, get them into a semi-intoxicated state,... over power them,” and seize “all of the gold bearing district of Northern North-West Territory.”<sup>76</sup> In each town, “a local revolutionary government was to be

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<sup>70</sup> The Order’s message was targeted first to the miners in the boundary area and second those in the Upper Yukon.

<sup>71</sup> *Seattle Daily Times*, “Rebellion Against Canadian Authorities was Planned by Desperate Miners,” 21 November 1901; *Ottawa Citizen*, “Plot to Seize Yukon,” 22 November 1901.

<sup>72</sup> *Ibid.*

<sup>73</sup> *Ibid.*

<sup>74</sup> *Seattle Daily Times*, “Rebellion Against Canadian Authorities was Planned by Desperate Miners,” 21 November 1901. Also see Yukon Archives, 78169, MSS 79, Robert Coutts Fonds, File 17, *San Francisco Call*, “Bold Conspirators Revolt in the Klondike,” 17 November 1901.

<sup>75</sup> *Ibid.*

<sup>76</sup> Pinkerton’s to Sherwood, 8 May 1902.

installed.”<sup>77</sup> The “individual interests” of miners would be protected but “all revenues and other British property” would be seized.<sup>78</sup> Clark figured “that British troops cannot cross American territory under arms, that arms cannot be shipped in from American territory and that at any rate they can easily hold the passes,” until the territory could be “annexed to the U.S.”<sup>79</sup> In any case, “Canadian troops would be months in getting to Dawson.”<sup>80</sup> By that time, “They believed that... they could at least exact terms of the Dominion government before laying down their arms.”<sup>81</sup>

Clark and Grehl they knew that miners could not or would not supply financial or material support to the Order. So with Clark acting as secretary and Grehl as spokesman, the pair went to Skagway in late May 1901 to secure financial support. Working under the cover of the “British Yukon Forwarding Company,” Grehl approached Skagway’s business community, securing a promise of \$25,000 “from the most prominent man in Skagway” (presumably the Mayor of Skagway). Another Skagway businessman secured financial promises from the Seattle business community. But the money was not forthcoming.<sup>82</sup>

The pair also wrote an open letter to the citizens of Skagway (See Appendix for the full text) about their vulnerable position in the boundary dispute. Clark and Grehl began by reminding the town that the majority of shipping traffic in Skagway was Canadian.<sup>83</sup> “It is a fact that while the present tariff conditions prevail,” they wrote, “Skagway will never reap the advantages from her superior trade location at the head of the Lynn Canal.”<sup>84</sup> But if an all-

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<sup>77</sup> *Seattle Daily Times*, “Rebellion Against Canadian Authorities was Planned by Desperate Miners,” 21 November 1901.

<sup>78</sup> Pinkerton’s to Sherwood, 8 May 1902.

<sup>79</sup> *Ibid.*

<sup>80</sup> *Seattle Daily Times*, “Rebellion Against Canadian Authorities was Planned by Desperate Miners,” 21 November 1901.

<sup>81</sup> *Ibid.*

<sup>82</sup> Pinkerton’s to Sherwood, 8 May 1902, *Alaska-Yukon Mining Journal*, “That Conspiracy,” December 1901.

<sup>83</sup> LAC, RG18, Vol. 229, File 149, *The Yukon Sun*, “The Great Conspiracy: How the Plot that was to Overthrow the Territorial Government of Hatched,” 29 March 1902.

<sup>84</sup> *Ibid.*

Canadian railway was built or Canada obtained a port on the Lynn Canal in the boundary negotiations “Skagway will be killed.”<sup>85</sup> And as long as the boundary remained unsettled, capital investment in the town would be delayed.<sup>86</sup> The Order promised that if successful “the boundary question will be settled at once” and Skagway would be secured as the most important port in the region.<sup>87</sup>

The Order’s message not only served as a reminder to the region’s miners and businessmen of the Canadian government policies that restricted their ability to fully take advantage of the gold fields, it reinforced what they really wanted -- stability. The Canadian and British Columbia government’s ever-changing policies sought to maximize profits from the miners. By proposing to elect their own officials, the Order could assure miners that the area would be governed with their interests in mind, as it had been before the Mounted Police arrived.<sup>88</sup>

The unsettled Alaska boundary played the main role in the Order’s message and its effectiveness. The Canadian government’s efforts to protect Canadian sovereignty and commercial interests during the Klondike Gold Rush by enforcing Canadian law and negotiating a favourable settlement in the boundary dispute angered miners and businessmen. The United States had not taken the same steps to enforce American laws in Alaska. As the Gold Rush ended, miners moved into the Atlin and Porcupine districts. The Alaska boundary negotiations, and the location of the Yukon and British Columbia border, continued to anger miners. They did not know which country they were in and which laws they needed to follow. Clark and Grehl took advantage of these anti-Canadian feelings to gain support for the Conspiracy. The Order

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<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.*

<sup>88</sup> *Seattle Daily Times*, “Rebellion Against Canadian Authorities was Planned by Desperate Miners,” 21 November 1901; *Ottawa Citizen*, “Plot to Seize Yukon,” 22 November 1901.

promised “to send a delegation to Washington, D.C., at the easiest possible opportunity, to the end that the boundary may be permanently fixed,” which would bring stability to the gold fields in the boundary area and allow miners and businessmen to take advantage of the region’s wealth.<sup>89</sup> But it was not to be.

On 1 September 1901, Clark sent Grehl to Dawson to look for financial support among the Klondike mine owners. On 16 September he traveled up the creeks from Dawson. Fearing that he would be searched, Grehl left some papers on the Order’s activities at a small trading store ran by a Canadian, who turned the papers over to the North-West Mounted Police.<sup>90</sup> The Conspiracy had been discovered.

The Order’s efforts had some success. According to Clark, the Order counted among its members two United States Senators, several United States officials in the north, 150 people in Skagway, twenty “influential” people in Seattle, and 1500 to 2000 miners from the interior.<sup>91</sup> But only initial plans had been made to overthrow the Mounted Police. They had collected only \$1000 from miners in the boundary area, \$1400 from the Mayor of Skagway and \$1000 from Clark himself. And no arms or ammunition had been collected. All they had really done, according to Clark, was “smoke cigars.”<sup>92</sup>

The Order was not a threat to Canadian sovereignty when it was discovered. But its support in the boundary region was enough for the Mounted Police and the Canadian government to take the Conspiracy seriously. Fred White, the Mounted Police Comptroller, attributed the Conspiracy to “the conception, organization and manipulation of the Order of the Midnight Sun by a few men without standing or reputation in the Community, and solely for the

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<sup>89</sup> *Ibid.*

<sup>90</sup> Pinkerton’s to Sherwood, 8 May 1902, *Alaska-Yukon Mining Journal*, “That Conspiracy,” December 1901.

<sup>91</sup> Pinkerton’s to Sherwood, 8 May 1902.

<sup>92</sup> *Ibid.*

purposes of personal gain.”<sup>93</sup> But while Clark and Grehl were only interested in “making a success” in the north, their supporters had genuine concerns about the development of the region.<sup>94</sup>

With their secret out, Grehl disappeared. Clark remained in Skagway until early November when he left for Seattle to avoid the authorities.<sup>95</sup> But by the time of his conversation with the Pinkerton’s National Detective agent in May 1902, Clark was sure that “the matter [was] not dropped” and the Conspiracy could still be successful.<sup>96</sup> “Now, if you will think the matter over carefully you can see just how practical the movement is,” Clark assured his “friend,” “let me know if you are willing to join us.”<sup>97</sup> Little did Clark know of the scale of the Mounted Police investigation into the Conspiracy and the Canadian government’s concern with the Order’s activities.

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<sup>93</sup> LAC, RG18, Vol. 229, File 149, White, memo for Sifton, 22 May 1902. This suggestion is also supported by Clark himself; he “got the idea of making a success of overthrowing British rule in the Klondike.” Pinkerton’s to Sherwood, 5 May 1902.

<sup>94</sup> Pinkerton’s to Sherwood, 8 May 1902.

<sup>95</sup> *Alaska-Yukon Mining Journal*, “That Conspiracy,” December 1901.

<sup>96</sup> Pinkerton’s to Sherwood, 8 May 1902.

<sup>97</sup> *Ibid.*

## Chapter 2

### **Crossing the Border: The North-West Mounted Police, the Order of the Midnight Sun, and the 'Disputed Jurisdiction'**

On Sunday 20 October 1901 Superintendent Philip Primrose and Detective J.H. Seeley of the North-West Mounted Police (NWMP) boarded a train in Whitehorse. On route to Skagway the pair drank heavily.<sup>1</sup> “Having several glasses of Canadian hootch abroad,” the *Daily Skagway News* reported, “[they] proceeded to sample some of the real stuff.”<sup>2</sup> Going from bar to bar Primrose and Seeley continued to drink, stopping at the house of an American officer and insulting his wife “in a most outrageous manner.”<sup>3</sup> At three o’clock the following morning Skagway police found Primrose outside the Peerless Theatre yelling and splashing around in the mud.<sup>4</sup> When Nightwatchman Hartman tried to approach him, Primrose yelled “to hell with the night watchman, to hell with the American people, and to hell with the American flag.”<sup>5</sup> Unimpressed, Hartman gave Primrose “a licking” and hauled him off to the jail, Primrose fighting every step of the way.<sup>6</sup>

The following morning a sober Primrose was released and later that day he appeared in court, pleaded guilty to being drunk and disorderly, and was fined ten dollars. Over the next few days news of the affair spread throughout Skagway. Much to the amusement of the locals, a respected Mounted Policeman had come to Skagway and embarrassed himself, the NWMP, and

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<sup>1</sup> *Library and Archives Canada (LAC)*, RG18 Royal Canadian Mounted Police Fonds, Volume 229, File 149, *Skagway Daily News*, “Primrose in Disgrace: Major of NWMP Arrested and Fined,” 22 October 1901. Chapter title quote from Charles S. Campbell Jr., *Anglo-American Understanding, 1898-1903* (Baltimore: John Hopkins Press, 1957), 75.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> Quoted in David Ricardo Williams, “The Invasion of the Yukon,” *The Beaver* 78, No. 3 (1998), ebscohost.com. See Williams, “The Invasion of the Yukon,” and David Ricardo Williams, *Call in Pinkerton's: American Detectives at Work for Canada* (Toronto: Dundurn, 1998) for accounts of this event.

the Canadian government. Residents also reacted with some anger. Primrose had insulted an innocent woman, the American people, and the American flag. A drunk and disorderly charge in the Yukon, it was noted, would have landed Primrose in the NWMP woodpile for three months.<sup>7</sup>

At the same time residents noticed an increasing number of Mounted Police detectives working in Skagway.<sup>8</sup> Local newspapers speculated that the Mounted Police were attempting to discover the extent of their embarrassment from the Primrose affair, but as *The Alaskan* noted, there was “supposed to be something far more weighty in the air.”<sup>9</sup> They were right. Both Primrose and Seeley were in Skagway to investigate the Order of the Midnight Sun and determine if it posed a credible threat to the Yukon. Their trip to Skagway was either a poorly executed attempt or a clever ruse to gather information on the Order. And the Canadian detectives that arrived in Skagway shortly after Primrose’s release were there to continue the investigation.

While amusing, the Primrose affair raises interesting questions about the nature of the Mounted Police investigation into the Conspiracy. The Mounted Police, a domestic force, were undertaking a foreign investigation in United States territory. Such work was normally the job of the Dominion Police. The political and geographical nature of the Alaska boundary region, however, meant that the Mounted Police had to thoroughly investigate the Conspiracy in Canada and the United States. For the Mounted Police, the investigation revealed what they had suspected when the Order was discovered -- that the Conspiracy was not a serious threat to the Yukon. But fears over the unsettled boundary ultimately led the Canadian government to launch a wider investigation beyond the Mounted Police.

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<sup>7</sup> *Skagway Daily News*, 22 October 1901.

<sup>8</sup> LAC, RG18, Vol. 229, File 149, *The Alaskan*, “Are Spotting Americans: Several Canadian Detectives are Reported to be in this City Gathering Information in Some Subject,” 24 October 1901.

<sup>9</sup> *Ibid.*



Normally the North-West Mounted Police only worked in the United States under special circumstances, with the permission of the Comptroller, the Commissioner, and American authorities and under detailed instructions. On 29 September 1902, for example, Constable Frank Barrett was sent to Butte, Montana to obtain evidence in a murder case with specific instructions from Commissioner A. B. Perry to travel in plainclothes and go directly to Whitehorse as soon as he was done.<sup>10</sup> Primrose and Seeley were given no such instructions.

Supt. Primrose had just finished a term at Dawson as commander of the NWMP in the Yukon, while Superintendent Wood was on leave and was himself leaving for two months leave in Ottawa.<sup>11</sup> On his way out of the country Wood instructed Primrose to “consult” with the Commander of U.S. Troops in Skagway on the Conspiracy.<sup>12</sup> Detective Seeley was leaving the country for good at the end of the month. On 8 October he had been informed by Supt. Wood that his “services would be no longer required on and after the 1<sup>st</sup> November.”<sup>13</sup> His final assignment was to deliver a letter to Supt. A.E. Snyder informing him that H. Grehl, a founder of the Order, was reportedly in Whitehorse.<sup>14</sup> On 19 October 1901 Seeley traveled from Dawson to Whitehorse to meet with Snyder.<sup>15</sup> There, according to Seeley, he and Snyder decided that he should go to Skagway and “obtain further information” on the Conspiracy.<sup>16</sup>

As commander of H Division, Snyder was in charge of the initial investigation into the Order’s activities in the United States. After the discovery of the Order on 16 September 1901, the Wilfrid Laurier government was not informed. The Mounted Police considered the

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<sup>10</sup> LAC, RG18, Vol. 231, File 181, A. B. Perry to Frank Barrett, 29 September 1902.

<sup>11</sup> LAC, RG18, Vol. 216, File 647, Wood to White, 24 June 1901; LAC, RG18, Vol. 221, File 16, Unknown to White, 6 January 1902.

<sup>12</sup> LAC, RG18, Vol. 3033, Microfilm C2145, Z.T. Wood to Captain Hovey, 15 October 1901.

<sup>13</sup> LAC, RG18, Vol. 229, File 149, Wood to Fred White, 20 February 1902.

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

<sup>15</sup> LAC, RG18, Vol. 229, File 149, White to A.E. Snyder, 13 March 1902; J.H. Seeley to Wood, 24 January 1902.

<sup>16</sup> Seeley to Wood, 24 January 1902.

Conspiracy to be “too much of a bubble to be taken seriously.”<sup>17</sup> Comptroller Fred White wrote on 22 November 1901 that “it would have been an insult to the better element of citizens of the United States who are living in the Yukon to assume that they would be parties to such a scheme.”<sup>18</sup> Experience in the north had shown the police that rumours of unrest often lead to nothing and there was no need to take the Conspiracy seriously until an investigation proved that the Order was a threat. On 20 September the police in Dawson learned that the Order had “representatives at both Seattle and Skagway.”<sup>19</sup> Snyder, commander at Whitehorse, quietly launched an investigation into the Order’s activities in Skagway to determine if there was a threat to Canadian sovereignty.

After their drunken escapade, Primrose continued on to Ottawa, apparently not talking to the Commander of US troops as instructed by Wood. Seeley remained in Skagway to investigate the Conspiracy on his own initiative. Working with the Canadian Customs Agent in Skagway E.S. Busby, he was not able to find any information on the Order from the locals, who “seemed to be afraid.”<sup>20</sup> And he was watched by two men stationed outside his hotel. The following day Seeley met with Captain Hovey, Commanding Officer at Skagway, who informed him that Fred J. Clark and the other leaders of the Conspiracy were leaving for Seattle. After consulting with Busby, it was decided that Seeley should follow them.<sup>21</sup> Travelling “under an assumed name,” according to Seeley, “I left the steamer at Vancouver and immediately commenced to trace any firearms that might have been shipped to the conspirators.”<sup>22</sup> Finding none, Seeley left for Seattle on 2 November.<sup>23</sup>

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<sup>17</sup> LAC, RG18, Vol. 229, File 149, White, 22 November 1901 Memorandum.

<sup>18</sup> *Ibid.*

<sup>19</sup> Cortlandt Starnes to P.C.H. Primrose 20 September 1901, LAC, RG18, Vol. 229, File 149.

<sup>20</sup> Seeley to Wood, 24 January 1902.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

In Seattle Seeley located and “carefully watched” Clark but “saw nothing of other Skagway conspirators.”<sup>24</sup> Writing to Superintendent Wood, Seeley described Clark as “without friends and also a man who drinks and gambles, in fact, one of the lower order of men,” but he had “some mental knowledge and influence in Skagway.”<sup>25</sup> Seeley also “associated with a number of businessmen in the city” who supposedly supported the Order, but found no anti-Canadian feelings among them. As in Vancouver, Seeley looked for any large shipments of firearms going to Skagway but found none.<sup>26</sup>

On 15 November Seeley returned to Vancouver to investigate the sinking of the Canadian Pacific Railway Steamer *Islander*, which he “came to the conclusion that one of the conspirators” could be responsible.”<sup>27</sup> After contacting the appropriate parties in Vancouver and Victoria, who assured him that they would investigate the matter, Seeley continued his search for members of the Order.<sup>28</sup> Two men, George Tarron and George Clair, claimed to know little but told Seeley that Thomas Freeman in Victoria “knew all about the matter.”<sup>29</sup> Seeley returned to Victoria and located Freeman. He later sent a cipher telegram to Superintendent Snyder in Whitehorse, who informed him that Freeman was not a suspect in the Conspiracy.<sup>30</sup>

On 15 December Snyder asked Seeley to locate another suspected member of the Order, F.T. Keelar. Seeley returned to Seattle and located Keelar in Tacoma. According to Seeley, Keelar was convinced that Skagway would soon become British but was not a member of the Order. Seeley returned to Victoria on 21 December.<sup>31</sup> In Victoria he continued to watch

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<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

Freeman, who “claimed to have no knowledge of the Conspiracy.”<sup>32</sup> On 14 January Seeley learned that Grehl was in San Francisco reorganizing the Order of the Midnight Sun. Seeley traveled to San Francisco but was unable to locate him.<sup>33</sup>

On 24 January Seeley concluded his investigation and sent his report to Snyder and Wood. “I am satisfied Sir, that the Conspiracy at one time was a serious affair,” he wrote, “if it had not been discovered, would have been brought to an issue, fortunately the leaders in Skagway are men of no responsibilities away from there... I think Sir, that constant vigilance on the part of your department will be necessary.”<sup>34</sup> Seeley also submitted a request for pay.

In the meantime, on 6 January 1902 Snyder reported to White on his investigation in Skagway.<sup>35</sup> Snyder was evidently unaware that Seeley was investigating the Conspiracy without orders. “There still continues considerable feeling and agitation in Skagway,” Snyder reported.<sup>36</sup> Members of the Order continued to meet even after Clark left, believing “that the publicity given to the movement would strengthen their numbers.”<sup>37</sup> The “idea of making a raid on the Yukon has firmly established itself in their minds,” Snyder wrote of those in Skagway, “when two or three of them meet together they discuss all the possibilities of carrying such a movement through.”<sup>38</sup> One absurd idea, for example, was to attract some of the Boer leaders in South Africa to help organize guerilla warfare in the Yukon.<sup>39</sup>

Snyder also informed White of the extent of his cooperation with the United States authorities in Skagway. He had requested that they retrieve what he believed were incriminating

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<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

<sup>35</sup> Snyder’s report also included extracts from Skagway newspapers on the Conspiracy, which provide information on how Skagway residents responded to the Conspiracy and the Mounted Police investigation.

<sup>36</sup> LAC, RG18, Vol. 229, File 149, Snyder to White, 6 January 1902.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

papers from a safe in Skagway, which they did eight days later and found nothing.<sup>40</sup> Snyder complained that he was “positive that at the time I notified them the papers were there, and had been removed during the eight days” it took to search for them.<sup>41</sup>

While an evaluation of American sources related to the Conspiracy is beyond the scope of this study, the Mounted Police records offer some clues into the local American response. On 15 October 1901 Wood wrote to the Officer Commanding U.S. Troops at Skagway Captain Hovey informing him of the Order’s plans to seize the Yukon Territory and the Porcupine region.<sup>42</sup> “It would be very easy for them to overpower the police,” Wood confessed.<sup>43</sup> “I take the liberty if notifying you,” he wrote, “as of course such an expedition starting from Skagway would naturally cause international complications.”<sup>44</sup>

When Detective Seeley met with Hovey in late October, according to Seeley, he “seemed highly indignant that such a Conspiracy should exist against a country with whom America was at peace.”<sup>45</sup> After learning of the Conspiracy Hovey told known members of the Order that “he would not permit any such organization to exist in Skagway” and “severely” “censured” the Mayor of Skagway, supposedly a supporter of the Order, “for disgracing the city and being mixed up in such a disgraceful affair.”<sup>46</sup> He also informed his superior the Commanding Officer of the Alaskan Division at Vancouver, Washington.<sup>47</sup> According to historian Charles Campbell Jr., the American government instructed Hovey to “prevent Alaska [from] being used as a base

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<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

<sup>42</sup> LAC, RG18, Vol. 3033, Microfilm C2145, Wood to Hovey, 15 October 1901.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*

<sup>45</sup> Seeley to Wood, 24 January 1902.

<sup>46</sup> *Ibid.* Original quote “censured him severely”

<sup>47</sup> *Ibid.*

against Canada.”<sup>48</sup> Hovey told Seeley that he “would prevent any organized body of men going into the Yukon Territory”<sup>49</sup> By January 1902 Hovey “had notified his government that all agitation was at an end and that he would not require additional troops” -- information that he also shared with the Mounted Police.<sup>50</sup> For American officials in Alaska, the Conspiracy was over.

Americans first learned of the Conspiracy from a 17 November 1901 *San Francisco Call* article and a 21 November 1901 *Seattle Times* article.<sup>51</sup> After Fred J. Clark, co-founder of the Order, left Skagway for Seattle in early November he told a *Times* reporter of the Conspiracy. The response of Americans in the north and on the American west coast to this news reveals their deep mistrust of Canadian officials in the north during the Alaska boundary dispute. The *Alaska-Yukon Mining Journal*, for example, claimed that the information for the *San Francisco Call* article came from Canadian officials themselves.<sup>52</sup>

In the winter of 1901-1902 Skagway newspapers advanced the theory that the Mounted Police in the Yukon were behind the Conspiracy. The *Daily Skagway News* reported on 18 December “that the Canadian officials themselves have a motive for making people believe in the story.”<sup>53</sup> The paper suggested that such a story would allow Canadian officials to take further steps to control the Yukon.<sup>54</sup> The *Alaskan* further suggested on 5 January 1902 the

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<sup>48</sup> Charles S. Campbell Jr., *Anglo-American Understanding*, 242. There is almost no discussion of the local American response to the Conspiracy in the historiography of the Order of the Midnight Sun.

<sup>49</sup> Seeley to Wood, 24 January 1902. Several newspapers also reported that on 5 November Captain Horrigan of the Mounted Police met with Hovey and other United States officials in Skagway to discuss the Conspiracy. But there is no evidence of this meeting in the police records; LAC, RG18, Vol. 229, File 149, *Alaska-Yukon Mining Journal*, “That Conspiracy,” December 1901; LAC, RG18, Vol. 207, File 188, *Ottawa Daily Free Press*, “The Truth About Yukon,” 23 November 1901.

<sup>50</sup> Snyder to White, 6 January 1902.

<sup>51</sup> Yukon Archives, Robert Coutts Fonds, 78169, MSS 79, File 17, “Bold Conspirators Revolt in the Klondike,” *San Francisco Call*, 17 November 1901; LAC, RG18, Vol. 229, File 149, *Seattle Daily Times*, “Rebellion Against Canadian Authorities was Planned by Desperate Miners,” 21 November 1901.

<sup>52</sup> *Alaska-Yukon Mining Journal*, “That Conspiracy,” December 1901.

<sup>53</sup> LAC, RG18, Vol. 229, File 149, *Daily Skagway News*, “Arms and Ammunition,” 18 December 1901.

<sup>54</sup> *Ibid.*

Conspiracy could be used to “make the State Department believe that an American holding of Skagway would forever foment discord between the governments” and convince the United States to drop their claim to Skagway.<sup>55</sup> The Primrose and Seeley affair also inspired a popular American theory of the origins of the Conspiracy. Primrose got drunk in Skagway, spent more money than he could account for, and invented the Conspiracy to cover his tracks. The Mounted Police and the Dominion Police would encounter these theories during their investigations in the United States.

Snyder warned White in his 6 January 1902 report that “from the class of men interested in this movement, I feel that we must be continually on the watch. If it were only the rougher element, there need not be so much to be alarmed at, but they are shrewd practical business men.”<sup>56</sup> The Order knew the layout of the NWMP Barracks in Whitehorse and the nature of the country, and, with railway employees on their side, Snyder believed “surprise would be an easy matter.”<sup>57</sup> But he did not believe that there was an immediate threat to Canadian sovereignty.<sup>58</sup> He did, however, suggest that “a thoroughly experienced detective should be located in Skagway.”<sup>59</sup> He continued, “if there is ever any trouble of a serious nature, that is the point from which we must look for it.”<sup>60</sup>

Snyder’s report is typical of the Mounted Police view of rumours of trouble in the Yukon. Rumours of unrest in the boundary region during the Klondike Gold Rush and after were common, but they never amounted to anything. In the summer of 1901, for example, there was a

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<sup>55</sup> LAC, RG18, Vol. 229, File 149, *The Alaskan*, “Is it a Conspiracy?” 5 January 1902.

<sup>56</sup> Snyder to White, 6 January 1902.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

rumour that Canada was planning to seize Skagway.<sup>61</sup> The signal to attack would be “the hoisting of the Union Jack over the offices of the White Pass and Yukon Railway.”<sup>62</sup> Coincidentally, on 22 June 1901 the Canadian Customs Agent in Skagway received instructions from Ottawa to raise the Union Jack over his office and the same day a Juneau lawyer named Miller cut the flag down. The Mounted Police were concerned that Americans, thinking Canada was attacking Skagway, would retaliate. But such fears quickly faded.<sup>63</sup> In fact, almost all rumours of unrest among Americans in the Yukon turned out to be false. For the Mounted Police, the Conspiracy was just another rumour that did not need to be taken seriously unless an investigation showed that there was an immediate threat. As there seemed to be no such threat found during their investigation, Snyder suggested that only increased caution was needed.<sup>64</sup> There were more serious concerns for the police to deal with in the meantime.

Snyder’s report was also the first received in Ottawa to outline the Order’s continuing organization during the winter months. These developments would have worried Minister of the Interior Sifton and now even Comptroller White, who was initially unconcerned with the Conspiracy. His attitude changed when he learned that his political superiors were concerned.<sup>65</sup> In a 19 December 1901 memorandum White had suggested that “it is quite possible that an effort will be made to foment trouble during the early days of navigation – immediately after the

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<sup>61</sup> Campbell Jr., *Anglo-American Understanding*, 241; Norman Penlington, *The Alaska Boundary Dispute: A Critical Reappraisal* (Toronto: McGraw-Hill Ryerson Limited, 1972), 57.

<sup>62</sup> Campbell Jr., *Anglo-American Understanding*, 241.

<sup>63</sup> LAC, Wilfrid Laurier Fonds, microfilm C1171, Lord Minto to Mr. Chamberlain, 1 July 1901; Penlington, *The Alaska Boundary Dispute*, 57; Campbell Jr., *Anglo-American Understanding*, 241. According to Campbell Jr., “The incident was closed when the United States apologized and when it and Britain agreed to discontinue flying flags over their customs houses.”

<sup>64</sup> Although he had warned White on 7 December 1901 after a meeting of the conspirators that “matters are more serious than at any time.” LAC, RG18, Vol. 229, File 149, Snyder to White, 7 December 1901.

<sup>65</sup> As an Ottawa official and the go-between the Mounted Police and the Government, White sometimes agreed with the Mounted Police in the Yukon and sometimes with the Government during the response to the Conspiracy.



breaking up of the ice in the spring.”<sup>66</sup> The Order’s activities seemed to confirm this fear. And while he was sure that only an experienced detective would be needed, Snyder noted, “the means at my disposal for obtaining information have not been great, the men employed being amateurs at the business.”<sup>67</sup> Presumably this admission would not have inspired confidence in the Mounted Police in the Yukon.

Seeley’s activities would also have raised the same concerns in Ottawa. His 24 January report was received with some shock by Superintendent Wood in Dawson. Unsure why a detective he fired in November was submitting a report and a request “for pay and expenses” in January, Wood launched an investigation.<sup>68</sup> According to Superintendent Snyder, who Seeley met with before leaving for Skagway:

Seeley informed me that he was on his way out and proposed making some enquiries in Skagway, then proceeding to Vancouver, Seattle and other sound points, he certainly led me to believe that he had been sent out to prosecute enquiries, the truth of which I could not contradict, as the letter which he brought me might have meant anything.<sup>69</sup>

It was not until 6 January that Snyder learned of Seeley’s dismissal, which he confirmed with Wood. Snyder requested that White send a cheque to cover Seeley’s pay and expenses.<sup>70</sup>

There the matter remained until 16 October 1902 when Wood sent a final report to White. Wood concluded that the Seeley affair was a misunderstanding. Wood did not tell anyone outside Dawson that Seeley had been fired and the letter that Seeley carried in his last assignment misled Snyder and Customs agent Busby, who worked with Seeley, to believe that Seeley was still employed by the police and investigating the Conspiracy.<sup>71</sup> Wood also reported that Seeley was given contradictory instructions that may have led him into a larger

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<sup>66</sup> LAC, RG18, Vol. 229, File 149, White, 19 December 1901 Memorandum.

<sup>67</sup> Snyder to White, 6 January 1902.

<sup>68</sup> LAC, RG18, Vol. 229, File 149, Wood to White, 20 February 1902.

<sup>69</sup> LAC, RG18, Vol. 229, File 149, Snyder to White, 29 March 1902.

<sup>70</sup> *Ibid.*

<sup>71</sup> LAC, RG18, Vol. 229, File 149, Wood to White, 16 October 1902.

investigation. It seems more likely that Seeley knew he was not authorized to work in Skagway and played off the confusion to remain employed by the police a little longer. In any case, White replied that Wood's report "would justify granting reasonable compensation to Seeley."<sup>72</sup>

From Ottawa, the Mounted Police investigation into the Conspiracy did not appear well organized. Snyder was relying on inexperienced detectives and was not even aware that he had "sent" Seeley to the west coast. Primrose had been arrested. Seeley was investigating the Conspiracy in the United States without permission and Wood did not keep everyone informed. But there were little fallout from the affair. Primrose returned to his position as Superintendent at Whitehorse after his leave, but was no longer involved in the Conspiracy investigation. He was reassigned to Fort Macleod, Alberta some months later and remained there until his retirement. Seeley, no longer employed by the police, returned to England.<sup>73</sup> And Wood and Snyder remained in their positions in Dawson and Whitehorse. But White and his superior, the Minister of the Interior Clifford Sifton, were not entirely happy with their handling of the Conspiracy investigation, especially with the supposed threat of an attack in the spring.

Why were the Mounted Police allowed to investigate the Order of the Midnight Sun in the United States without authorization from White, Sifton, or the United States? The short answer is that the Mounted Police were happy to learn more about the Conspiracy. Seeley may not have been officially authorized to carry on his investigation in the United States, but the information he collected on the Order's activities in Skagway and the American west coast was useful. It was also quite normal for Mounted Police from the Yukon to be in Skagway or Seattle or San Francisco. In fact, it was assumed in Ottawa that Snyder, as the Commander of

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<sup>72</sup> LAC, RG18, Vol. 229, File 149, White to Wood, 18 November 1902.

<sup>73</sup> Williams, "The Invasion of the Yukon;" LAC, RG18, Vol. 229, File 149, Wood to White, 9 June 1902.

Whitehorse Division, would have men working in Skagway if required. White even suggested that he “keep a good man in Skagway as detective.”<sup>74</sup>

Although the police were not officially allowed to operate there, they were given a certain amount of freedom to work in these areas. The reason is both geographical and political. Geographically, the nature of the Lynn Canal and its importance to the Yukon trade, particularly Skagway, has already been discussed (See Chapter 1). By 1902 all policemen and supplies going to the Yukon passed through Skagway. The importance of Skagway to the Mounted Police and Canadian government position in the Yukon during the Alaska boundary dispute meant that the police had to closely watch the route. Travelling by boat to Skagway also meant going through a west coast port, Seattle, San Francisco, or Vancouver. And many northern miners and business owners lived on the west coast during the winter, which meant that those living in the northwest, including Canadian and American authorities, had more in common with each other than their respective governments.

Politically, much of the discussion in the Alaska boundary negotiations focused on the Lynn Canal area. Both Canada and the United States claimed that the head of the Lynn Canal was in their territory. Because most of the trade in the Yukon passed through Skagway, whoever controlled the town, controlled the Yukon Trade. It was important for both countries to have a presence in the disputed territory to maintain their claims and to control the large number of American miners working in Canadian territory.

Politically and geographically, Canadian and American authorities had to work together to effectively govern the region. When Detective Seeley met with the Commanding Officer at Skagway Captain Hovey, for example, he told Seeley what he had learned about the Conspiracy and where the leaders of the Order could be found. Hovey then allowed Seeley to continue his

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<sup>74</sup> LAC, RG18, Vol. 229, File 149, White to Wood 19 November 1901.

investigation.<sup>75</sup> United States Secretary of State John Hay even admitted that American troops and the Mounted Police formed a dual government in Skagway.<sup>76</sup> He wrote in 1900, “This government sent troops to Dyea and Skagway, Canada had Mounted Police at both places, the police were on the streets of both towns daily.”<sup>77</sup>

But it was one thing for the Mounted Police and US troops working in the region or the Secretary of State to understand this unique situation, it was another for American miners in the northwest and the governments in Ottawa and Washington, who had different views of the threat posed by the Conspiracy. It was therefore necessary for the Mounted Police and the American authorities to work together only in an official way. When the Mounted Police were in Skagway, for example, they would have to wear plain clothes. And when Seeley went to Skagway to investigate the Order of the Midnight Sun, the Mounted Police could not ask permission, but the American authorities would allow it. The same was true on the American west coast, but the Mounted Police were less likely to work with American authorities. There would be no official cooperation in the Conspiracy investigation, but there was an understanding among police and military authorities on the scene that both countries had to work together to control the region.

Ottawa viewed the situation differently. By the end of January 1902 Sifton and White decided to send Superintendent Charles Constantine, who commanded the first police division sent to the Yukon in 1894, to take command of the Mounted Police at Whitehorse. “You have been selected by Minister Interior command Whitehorse District,” White wrote to Constantine on 28 January 1902, “Snyder remaining command Whitehorse Post, leaving you free move about

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<sup>75</sup> Seeley to Wood, 24 January 1902, 1. See above.

<sup>76</sup> *British Columbia Archives (BCA)*, GR-0727, Vol. 1, *Skagway Daily [News? Illegible]*, “Ignorance or Treason: Gross Misinformation by Security Hay,” 28 August 1900.

<sup>77</sup> *Ibid.*

and give special attention conspiracy matters.”<sup>78</sup> Discussions of the move appear to have been ongoing throughout January. Constantine was first ordered to Ottawa for instructions on 22 January.<sup>79</sup> The reasons behind such a dramatic move are not entirely clear but appear to be related to the Mounted Police investigation into the Conspiracy and the Government’s dissatisfaction with the results. Perhaps the Government may have reacted differently had it been informed of the Conspiracy when it was discovered, but it appears that Snyder and Seeley’s reports and the concerns in Ottawa over the progress of the investigation influenced how Constantine was ordered to proceed.<sup>80</sup> Sifton and White also hoped that Constantine’s experience in the Yukon would help him learn more about the Conspiracy than Snyder had.

On 11 February 1902 Constantine finally received his confidential orders. He was given specific instructions to keep “fully informed with regard to all occurrences within or without the District in any way affecting the peace, and particularly with respect to the efforts which are being made to foment discontent and embarrass the Canadian administration.”<sup>81</sup> He was also given permission to “continue to employ detectives when and where required.”<sup>82</sup> And he was instructed to give “personal attention to the detective service” and “keep discreet men traveling on trains between Skagway and Whitehorse.”<sup>83</sup> Although the Conspiracy is not mentioned, it seems obvious that Sifton and White wanted Constantine to learn as much as he could about the

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<sup>78</sup> LAC, RG18, Vol. 232, File 195, White to Constantine, 28 January 1902. The Mounted Police records on the Whitehorse District and Constantine’s investigation often use the spelling White Horse, here the traditional Whitehorse is used.

<sup>79</sup> LAC, RG18, Vol. 232, File 195, White to Constantine, 22 January 1902.

<sup>80</sup> There is also a question as to when White and Sifton were aware of Seeley’s report. The decision to send Constantine to the Yukon was made by 22 January, Seeley sent his report on 24 January, but Constantine did not receive his orders until 11 February. It is likely that White and Sifton were at least aware of Seeley’s findings before giving Constantine his orders.

<sup>81</sup> LAC, RG18, Vol. 232, File 195, White to Constantine 1, 11 February 1902.

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

Order of the Midnight Sun and “report regularly” to Ottawa and the Commissioner of the Yukon Territory J.H. Ross.<sup>84</sup>

White also gave Constantine additional orders for his journey to the Yukon. Before sailing north, he was to visit Seattle and San Francisco and “without causing suspicion, pursue inquiries re the so-called conspiracy to annoy the Canadian administration in the Yukon and create ill feeling between the British and U.S. Governments.”<sup>85</sup> Once in Whitehorse, Constantine was to make a personal inspection of all guns and ammunition and report to White “with all convenient speed.”<sup>86</sup>

With orders in hand, Constantine left Ottawa on 15 February. He arrived in Seattle, via Vancouver, on 27 February, “remained for a day,” and arrived in San Francisco on 4 March.<sup>87</sup> While in San Francisco he met with William B. Sayers, Superintendent of Pinkerton’s National Detective Agency, to launch an investigation into the Conspiracy in Seattle.<sup>88</sup> Constantine left San Francisco on 5 March and arrived in Whitehorse on 17 March, taking command of the Whitehorse District.<sup>89</sup>

On 4 April Constantine reported to White on his investigation into the Conspiracy in Skagway. The treasurer of the Order had left Skagway with between \$15,000 and \$30,000. Grehl was mining in Koyukuk, Alaska.<sup>90</sup> And Clark had been in Seattle “but had left there, and nothing is known of his whereabouts at present, except that he is in the U.S., and travelling with some theatrical Company in the capacity of scene painter and shifter.”<sup>91</sup> The other members of

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<sup>84</sup> *Ibid.*

<sup>85</sup> LAC, RG18, Vol. 232, File 195, White to Constantine 2, 11 February 1902.

<sup>86</sup> LAC, RG18, Vol. 232, File 195, White to Constantine 3, 11 February 1902.

<sup>87</sup> LAC, RG18, Vol. 232, File 195, Constantine to White, 17 April 1902.

<sup>88</sup> LAC, RG18, Vol. 229, File 149, Constantine to White 3, 4 April 1902.

<sup>89</sup> Constantine to White, 17 April 1902.

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*

the Order who remained in Skagway were apparently concerned about “what might be done to them for their participation in the... Conspiracy” and they had sought legal advice.<sup>92</sup>

Constantine also reported to White that “the papers in connection with this late organization are in a safe in the possession of one Price, a lawyer in Skagway.”<sup>93</sup> He was sure that he could buy the papers for a sum of money, though he did not know how much.<sup>94</sup> On 19 April White wired Constantine, “if Midnight Sun papers can be obtained at reasonable price wire me amount and I will ask authority to purchase.”<sup>95</sup> Constantine replied on 21 April that “five hundred would be reasonable amount.”<sup>96</sup> On 22 April White authorized Constantine to purchase the “Midnight Sun papers at cost of not exceeding five hundred dollars.”<sup>97</sup> It does not appear, however, that Constantine was able to purchase the papers.

After meeting with Constantine, Sayers instructed a Pinkerton’s agent, known as No.1, to find out what he could of the Order of the Midnight Sun. Constantine did not receive No.1’s report until 24 April. “From conversations I have had with different Alaska people,” No.1 reported to Sayers on 2 April, “it is evident they all consider the whole thing a ‘fake.’”<sup>98</sup> Interestingly J.H. Seeley had earlier told No.1 when he was in Seattle investigating the Conspiracy that “the whole thing was a ‘fake,’ but it had excited the people in Ottawa.”<sup>99</sup> A reporter for the *Seattle Times* told him that “there was nothing in it.”<sup>100</sup> The matter was started when “one of the Canadian officers got drunk at Skagway and remained there for several

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<sup>92</sup> *Ibid.*

<sup>93</sup> LAC, RG18, Vol. 229, File 149, Constantine to White 2, 4 April 1902.

<sup>94</sup> *Ibid.*

<sup>95</sup> LAC, RG18, Vol. 229, File 149, White to Constantine, 19 April 1902.

<sup>96</sup> LAC, RG18, Vol. 229, File 149, Constantine to White, 21 April 1902.

<sup>97</sup> LAC, RG18, Vol. 229, File 149, White to Constantine, 22 April 1902.

<sup>98</sup> LAC, RG18, Vol. 229, File 149, Pinkerton’s National Detective Agency to Constantine, 24 April 1902.

<sup>99</sup> *Ibid.*

<sup>100</sup> *Ibid.*

days.”<sup>101</sup> The Order of the Midnight Sun, the reporter claimed, was a group formed by “Doc” Clark and Chas. Grehl, former members of the infamous Soapy Smith gang in Skagway, with the goal of “running” the town.<sup>102</sup> Both men had come to Seattle, where No.1 “learned that they are not engaged at anything at present.”<sup>103</sup>

On 17 April Constantine reported to White that “there may be an effort on foot to revive the ‘Order’ under another name.”<sup>104</sup> According to a man from Caribou, a D.N. Hukill, who was in charge of the Order’s operations in the Atlin District, was head of a money-making scheme to gather funds “to help to develop the country.”<sup>105</sup> Constantine suggested that “there may be nothing in it” (that it was a money making scheme with no purpose) and the attempt to revive the Order was “simply for the purpose of annoying and embarrassing the Canadian officials.”<sup>106</sup> He did, however, ask Superintendent Snyder to look into the matter.<sup>107</sup>

On 12 April White had informed Constantine that his orders would be cancelled and the “police organization” in the Yukon would “revert to previous conditions.”<sup>108</sup> Constantine was to remain working in the Yukon under special commission until his investigation was complete. After sending White his 17 April report and wrapping up his investigation, Constantine left Whitehorse on 6 May to inspect the Dalton Trail detachments and return to the south.<sup>109</sup>

Constantine’s investigation demonstrates how seriously the Conspiracy was taken in Ottawa. The unsettled Alaska boundary and the importance of the Yukon trade meant that Sifton had to determine if the Order was still a threat. Like Snyder and Seeley, it was presumed that

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<sup>101</sup> *Ibid.*

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid.*

<sup>104</sup> Constantine to White, 17 April 1902.

<sup>105</sup> *Ibid.*

<sup>106</sup> *Ibid.*

<sup>107</sup> *Ibid.*

<sup>108</sup> LAC, RG18, Vol. 232, File 195, White to Constantine, 12 April 1902.

<sup>109</sup> LAC, RG18, Vol. 232, File 195, White to Perry, 5 May 1902.



Constantine would work in Skagway and on the American west coast during his investigation, as noted in his instructions: keep “fully informed with regard to all occurrences within or *without* the District.”<sup>110</sup> Constantine, of course, had been authorized by the Comptroller and the Minister of the Interior to go to Seattle and San Francisco and investigate the Conspiracy. But American authorization was not obtained. The sudden end of Constantine’s investigation, moreover, is somewhat puzzling given the importance of the Conspiracy to the Canadian government. Constantine had recently discovered papers relating to the Order in Skagway and had uncovered an apparent attempt to reorganize the Order when he was called back to the south.

While his investigation was successful, – he had located the papers of the Order, learned the whereabouts of its leaders and the extent of its influences on the west coast - it is doubtful that Constantine learned any more information that Snyder would have had he remained in charge of the investigation. Having only been in the Yukon since 17 March, Constantine would not have had enough time to establish a more reliable detective service and likely relied on the same inexperienced detectives as Snyder. White and Sifton were no doubt aware of this fact when they decided to expand the Conspiracy investigation beyond the Mounted Police.

In March 1902 White asked A.P. Sherwood, Commissioner of the Dominion Police, to launch the first of two independent investigations into the Conspiracy. On 15 March White met with P.C. Chamberlin, selected by Sherwood for the investigation.<sup>111</sup> White instructed Chamberlin to travel to San Francisco and then Seattle, Skagway, and Whitehorse, and learn what he could of the Order and its members. White also gave Chamberlin copies of the various reports on the Conspiracy collected so far to direct his enquiries. Chamberlin was also told not to discuss his assignment with any Mounted Policemen. His reports would be sent to Sherwood,

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<sup>110</sup> White to Constantine 1, 11 February 1902.

<sup>111</sup> David Ricardo Williams describes Chamberlin as “the most skilled” detective in the Dominion Police and “a man in whom Sherwood placed the utmost reliance.” David Ricardo Williams, *Call in Pinkerton's*, 119.

who would forward them confidentially to White.<sup>112</sup> “What we desire,” White wrote to Sherwood, “is to get the result of independent enquiries by a man versed in detective work, for comparison with the reports of others who are employed on the same work, but in other directions.”<sup>113</sup>

Chamberlin arrived in San Francisco on 14 April 1902. His reports to Sherwood reveal that Chamberlin spent much of his time interviewing T. Cunningham.<sup>114</sup> As the founder of the first newspaper in Dawson, *The Midnight Sun*, Chamberlin believed Cunningham was “about as well posted in and around Dawson as anyone,” though Chamberlin admitted that “he has been drinking heavily lately.”<sup>115</sup> Cunningham claimed that “there is positively nothing in the threatened invasion of the Yukon.”<sup>116</sup> Mr. Stephens, a bank clerk from Dawson, confirmed that “it was bosh.”<sup>117</sup> Cunningham traced the rumours to a group of miners who were stockpiling guns and dynamite to “exterminate” any Japanese labourers employed in the gold fields.<sup>118</sup> But there was, according to Cunningham, a movement in San Francisco by Dutch and Irish Boer sympathizers to seize a Canadian port. After completing his investigation in San Francisco, Chamberlin went by train to Seattle, arriving on 22 April 1902.<sup>119</sup>

In Seattle Chamberlin worked with the Assistant Superintendent of Pinkerton’s National Detective Agency P.K. Ahern to locate the Order’s founders Clark and Grehl. Ahern assured Chamberlin that “he knew both Clark and Grehl quite well.”<sup>120</sup> Presumably Ahern was also familiar with the work Pinkerton’s had done for Constantine, through Constantine had only

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<sup>112</sup> LAC, RG18, Vol. 229, File 149, Sherwood to White, 14 March 1902; White to Sherwood, 15 March 1902.

<sup>113</sup> White to Sherwood, 15 March 1902.

<sup>114</sup> LAC, RG18, Vol. 229, File 149, Chamberlin to Sherwood, 15 April 1902; Chamberlin to Sherwood, 17 April 1902; Chamberlin to Sherwood, 18 April 1902.

<sup>115</sup> Chamberlin to Sherwood, 15 April 1902.

<sup>116</sup> Chamberlin to Sherwood, 17 April 1902.

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

<sup>119</sup> Chamberlin to Sherwood, 17 April 1902; Chamberlin to Sherwood, 18 April 1902.

<sup>120</sup> LAC, RG18, Vol. 229, File 149, Chamberlin to Sherwood, 24 April 1902.

received it around the same time. Ahern heard from a man from Skagway who “said it was the Mounted Police Officer that got into trouble at Skagway [Primrose], who started the sensational report, as he spent a lot of money while there and took that means to square himself with his superior officers.”<sup>121</sup> It turned out, as Chamberlin reported to Sherwood, that Ahern was referring to “H.R. Clark and Grall, both professional gamblers of Skagway.”<sup>122</sup>

H.R. Clark was a member of Soapy Smith’s Gang in Skagway, and Ahern was “positive” that he was “the right man.”<sup>123</sup> On 27 April Chamberlin found H.R. Clark at the Trocadero Theatre outside Seattle. H.R. Clark claimed that the Conspiracy “was nothing more nor less than a fake from the word go, and was started by some would be detective.”<sup>124</sup> Ahern concluded that there was no “such person as Grehl,” as he could find no one from Skagway who knew him in Seattle.<sup>125</sup>

Chamberlin found Fred J. Clark working as a painter in North Yakima, Washington, 400 miles southeast of Seattle.<sup>126</sup> Ahern and Chamberlin concluded that “it would be impossible” for Chamberlin, “a total stranger to the coast and one who knows nothing of Alaska or Yukon,” to approach Clark.<sup>127</sup> On 29 April Chamberlin asked Sherwood if he could “engage” a Pinkerton’s agent for the job.<sup>128</sup> On 2 May Ahern sent an agent to North Yakima to find Clark.<sup>129</sup> Chamberlin waited for the results.

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<sup>121</sup> LAC, RG18, Vol. 229, File 149, Chamberlin to Sherwood, 23 April 1902.

<sup>122</sup> Chamberlin to Sherwood, 24 April 1902.

<sup>123</sup> LAC, RG18, Vol. 229, File 149, Chamberlin to Sherwood, 22 April 1902.

<sup>124</sup> LAC, RG18, Vol. 229, File 149, Chamberlin to Sherwood, 27 April 1902.

<sup>125</sup> Chamberlin to Sherwood, 24 April 1902. Sherwood eventually learned from White that Constantine had located Grehl mining in Koyukuk, Alaska, but Chamberlin was instructed not to pursue him. LAC, RG18, Vol. 229, File 149, Chamberlin to Sherwood, 1 May 1902; Constantine to White 2, 4 April 1902.

<sup>126</sup> Chamberlin to Sherwood, 24 April 1902.

<sup>127</sup> LAC, RG18, Vol. 229, File 149, Chamberlin to Sherwood, 29 April 1902.

<sup>128</sup> LAC, RG18, Vol. 229, File 149, Chamberlin, Telegram to Sherwood, 29 April 1902.

<sup>129</sup> LAC, RG18, Vol. 229, File 149, Chamberlin to Sherwood, 2 May 1902.

“Having ascertained from the stage manager of the Seattle Theatre that Fred J. Clark is in North Yakima, Washington and having been instructed to proceed to that place, make the acquaintance of Clark and learn all possible in regard to the Order of the Midnight Sun from him,” Agent M.F.D. left Seattle on 2 May 1902.<sup>130</sup> Under the guise of looking for a man married to his cousin, M.F.D. tried to locate Clark. He learned from a man at the Club Cigar store and card rooms that Clark was painting a house on 7<sup>th</sup> street and was rooming in a nearby boarding house. On 4 May M.F.D. rented a room at the same boarding house to attempt to befriend Clark.<sup>131</sup> The following day he “made the acquaintance of Mrs. Robinson, the landlady’s sister,” and the other boarders, including Clark’s mother. Clark returned at noon and, “after a little talk,” Clark returned to work and M.F.D. “volunteered to go with him.”<sup>132</sup>

As they worked Clark explained how the Order of the Midnight Sun was formed, what their plans were and he and Grehl’s attempts to gain support for the Conspiracy. At the same time he tried to convince M.F.D. to join the Order.<sup>133</sup> M.F.D. pressed Clark for the names of other members of the Order, but he doubted that Clark would “divulge the names of any of his conspirators for some time to come.”<sup>134</sup> He was sure that he could get “deeper into [Clark’s] confidence” in North Yakima and continue to affiliate with Clark when he returned to Seattle.<sup>135</sup> “He may allow me to inspect the papers of the Order, so that I can suggest improvements in the Order or system of organization,” M.F.D. suggested.<sup>136</sup>

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<sup>130</sup> LAC, RG18, Vol. 229, File 149, Pinkerton’s National Detective Agency to Sherwood, 6 May 1902. Ahern had first sent Agent F.C.I. to locate Ernest Clark, Fred J. Clark’s brother, in Seattle to confirm Clark’s whereabouts. Ernest Clark informed F.C.I. that Clark was in North Yakima.

<sup>131</sup> LAC, RG18, Vol. 229, File 149, Pinkerton’s National Detective Agency to Sherwood, 6 May 1902; Pinkerton’s National Detective Agency to Sherwood, 8 May 1902.

<sup>132</sup> Pinkerton’s National Detective Agency to Sherwood, 8 May 1902.

<sup>133</sup> *Ibid.*

<sup>134</sup> *Ibid.*

<sup>135</sup> *Ibid.*

<sup>136</sup> *Ibid.*

Over the next week M.F.D. continued to work with Clark, attempting to learn more about the Order and the names of its members. The pair discussed the Conspiracy, but M.F.D. obtained little new information. Clark said “point blank” several times “that he would not mention any of the names of those connected with the original plot”<sup>137</sup> Some names, however, came up. A man named Harrington, an employee of “one of the largest firms in Skagway,” was, according to Clark, “one of our leading men and can be depended on to give financial aid when required,” but he “is not connected with the affair.”<sup>138</sup> A man named Burns, “the Skagway agent for the company which operates the steamer Dolphin,” said he would transport British officials south if the Conspiracy succeeded.<sup>139</sup> The man who ran the Railroad Men’s Hall in Skagway was “one of the principal agitators.”<sup>140</sup> Clark also told M.F.D. that Grehl had a list of members of the Order that could be used to “revive the affair” and that he was on his way to Seattle from Nome, Alaska.<sup>141</sup> White eventually forwarded these names to Snyder at Whitehorse for further “enquiries.”<sup>142</sup>

Clark continued to try to recruit M.F.D. Unsure if he could trust M.F.D., Clark questioned why he was in North Yakima and M.F.D. was forced to telegram his sister to confirm his story that he was looking for a man married to his cousin.<sup>143</sup> On 8 May Clark finally “suggested that we [he and M.F.D.] take up the affair again and start it going.”<sup>144</sup> M.F.D. assured Clark that he was willing to work with him. The pair planned to go to Seattle when they

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<sup>137</sup> LAC, RG18, Vol. 229, File 149, Pinkerton’s National Detective Agency to Sherwood, No Date (covers 7-9 May 1902).

<sup>138</sup> *Ibid.*

<sup>139</sup> *Ibid.*

<sup>140</sup> *Ibid.*

<sup>141</sup> *Ibid.* Grehl left Dawson and crossed the border into Alaska, more.

<sup>142</sup> LAC, RG18, Vol. 229, File 149, White to Snyder, 22 May 1902.

<sup>143</sup> Pinkerton’s National Detective Agency to Sherwood, No Date (covers 7-9 May 1902).

<sup>144</sup> *Ibid.*

were done Clark's work and start planning.<sup>145</sup> "He is very anxious to get to Seattle and I am under the impression that he desires to consult someone there before he takes me too deeply into his confidence."<sup>146</sup> M.F.D. returned to Seattle on 14 May and reported to Ahern, discontinuing his investigation. It is not known if Clark returned as well or what happened to him.

In the meantime Dominion Police Detective Chamberlin spent most of his time in the hotels, saloons and gambling houses where miners gathered in Seattle, but he was not able to find anyone who knew anything about the Order of the Midnight Sun. He also received daily reports from M.F.D., which he forwarded to Sherwood.<sup>147</sup> On 10 May Chamberlin informed Sherwood of the progress of his investigation:

Two boats are expected shortly from Alaska which will likely bring out a number of people who have wintered in Alaska and will try and fall in with some of them and see what I can learn, I think it is going to be a slow and difficult matter to get at the bottom of this, and I think it would be a good plan to let Pinkerton's man go to Alaska with Fred Clark, as he has asked him to do and join the Order of the Midnight Sun when I could follow on or go by the same ship and through the Pinkerton man gain admission to the Order myself, when we would learn the aims of the Order and know all that took place.<sup>148</sup>

But on 13 May Sherwood instructed Chamberlin to return to Ottawa "upon concluding [the] Clark investigation."<sup>149</sup> Ahern instructed M.F.D. to end his investigation and return to Seattle. M.F.D. sent his last report on 14 May and Chamberlin concluded his investigation, leaving for Ottawa on 20 May.<sup>150</sup>

Chamberlin sent his final report to Sherwood on 4 June 1902. He did not report much success. He had spoken to "a great many people," but "none of whom knew anything about a

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<sup>145</sup> Pinkerton's National Detective Agency to Sherwood, No Date (covers 7-9 May 1902); LAC, RG18, Vol. 229, File 149, Pinkerton's National Detective Agency to Sherwood, No Date (covers 10-12 May 1902).

<sup>146</sup> Pinkerton's National Detective Agency to Sherwood, No Date (covers 10-12 May 1902).

<sup>147</sup> LAC, RG18, Vol. 229, File 149, Chamberlin to Sherwood, 2 May 1902; Chamberlin to Sherwood, 3 May 1902; Chamberlin to Sherwood, 5 May 1902; Chamberlin to Sherwood, 6 May 1902; Chamberlin to Sherwood, 7 May 1902.

<sup>148</sup> LAC, RG18, Vol. 229, File 149, Chamberlin to Sherwood, 10 May 1902.

<sup>149</sup> LAC, RG18, Vol. 229, File 149, Chamberlin to Sherwood, 13 May 1902.

<sup>150</sup> LAC, RG18, Vol. 229, File 149, Chamberlin to Sherwood, 13 May 1902; Chamberlin to Sherwood, 14 May 1902; Chamberlin to Sherwood, 22 May 1902.

threatened invasion in the Yukon.”<sup>151</sup> In San Francisco and Seattle the Conspiracy was “looked upon as a money scheme gotten up by some would be detective, or police officer who spent more money than he could properly account for so reported this story and had it appear in the papers someone having been paid to give the story as it appeared.”<sup>152</sup> Chamberlin did note that the Pinkerton’s reports from North Yakima “were very full.” But, he wrote, “I do not attach much importance to them, for I am of the opinion that said Fred J. Clark was too smart, even for the Pinkerton operative, and getting on to his game, led him on.”<sup>153</sup> It appears, however, that Clark was likely telling the truth. He seems to have been under the impression that the Canadian government was no longer investigating the Conspiracy and he would not have thought that they would be working in American territory. In any case, Sherwood forwarded Chamberlin’s report to White on 18 June 1902 with a request for payment of \$635.05 in expenses.<sup>154</sup>

Comptroller White selected E.F. Drake, a close friend of Sherwood and an “ardent Britisher,”<sup>155</sup> to launch a second independent investigation into the Conspiracy in San Francisco, Seattle, Skagway, and Whitehorse in late March 1902. Drake was instructed to determine if the Order still existed and if it was a threat and “to report upon the feeling in the American coast cities toward Yukon and Canadian matters generally.”<sup>156</sup> According to author David Ricardo Williams, “Drake was motivated only by his close friendship with Sherwood and, [travelled] entirely at his own expense, except for seventy-five dollars run up in various bars while ferreting information.”<sup>157</sup> Posing as an American citizen, he left Ottawa on 27 March 1902 and “spent

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<sup>151</sup> LAC, RG18, Vol. 229, File 149, Chamberlin to Sherwood, 4 June 1902.

<sup>152</sup> *Ibid.*

<sup>153</sup> *Ibid.*

<sup>154</sup> LAC, RG18, Vol. 229, File 149, Sherwood to White, 18 June 1902.

<sup>155</sup> Quoted in Williams, *Call in Pinkerton's*, 130.

<sup>156</sup> LAC, RG18, Vol. 229, File 149, Drake to White, 13 May 1902. Drake’s final report is the only record of his investigation and it contains little detail on his movements and findings.

<sup>157</sup> Williams, *Call in Pinkerton's*, 130. Brackets removed.

three days in San Francisco, six in Seattle, ten in Whitehorse, [and] three in Skagway.”<sup>158</sup> “I spent a good deal of time,” he wrote to White, “in hotel lobbies and bars, also in saloons, gambling halls, concert dives etc., as I was led to believe that the class of men who were interested in the Conspiracy were, generally, of the sort who frequent such places.”<sup>159</sup>

Having “met and talked with a great many men” with some knowledge of the north, Drake summarized his findings in a 13 May 1902 report to White.<sup>160</sup> The Conspiracy had existed. But it “never had any real backing south of Skagway.”<sup>161</sup> The members of the Order of the Midnight Sun “were drawn almost entirely from the restless, dissatisfied element always to be found in a new mining country.”<sup>162</sup> Most of Drake’s informants “believed that the Conspiracy would not have amounted to anything even if it had not been prematurely exposed through the press.”<sup>163</sup> Drake did report that a man named Hukill from Skagway was attempting to revive the Conspiracy. But he did not believe that there would be any support on the American west coast for such action.<sup>164</sup>

“In my opinion the Conspiracy is dead,” Drake concluded, “but it might be well to watch the movements of Hukill at Skagway.”<sup>165</sup> Drake also reported that there was “a good deal of anti-Canadian feeling” on the American west coast. The feelings on the boundary question were “very strongly anti-Canadian,” but “friendly to Great Britain.”<sup>166</sup> Americans in Alaska were also

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<sup>158</sup> Drake to White, 13 May 1902.

<sup>159</sup> *Ibid.*

<sup>160</sup> *Ibid.*

<sup>161</sup> *Ibid.*

<sup>162</sup> *Ibid.*

<sup>163</sup> *Ibid.*

<sup>164</sup> *Ibid.*

<sup>165</sup> *Ibid.*

<sup>166</sup> *Ibid.*



dissatisfied with their local government and were “using every means in their power to bring about such a change as will ensure them a voice in managing their own affairs.”<sup>167</sup>

Like Constantine’s investigation, the work of Chamberlin and Drake reveals that the government was particularly concerned about the threat of the Order in the unsettled Alaska boundary region, concerned enough to launch a larger investigation. All three investigations also appear to have been a response to the early Mounted Police investigations. And as in the case of Constantine, Chamberlin’s investigation was cut short just after he had uncovered several names and successfully placed an agent in the Order. A possible explanation is that Drake had already visited Skagway and Whitehorse and reported that there was no support on the west coast for a further move, but so had others. The non-NWMP investigations by the Dominion Police and Drake also suggest that the Canadian government did not fully trust the Mounted Police in the Yukon, or indeed the Dominion Police, who had more experience at secret investigations. At the same time, it was not unusual for the Dominion Police to work with Pinkerton’s in the north.<sup>168</sup>

Commissioner Sherwood of the Dominion Police had a close friendship with W.A. Pinkerton. The pair exchanged favours often, and he frequently worked with P.K. Ahern in Seattle. On the Yukon file, Sherwood had hired Pinkerton’s to find Dawson merchant Issac Burpee, who was to be extradited to Canada on charges of defrauding a friend of \$600. In another case, Pinkerton’s worked with the Dominion Police in the aftermath of the 1893 Bering Sea Settlements to determine who should be paid compensation for Canadian sealing vessels seized by the United States Navy.<sup>169</sup> This investigation, according to David Ricardo Williams,

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<sup>167</sup> *Ibid.*

<sup>168</sup> The Dominion Police, originally the Western Frontier Constabulary, founded during the American Civil War, had been involved in undercover investigations in response to the Fenian Raids. Williams, *Call in Pinkerton’s*, 115.

<sup>169</sup> Williams, *Call in Pinkerton’s*, 120-124.

“was remarkable, for Pinkerton's, an American agency, was asked by Canada to find evidence in the United States to defeat arguments made by the United States government.”<sup>170</sup>

But such cooperation does not appear to be that remarkable. Williams also notes of the Pinkerton's investigation into the Conspiracy that “it is a nice irony that Pinkerton's, a purely American institution, was advising Canadian government officials on plans by Americans to invade Canada.”<sup>171</sup> Like the cooperation between the Mounted Police and United States authorities in the Yukon and Alaska, the Dominion Police worked together with Pinkerton's to control the Yukon. The political and geographical nature of the area meant that cooperation between Canadian and American authorities was necessary to effectively maintain order during the boundary dispute. What first appears to be an extraordinary investigation into the Conspiracy fits into the normal pattern of governing the Yukon for Canada.

“During the past four months,” White wrote in his 22 May 1902 final report to Sifton on the Conspiracy, “the undersigned has had four men [Seeley, Constantine, Chamberlin, and Drake] working, confidentially, between San Francisco, Seattle, Skagway and Whitehorse in connection with the Order of the Midnight Sun.”<sup>172</sup> “The investigation by each has been quite independent of the others,” he noted.<sup>173</sup> “The reports received from time to time have been lengthy and somewhat contradictory, but they bear evidence of careful enquiry through different channels, and, occasionally, the furnishing of particulars by one confirmatory of information gained by another.”<sup>174</sup> Interestingly, White includes Seeley's unauthorized investigation, which, as mentioned above, shows that the information that Seeley gathered was both welcome and useful.

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<sup>170</sup> *Ibid.*, 121.

<sup>171</sup> Williams, “The Invasion of the Yukon.”

<sup>172</sup> LAC, RG18, Vol. 229, File 149, White to Sifton, 22 May 1902 Memorandum.

<sup>173</sup> *Ibid.*

<sup>174</sup> *Ibid.*

White reported that the Order's activities centred on Skagway and that several suspected members of the Order "will still bear watching."<sup>175</sup> But he did not "feel that the conditions would justify the continuation of large expenditure for detectives."<sup>176</sup> He did, however, "ask authority to continue the employment of a couple of 'specials' between Skagway and Whitehorse, and an occasional visit to Seattle, if deemed necessary."<sup>177</sup>

In the end, White came to the same conclusion as each of his investigators -- that the Order of the Midnight Sun had been a threat, but it no longer was and only increased surveillance in Skagway was needed. The nature of the unsettled Alaska boundary and the potential role of the Conspiracy in the dispute meant that the police had to pay special attention to the Order. But the Mounted Police response to the Conspiracy still appears excessive, given the results of the investigation. Equally puzzling is the sudden end of the Conspiracy investigation in May 1902. The Canadian government response to the Conspiracy sheds light on these questions.

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<sup>175</sup> *Ibid.*

<sup>176</sup> *Ibid.*

<sup>177</sup> *Ibid.*

### Chapter 3

#### Protecting Canadian Interests: The Canadian Government, the North-West Mounted

#### Police and the Conspiracy

The Canadian government first learned “of the existence of a Conspiracy to seize our Yukon Territory” from a 15 November 1901 Memorandum from North-West Mounted Police (NWMP) Comptroller Fred White.<sup>1</sup> The Mounted Police had known of the plot since September 1901 but they did not believe that the Conspiracy was a serious threat. The Canadian government viewed the situation differently and the response was swift. Minister of the Interior Clifford Sifton felt “the responsibility of the unexpected happening” and personally directed the response from Ottawa by “rais[ing] the strength of the police in the Yukon to 300.”<sup>2</sup> “Or in other words,” White told Commissioner A.B. Perry on 18 November 1901, “to increase Whitehorse District by 50 men.”<sup>3</sup> Prime Minister Wilfrid Laurier was not informed of the confidential response until 19 November.<sup>4</sup>

On 16 November 1901 White instructed Superintendent Z.T. Wood, Commander of the Mounted Police in the Yukon, to “double strength detachments Dalton Trail and add one man to each winter detachment post between Whitehorse and Dawson.”<sup>5</sup> Wood was also to ensure that there were “100 men at Whitehorse.”<sup>6</sup> On 20 November six men left Regina for the Yukon. Perry planned to send five men on 23 November and the rest, to maintain secrecy, in small

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<sup>1</sup> See Introduction for more on White’s Memorandum. *Library and Archives Canada (LAC)*, RG18 Royal Canadian Mounted Police Fonds, Volume 229, File 149, Fred White, 15 November 1901 Memorandum; Quote from LAC, RG18, Vol. 229, File 149, White to A.B. Perry, 18 November 1901.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> LAC, RG18, Vol. 229, File 149, White to Wilfrid Laurier, 19 November 1901.

<sup>5</sup> LAC, RG18, Vol. 229, File 149, White to Z.T. Wood, 16 November 1901.

<sup>6</sup> White to Perry, 18 November 1901. On 7 November Wood had asked that H Division “be brought up to its proper strength.” According to Wood there were 93 men in H Division including 13 on the Dalton Trail; LAC, RG18, Vol. 200, File 31, Wood to White, 7 November 1901.

parties.<sup>7</sup> “Officially of course we deny that there is anything more than the usual crop of manufactured stories,” White wrote to Perry of the need for secrecy, “and I am to ask you to send the additional men required in small numbers, as going in to replace others who have taken their discharge or have returned to the North West.”<sup>8</sup>

The existence of the Conspiracy was not a surprise in Ottawa. Government officials, particularly Sifton, were always fearful of unrest in the Yukon. The Mounted Police initially dismissed the Conspiracy as a rumour.<sup>9</sup> Police experiences in the north showed that such threats rarely amounted to anything and that only increased caution was needed unless an investigation suggested otherwise. But Sifton was not convinced. The increase in police numbers was almost immediately followed by planning for a further response by Superintendent Charles Constantine.

But why did the Government continue to take the Conspiracy so seriously when the results of the Conspiracy investigations continued to show that the Order did not pose a threat? The Mounted Police and the Canadian government had different understandings of the north and responded differently to the Conspiracy. The police response was to investigate the Conspiracy and determine if the Order of the Midnight Sun posed a threat before acting. The Government viewed the Conspiracy as a threat that needed immediate attention. With the threat posed by the unsettled Alaska boundary, the wait-and-see attitude of the Mounted Police had less appeal. The Mounted Police were also concerned with the unsettled boundary, but they did not see the Order as a problem. For the Government, Canada had to quickly respond to the Conspiracy or risk losing territory to the United States.

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<sup>7</sup> LAC, RG18, Vol. 229, File 149, Perry to White, 20 November 1901.

<sup>8</sup> White to Perry, 18 November 1901.

<sup>9</sup> White even initially dismissed the Conspiracy as “not likely” to amount to “anything further than scheming and threats.” White to Perry, 18 November 1901.

The views of Sifton and Laurier on the situation surrounding the unsettled Alaska boundary had a great influence on Government policy in response to the Conspiracy. Sifton biographer D.J. Hall describes Sifton as “the strongest apostle of nationalism in the cabinet.”<sup>10</sup> He deeply mistrusted the United States, especially in the far northwest.<sup>11</sup> In Sifton’s opinion, the Americans had blocked the creation of an all-Canadian route to the Yukon, illegally controlled Skagway and Dyea, and “insisted upon an unjustifiably extreme version of the boundary.”<sup>12</sup> Sifton was convinced that the United States wanted to acquire more territory in the Alaska panhandle.

As Hall notes, “Sifton had much stronger anti-American sentiments than did the Prime Minister.”<sup>13</sup> But Laurier was just as, if not more, fearful that unrest in the region could cost Canada in the boundary dispute. According to historian Norman Penlington, American President Theodore Roosevelt waged a “war of nerves” against Laurier in the spring of 1902.<sup>14</sup> When asked about the threat of unrest in the boundary region in early March, Roosevelt claimed that he would respond by sending troops and engineers to enforce the American interpretation of the boundary. But he was purposely vague on when he might do so. Laurier was also concerned that unilateral American action on the boundary line would cost his government politically.<sup>15</sup>

Previous border incidents also weighted heavily on the Government, particularly the Oregon boundary dispute and the Fenian raids. In the 1840s the United States claimed title to the whole Oregon Territory, up to the southern end of Russian territory, but a compromise was eventually reached and Britain and the United States signed the Oregon Treaty in 1846,

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<sup>10</sup> D. J. Hall, *Clifford Sifton: Volume Two, A Lonely Eminence, 1901-1929* (Vancouver: University of British Columbia Press, 1985), 124.

<sup>11</sup> *Ibid.*, 124.

<sup>12</sup> *Ibid.*, 124.

<sup>13</sup> *Ibid.*, 124.

<sup>14</sup> Norman Penlington, *The Alaska Boundary Dispute: A Critical Reappraisal* (Toronto: McGraw-Hill Ryerson Limited, 1972), 63.

<sup>15</sup> *Ibid.*, 62-64.

establishing the border at the 49th parallel. Following the settlement, thousands of American miners rushed to the British side of the 49th parallel after gold was discovered along the Fraser River in 1858. An estimated thirty to thirty-five thousand people traveled to the Fraser country and Britain was barely able to maintain sovereignty over the area.<sup>16</sup> In the 1860s Irish American members of the Fenian Brotherhood raided what would become Canada on a number of occasions with the goal of using Canada as leverage in the fight for Irish independence.<sup>17</sup> By the time of the Conspiracy, these incidents had demonstrated to the Canadian government that the United States a threat to Canadian sovereignty. Some even suggested that Fenians could be behind the plot to take over the Yukon.

Sifton and Laurier were deeply concerned that the Conspiracy or some other kind of unrest in the boundary region would lead to American action in the disputed territory. Such action could take a number of forms. A group of Americans, such as the Order of the Midnight Sun, could take over the Yukon and cede the territory to the United States, a distinct possibility for Sifton. The United States could, as Roosevelt threatened, claim that unrest in the north posed a danger to American citizens and send troops to the Alaska panhandle to control the region and draw the boundary in America's favour. Or they could simply refuse to negotiate and enforce the American boundary claim. In any case, until the boundary dispute was settled, all steps had to be taken to ensure that the United States did not have any reason to act unilaterally. Any trouble, however minor, had to be prevented or quickly stopped.

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<sup>16</sup> Daniel P. Marshall, "Claiming the Land: Indians, Goldseekers, and the Rush to British Columbia," (PhD diss., University of British Columbia, 2000), 95-104.

<sup>17</sup> Richard Gwyn, *John A.: The Man Who Made Us: The Life and Times of John A. Macdonald, Volume One: 1815-1867* (Toronto: Random House Canada, 2007), 356.

On 22 November 1901 Commissioner Perry wrote to White with the “proposed dates of departure of drafts going to Whitehorse.”<sup>18</sup> The fifty men were to be sent over a three-week period, between 20 November and 8 December.<sup>19</sup> Perry had warned White on 20 November that “our strength is getting low, and I shall be compelled to draw on the outside districts for the Yukon drafts unless I get more recruits.”<sup>20</sup> And indeed in addition to twenty-five men from Depot Division, Perry had to draw on five each from C, D, E, F, and G Divisions.<sup>21</sup>

Perry also warned White “that considerable notice will be taken of the men going in account of the prominence which has been given to the alleged Conspiracy.”<sup>22</sup> On 26 November White told Perry that “the Conspiracy having exploded you need not feel bound to send the whole fifty men within three weeks.”<sup>23</sup> But there appears to have been little concern about causing attention in Skagway. By the end of December 1901 a total of forty-nine additional men had been sent to the Yukon.<sup>24</sup>

The increase of fifty Mounted Police in the Yukon also meant that more guns and ammunition would be needed. On 22 November Superintendent A.E. Snyder, commander of Whitehorse Division, asked White to “send Lee Metford carbines with men coming and order thirty thousand ammunition from Vancouver.”<sup>25</sup> The next day, White asked the Department of Militia and Defence “to loan to the Mounted Police... 200 Lee Enfield rifles or carbines and 50,000 rounds of ammunition.”<sup>26</sup>

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<sup>18</sup> LAC, RG18, Vol. 200, File 31, Perry to White, 22 November 1901.

<sup>19</sup> *Ibid.*

<sup>20</sup> LAC, RG18, Vol. 200, File 31, Perry to White, 20 November 1901.

<sup>21</sup> Perry to White, 22 November 1901.

<sup>22</sup> *Ibid.*

<sup>23</sup> LAC, RG18, Vol. 200, File 31, White to Perry, 26 November 1901.

<sup>24</sup> LAC, RG18, Vol. 200, File 31, “Yukon Detachments,” 31 December 1901.

<sup>25</sup> LAC, RG18, Vol. 229, File 149, A.E. Snyder to White, 22 November 1901.

<sup>26</sup> LAC, RG18, Vol. 229, File 150, White to the Deputy Minister of Militia and Defence, 23 November 1901.



On 26 November White informed Perry, Snyder, and Wood that the “Militia Department will lend us two hundred Lee Enfield rifles and fifty thousand rounds ammunition for Whitehorse.”<sup>27</sup> White also wrote to H.S. Sherwood, the Mounted Police shipping agent in Vancouver, instructing him to travel to Victoria, “accept delivery” of the weapons, and ship them to Whitehorse.<sup>28</sup> “I must ask you to do this as quietly as possible,” White wrote, “and mark ‘Confidential’ any communication you may address” to Snyder.<sup>29</sup> Sherwood left for Victoria on 3 December. The guns and ammunition were shipped to Whitehorse on 11 December.<sup>30</sup> “I could have shipped sooner,” Sherwood wrote on 8 December, “but I thought it would be better to send it by a Canadian boat.”<sup>31</sup>

Despite the efforts of Perry and Sherwood, the rush of guns and police still attracted attention in Skagway. On 18 December 1901 the *Daily Skagway News* reported that 300 guns and 48,000 rounds of ammunition addressed to the Mounted Police had arrived Skagway and were “hurried over the line on the first train.”<sup>32</sup> The cases were marked as “sundries” “to escape attention and prevent comment.”<sup>33</sup> The paper concluded that “the Canadian officials have become alarmed over the fake report of an alleged conspiracy and really apprehend the possibility of an uprising.”<sup>34</sup> A second 18 December article titled “And Still They Come” reported that “another detachment of Mounted Police” had arrived in Skagway and was leaving for Whitehorse the next day.<sup>35</sup> But these reports raised little concern in Skagway.

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<sup>27</sup> Quote from LAC, RG18, Vol. 229, File 150, White to Perry, 26 November 1901. LAC, RG18, Vol. 229, File 150, White to Snyder, 26 November 1901; White to Wood, 26 November 1901.

<sup>28</sup> LAC, RG18, Vol. 229, File 150, White to H.S. Sherwood, 26 November 1901.

<sup>29</sup> *Ibid.*

<sup>30</sup> LAC, RG18, Vol. 229, File 150, H.S. Sherwood to White, 3 December 1901; H.S. Sherwood to White, 8 December 1901.

<sup>31</sup> H.S. Sherwood to White, 8 December 1901.

<sup>32</sup> LAC, RG18, Vol. 229, File 149, *Daily Skagway News*, “Arms and Ammunition,” 18 December 1901.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

<sup>35</sup> LAC, RG18, Vol. 229, File 149, *Daily Skagway News*, “And Still They Come,” 18 December 1901.

On 19 December 1901 White wrote a memorandum to Sifton summarizing the initial Mounted Police response to the Conspiracy: “So far the undersigned... has been unable to meet anyone, outside police circles, who had heard of the Conspiracy while in that Territory.”<sup>36</sup> He reassured the Government that “the stories of panic, alarm and calling for troops are absolutely without foundation.”<sup>37</sup> And “the police have most definite and peremptory instructions to exercise the greatest vigilance in watching all routes leading to the Yukon.”<sup>38</sup> Interestingly, White did not outline the steps taken to reinforce and arm the police in the Yukon, only mentioning that “precautions which are being taken will, it is hoped, be sufficient to cope with any emergency.”<sup>39</sup>

The Government’s initial response to the Conspiracy was swift and seemingly effective. In little over a month the Mounted Police had been reinforced with fifty men and a large supply of guns and ammunition. While the Government and indeed the Mounted Police knew very little about the Order of the Midnight Sun in November 1901, they had to respond quickly to such a serious threat. But the Government was not willing to simply sit and wait for more information or further unrest. Within the context of the Alaska boundary dispute, even the smallest outbreak of unrest could result in international complications. A further response was soon in the works.

“The development of the Yukon, and other conditions, now render it desirable to create two separate Districts,” Wilfrid Laurier wrote to the Governor General on 11 February 1902.<sup>40</sup> The Yukon Territory had originally been divided into two districts, Dawson district and Tagish district, both commanded by the commanding officer at Dawson (Z.T. Wood). Laurier’s request would create two separate districts, each commanded by a Superintendent who would report to

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<sup>36</sup> LAC, RG18, Vol. 229, File 149, White, 19 December 1902 Memorandum.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

<sup>40</sup> LAC, RG18, Vol. 232, File 195, Laurier to Lord Minto, 11 February 1902.

the Commissioner of the Yukon Territory.<sup>41</sup> In practice Dawson district and Tagish district (renamed Whitehorse district) remained the same, only the command structure of each district changed. Sifton selected Superintendent Charles Constantine to command the new Whitehorse district and “give special attention conspiracy matters” (as discussed in Chapter Two).<sup>42</sup> A separate district would allow Constantine to respond to unrest in the boundary region and protect Canadian interests without having to consult Dawson. Snyder was to remain in command of H Division at Whitehorse and Wood was to remain in command of Dawson district and have the overall command of all Mounted Police in the Yukon.<sup>43</sup>

Constantine received his confidential orders on 11 February 1902. To protect the Yukon against any future trouble the Government expected the Mounted Police to take on a military role, as originally intended, if necessary, when the force was created in 1873. Since Canadian troops could not travel through American territory to reach the Yukon, only the Mounted Police could quickly respond to any unrest. White provided Constantine with a list of general orders to prepare for the defence of the Whitehorse District, particularly Whitehorse.<sup>44</sup> If the Order of the Midnight Sun or some other group attacked the Yukon from Skagway, Whitehorse would be the first police barracks they would reach. Stopping such an attack would be vital to maintaining Canadian interests in the boundary dispute. Preventing unrest among the unruly American miners in the Porcupine district was also stressed. “Either you or Supt. Snyder,” White wrote,

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<sup>41</sup> LAC, RG18, Vol. 232, File 195, Laurier to Minto, 11 February 1902; “Extract from a Report of the Committee of the Honourable the Privy Council,” 18 February 1902. The two districts were “the Whitehorse District extending from the British Columbia boundary to the Five Finger Rapids and the Dawson District, to include all the territory north of the Five Finger Rapids and the valleys of the Pelly and White Rivers.” “Extract from a Report of the Committee of the Honourable the Privy Council,” 18 February 1902.

<sup>42</sup> LAC, RG18, Vol. 232, File 195, White to Charles Constantine, 28 January 1902.

<sup>43</sup> *Ibid.* Wood, however, misinterpreted White’s instructions to mean that Constantine was now the commander of all police in the Yukon, see Chapter 3 for further discussion.

<sup>44</sup> LAC, RG18, Vol. 232, File 195, White to Constantine 1, 11 February 1902.

“should periodically visit the Porcupine and Dalton Trail sections of the country and see that all necessary steps are taken for the safe-guarding of Canadian interests.”<sup>45</sup>

Constantine’s first instruction was to “strengthen White Horse Barracks against attack, and take such precautionary measures with regard to detachments as the location and surrounding conditions may call for.”<sup>46</sup> In planning for Constantine’s work in the Yukon, White wrote to Snyder on 28 January 1902 asking for a report on protecting the Whitehorse Barracks from attack. Snyder and Constantine’s reports on the Barracks not only show that the police were undertaking military activities but that they had some knowledge of military strategy. “I would beg to draw your attention to the inefficiency of stockading as a means of protection,” Snyder replied on 29 January.<sup>47</sup> “The rear of the Barracks rests on the base of the hill, which... dominates the Barracks and in fact the whole townsite.”<sup>48</sup> With the hill unguarded, Snyder reported that “no portion of the Barracks would be tenable for five minutes in event of any trouble.”<sup>49</sup> Snyder suggested obtaining a piece of land on the top of the hill and establishing “a guard in a sort of blockhouse or intrenchment and so long as that was held the town on all sides would be commanded by us.”<sup>50</sup> He continued, “I see no other way to ensure security than this except by constant watchfulness and a knowledge of what is transpiring.”<sup>51</sup>

Constantine also reported on 29 March 1902 that the hill was “a natural point of defence.”<sup>52</sup> He suggested that arrangements be made to purchase some of the land from the White Pass and Yukon Railway.<sup>53</sup> “A strong blockhouse should be erected, with permanent

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<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*

<sup>47</sup> Snyder to White, 29 January 1902, *LAC*, RG18, Vol. 229, File 149.

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

<sup>51</sup> *Ibid.*

<sup>52</sup> *LAC*, RG18, Vol. 229, File 149, Constantine to White, 29 March 1902; also see *LAC*, RG18, Vol. 230, File 181

<sup>53</sup> *Ibid.*

accommodation for say ten men and should be built of heavy logs,” Constantine suggested.<sup>54</sup> He also reported on the defence of the Barracks itself. “There are four strong log buildings... on the town side of the square and those could be used for defence purposes if necessary.”<sup>55</sup> The other buildings were wood frame or at the bottom of the hill and “would not avail much in an emergency.”<sup>56</sup> Constantine did suggest that “the Barracks itself could be protected against a sudden rush by a barbed wire entanglement.”<sup>57</sup> He also recommended “that a bastion be built at the S.E. corner and at the N.W. corners of the Barracks square.”<sup>58</sup> But, he conceded, “unless the site is procured for the blockhouse, the Post and town are practically defenceless.”<sup>59</sup>

Surprisingly, the Government was in no hurry to improve the Barrack’s defences, however. After receiving Constantine’s report White “discussed the subject with Mr. Commissioner Ross, who suggests that it be left in abeyance until his return to the Yukon, when he will give the matter his personal attention.”<sup>60</sup> White forwarded the report to Sifton on 16 April 1902, suggesting this action be approved.<sup>61</sup>

As instructed, Constantine also examined the guns and ammunition at Whitehorse to determine their usefulness in protecting the Barracks. On 8 March 1902 White asked Commissioner Perry to “make sure that the carriages and harness belonging to our two Maxim Guns, which are now in the Yukon, are in good condition.”<sup>62</sup> Wood had requested that they be sent to him so the machine guns could be moved, “as there are now good roads over which they

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<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

<sup>60</sup> LAC, RG18, Vol. 229, File 149, White to Unknown (probably Sifton), 16 April 1902.

<sup>61</sup> *Ibid.*

<sup>62</sup> LAC, RG18, Vol. 231, File 181, White to Perry, 8 March 1902.

could travel.”<sup>63</sup> “For my own part,” White wrote, “I think the tripods should be quite sufficient.”<sup>64</sup> Perry replied on 19 March 1902 that “both carriages and harness are in good order.”<sup>65</sup> White warned Wood that “they were pretty heavy and would be quite useless.”<sup>66</sup> The problem with the carriages was that they were too heavy to move on Yukon roads. A tripod or a lighter harness would be needed to make the guns useful for defending Canadian territory.

Constantine reported to White on 17 April that “the arms and ammunition at this Post” were “in good order.”<sup>67</sup> He did suggest that the Winchester carbines be replaced with Lee Metfords and that “a magazine for the proper storage of ammunition” be built.<sup>68</sup> On 29 March Constantine also reported there was a Colt and a Nordenfelt Maxim gun at Whitehorse, which he described as “in serviceable condition.”<sup>69</sup> But there was no harness or carriage for the Maxim gun (presumably he meant a tripod or a lighter harness), making it “useless for practical purposes” because it could not be moved.<sup>70</sup> On 22 July 1902 Snyder suggested that two Stewart-Newbury pack saddles would be better suited to use in the Yukon. Perry informed White that pack saddles had been sent with the Maxim guns when they were originally brought to the Yukon.<sup>71</sup>

In response to Constantine’s recommendations, White decided to have the arms in the Yukon inspected and repaired to ensure that they were in the best possible condition in the event of unrest in the area. He instructed S.L. Smallwood, Armourer of the Department of Militia, to “proceed at once to the Yukon” and “make any light repairs... and report to... Snyder and Wood

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<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*

<sup>65</sup> LAC, RG18, Vol. 231, File 181, Perry to White, 19 March 1902.

<sup>66</sup> LAC, RG18, Vol. 231, File 181, White to Perry, 16 July 1902.

<sup>67</sup> LAC, RG18, Vol. 232, File 195, Constantine to White, 17 April 1902.

<sup>68</sup> *Ibid.*

<sup>69</sup> LAC, RG18, Vol. 230, File 181, Constantine to White 2, 29 March 1902.

<sup>70</sup> Constantine to White 2, 29 March 1902, see also Constantine to White, 17 April 1902.

<sup>71</sup> LAC, RG18, Vol. 230, File 181, Perry to White, 22 July 1902.

on the arms which require heavy repairs.”<sup>72</sup> White also wrote to Snyder and Wood, instructing them to make arrangements for Smallwood’s assignment.<sup>73</sup>

On 7 July 1902 Wood informed White that Smallwood had inspected the arms at Whitehorse and Dawson but he did not have time to visit the various detachments in the Yukon.<sup>74</sup> At Dawson, Smallwood found that the Maxim gun and the Lee Metford carbines were in “good order and repair” but the Winchester carbines and Enfield revolvers would need to be replaced.<sup>75</sup> He repaired 15 Winchester carbines and 54 Enfield revolvers.<sup>76</sup> In his 29 July 1902 report to White Smallwood also noted that the Maxim guns at Dawson and Whitehorse had to be “striped and put in working order,” likely because they were never used.<sup>77</sup> Inspecting and servicing the arms at Whitehorse ensured that the Whitehorse Barracks could be defended in an emergency.

As for protecting Canadian interests in the Porcupine district, Constantine suggested on 29 March that “a trail can be got without any great difficulty from this post [Whitehorse] to the Dalton trail.”<sup>78</sup> He recommended that the trail “be opened up as soon as possible this spring.”<sup>79</sup> According to “information gathered from whites and Indians,” the trail would be about 100 miles.<sup>80</sup> At the time, the only access to the Dalton Trail from Canadian territory was the Yukon River, meaning that it would take some time for the police to respond to any trouble on the Dalton Trail. A trail from Whitehorse would allow the police to quickly reach the posts on the Dalton Trail with both police and Maxim guns.

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<sup>72</sup> LAC, RG18, Vol. 237, File 517, White to Perry, 4 June 1902.

<sup>73</sup> LAC, RG18, Vol. 237, File 517, White to Snyder, 4 June 1902; Wood to White, 7 July 1902.

<sup>74</sup> Wood to White, 7 July 1902.

<sup>75</sup> LAC, RG18, Vol. 237, File 517, S.L. Smallwood to Wood, 2 July 1902.

<sup>76</sup> *Ibid.*

<sup>77</sup> LAC, RG18, Vol. 237, File 517, S.L. Smallwood to White, 29 July 1902.

<sup>78</sup> Constantine to White, 17 April 1902; see also LAC, RG18, Vol. 230, File 181, Constantine to White, 29 March 1902.

<sup>79</sup> Constantine to White, 17 April 1902; Constantine to White, 29 March 1902.

<sup>80</sup> Constantine to White, 29 March 1902.

Constantine did not visit the Dalton Trail until May 1902. In a 4 June report to White he described the condition of the trail and its history.<sup>81</sup> “From all the information I was able to gather,” Constantine concluded, “I do not think that there is the slightest danger of any friction or lawlessness on the part of the American citizens or miners in this part of the country on the disputed Boundary question.”<sup>82</sup> He continued, “tact is the thing most necessary on the part of those in charge on portions of the Dalton Trail, the miner in my experience is usually a fair minded man and... no fears of trouble should be entertained from him.”<sup>83</sup> Constantine attributed any talk of trouble to “a few who like to talk, and make it a point to get hold of the newspaper reporters... and will talk to them simply for the sake of notoriety... but who in reality are men of no weight in the community.”<sup>84</sup>

On 18 June 1902 a party lead by an A.D. McLennan left Whitehorse to survey the trail identified by Constantine. Returning on 20 July, the party explored two routes to the Dalton Trail. McLennan identified the 120 mile southern route as the easiest.<sup>85</sup> “A good wagon road can be built the entire distance at small expense,” he told Snyder, “the way for the most part being through a comparatively open and level country.”<sup>86</sup> Unfortunately it is not known if the trail was ever constructed.

Constantine was also given instructions for surveillance in the Yukon. Most of Constantine’s orders focused on defending the Yukon against unrest. But the careful surveillance of miners and travellers, particularly Americans, in the Yukon could be used to prevent unrest in the region and protect Canadian interests. Constantine was asked to “arrange,

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<sup>81</sup> LAC, RG18, Vol. 237, File 528, Constantine to White, 4 June 1902.

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*

<sup>85</sup> LAC, RG18, Vol. 249, File 156, “Extract from Supt. Snyder’s report for the month of July, 1902,” 6 August 1902.

<sup>86</sup> *Ibid.*



where you consider necessary, with reliable Road House Keepers, Stage Drivers etc., to furnish you, for a small consideration, with particulars respecting people passing over the trails; or anything that is of public interest.”<sup>87</sup> He was also to “have a register kept at White Horse, and other Police Posts, of persons at the respective places, or travelling in and out the Yukon, showing names, nationality, where from etc.”<sup>88</sup> But he was instructed to pay particular attention to the White Pass and Yukon Railway. “Keep discreet men travelling on trains between Skagway and White Horse,” White wrote on 11 February, and “endeavour to ascertain the antecedents or history etc., of men employed on the Railway at or running into White Horse.”<sup>89</sup>

Concerns over the Railway stemmed from a report from Snyder. On 7 December 1901 he had “strongly urge[d] that Alien Labour Law be enforced at once so far as regards employees of the White Pass and Yukon Railway.”<sup>90</sup> The Alien Labour Law would force trains to have all-Canadian crews from the summit of White Pass to Whitehorse. Constantine too suggested on 17 April 1902 that train crews should be changed at the Canadian border.<sup>91</sup> Using Canadian crews would “assist the authorities in preventing any trouble that might arise,” Constantine suggested.<sup>92</sup> The American operators would be “in sympathy with any movement emanating from Skagway.”<sup>93</sup> According to a list provided by Constantine, only three of the twenty-four railway employees that ran the train between Skagway and Whitehorse were Canadian or British.<sup>94</sup>

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<sup>87</sup> White to Constantine 1, 11 February 1902.

<sup>88</sup> *Ibid.*

<sup>89</sup> *Ibid.*

<sup>90</sup> LAC, RG18, Vol. 229, File 149, Snyder to White, 7 December 1902.

<sup>91</sup> Constantine to White, 17 April 1902. Constantine also suggested that using all-Canadian crews in Canadian territory would prevent smuggling, which by his estimation “is carried on to a large extent” on the White Pass and Yukon Railway “chiefly by the Railway employees.”

<sup>92</sup> *Ibid.*

<sup>93</sup> *Ibid.* According to Fred J. Clark, a leader of the Order, “8 or 9 of the railroad men, including engineer, conductor, brakemen and two of the road foremen, or superintendents, belonged to the Order.” LAC, RG18, Vol. 229, File 149, Pinkerton’s National Detective Agency to Sherwood, No Date (covers 7-9 May 1902).

<sup>94</sup> Constantine to White, 17 April 1902.

Furthermore, as Constantine reported, “the men employed... on the Railroad are principally Irish Americans.”<sup>95</sup> The Fenian connection would not have been missed. Constantine suggested that an agent be placed in Skagway to work for the Railway and keep watch on its employees.<sup>96</sup> “He should, if possible, be an Irishman,” he wrote.<sup>97</sup> But neither suggestion was implemented. Demanding that train crews change at the border would not have been viewed well politically in the United States. And there is no evidence that an agent was ever placed in Skagway.

Constantine’s final instructions were meant to deal with the problem of sending Canadian troops to the Yukon. The Yukon Field Force, 200 Canadian regulars sent north in the summer of 1898 to assist the Mounted Police in controlling the Yukon and to demonstrate Canadian sovereignty over the area, had to travel two months through the British Columbia wilderness to reach the Yukon from an all-Canadian route. After assisting the police during the Gold Rush the Yukon Field Force was withdrawn in early 1900.<sup>98</sup> The Force’s supplies, including two Maxim machine guns, were left with the Militia in Dawson but by 1901 the Dawson Rifles of Canada had been dissolved and the supplies were in the control of the Mounted Police.

With no direct all-Canadian route to the Yukon, Sifton knew that only the Mounted Police could be easily supplied and reinforced. But additional troops, either from the Army or Militia, could be critical during an emergency. On 22 January 1902 Sifton wrote to the Minister of Militia F.W. Borden informing him that “an officer [Constantine] will be detailed from the Mounted Police... to take special charge of the protection of the south half of the Yukon

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<sup>95</sup> LAC, RG18, Vol. 229, File 149, Constantine to White 1, 4 April 1902.

<sup>96</sup> *Ibid.*

<sup>97</sup> *Ibid.*

<sup>98</sup> Ken S. Coates and William R. Morrison, *Land of the Midnight Sun: A History of the Yukon* (Montreal and Kingston: McGill-Queen’s University Press, 2005), 100-102.

district.”<sup>99</sup> “For this purpose,” Sifton wrote, “it is considered advisable to give him a commission in the Militia with authority to raise, if possible, a volunteer corps of 200 men or possibly 250.”<sup>100</sup> Sifton also suggested that the officer “should be empowered to appoint officers and perfect the organization and make arrangements to ship in at once to Whitehorse the necessary arms and ammunition,” including two Maxim guns.<sup>101</sup> The Mounted Police were to provide a drill instructor and a rifle instructor.<sup>102</sup> “The whole matter will be regarded as altogether confidential,” Sifton cautioned, “no information whatever... should be allowed to transpire.”<sup>103</sup>

In late January 1902 an additional shipment of arms and ammunition was sent to Whitehorse for use by police or militia.<sup>104</sup> Officially they were listed as “for reserve purposes.”<sup>105</sup> H.S. Sherwood, police shipping agent in Vancouver, was instructed to forward 250 rifles and 50,000 rounds of ammunition from the Militia stores in Winnipeg and 250 rifle slings from Victoria to Whitehorse on 24 January. Snyder was informed of the shipment on 28 January. Sherwood received the shipment on 10 February and it was forwarded to Whitehorse the next day.<sup>106</sup>

When Constantine received his orders on 11 February he was instructed to “endeavour to keep a special record of British subjects in the White Horse District whether they have had military training or have been members of the Active Militia or the Mounted Police and whether

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<sup>99</sup> LAC, Clifford Sifton Fonds, Microfilm C532, Clifford Sifton, Memorandum to F.W. Borden, 22 January 1902.

<sup>100</sup> *Ibid.*

<sup>101</sup> *Ibid.*

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid.*

<sup>104</sup> LAC, RG18, Vol. 229, File 150, White to Snyder, 28 January 1902.

<sup>105</sup> *Ibid.*

<sup>106</sup> White to Snyder, 28 January 1902; LAC, RG18, Vol. 229, File 150, White to H.S. Sherwood, 24 January 1902; H.S. Sherwood to White, 10 February 1902.

they would be willing to enroll, temporarily, for service in the Yukon if required.”<sup>107</sup> Constantine was not told that he would have a commission in the Militia. But the list would give Sifton and White an idea of the number of available men in the Yukon and Constantine could be given further instructions if needed.

Sifton’s plan would have been a bold move to secure the Yukon against any potential attack. The availability of an extra 250 men would help to ensure the defence of the Yukon against the Order of the Midnight Sun or any other groups during the Alaska boundary dispute without relying on an all-Canadian route for troops. But it never happened.

Sifton wrote to White on 2 April 1902 that “I have come to the conclusion that the only way of dealing with police matters in the Yukon is to retrace our steps and repeal [the] Order-in-Council of 18 February 1902” that divided the Yukon into two separate districts.<sup>108</sup> Constantine was to “remain in the Territory until otherwise ordered on special commission... and make a report on position of affairs in the whole of the southern boundary of the Territory, and, if necessary, in Skagway, Seattle, and San Francisco.”<sup>109</sup> “If everything is quiet and satisfactory,” Sifton wrote, “he will probably be ordered to return early in the summer.”<sup>110</sup> The police command in the Yukon would be reorganized again with Wood being appointed “Assistant Commissioner for the Yukon under a new Act.”<sup>111</sup> Constantine was informed of the changes on 12 April. And as noted in Chapter 2 he sent his final report to White on 17 April and left Whitehorse on 6 May to visit the Dalton Trail. He left Skagway for the south on 18 May.

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<sup>107</sup> White to Constantine 1, 11 February 1902.

<sup>108</sup> LAC, RG18, Vol. 232, File 195, Sifton to White, 2 April 1902.

<sup>109</sup> *Ibid.*

<sup>110</sup> *Ibid.*

<sup>111</sup> *Ibid.*

Constantine sent a report of his inspection of the Dalton Trail to White on 4 June from Fort Saskatchewan.<sup>112</sup>

The reason for the sudden change is not entirely clear. One possibility is the relationship between Wood, Snyder and Constantine. Wood and Snyder were first informed of the changes to police organization on 11 February when White sent them copies of Constantine's orders.<sup>113</sup> "The Minister relies upon the establishment and maintenance of cordial relations and hearty cooperation, in the public interest, between you and Supt. Constantine as the officer commanding the two districts into which the Yukon has been divided for police purposes," he wrote to Wood.<sup>114</sup> On 14 March White again wrote to Wood and Snyder informing them that there were now two separate districts in the Yukon and that Constantine would command Whitehorse District when he arrived.<sup>115</sup> Wood, however, misinterpreted White's 11 February letter to mean that Constantine "had been appointed 'O.C. Yukon Territory.'"<sup>116</sup> The misunderstanding was never corrected.

Both Wood and Snyder were not happy with the changes. Wood wrote to Major J.M. Walsh, a former Commissioner of the Yukon, on 16 March 1902 that "Constantine my senior sent to take charge Whitehorse depriving me Yukon Command... please communicate with Minister."<sup>117</sup> On 17 March Snyder requested "a transfer to another district."<sup>118</sup> In the meantime Walsh also received a 21 March telegram from F.C. Wade, a former member of the Yukon Territorial Council. "Word from Dawson that Wood... superseded by Constantine," he wrote,

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<sup>112</sup> LAC, RG18, Vol. 232, File 195, White to Constantine, 12 April 1902; LAC, RG18, Vol. 232, File 195, White to Perry, 5 May 1902; Constantine to White, 4 June 1902.

<sup>113</sup> LAC, RG18, Vol. 232, File 195, White to Wood, 11 February 1902; White to Snyder, 11 February 1902.

<sup>114</sup> White to Wood, 11 February 1902.

<sup>115</sup> LAC, RG18, Vol. 232, File 195, White to Wood, 14 March 1902; White to Snyder, 14 March 1902.

<sup>116</sup> LAC, RG18, Vol. 232, File 195, White to Unknown (probably Sifton), 7 May 1902. Also see LAC, RG18, Vol. 232, File 195, Wood to White 4 June 1902.

<sup>117</sup> LAC, Clifford Sifton Fonds, Microfilm C545, Wood to J.M. Walsh, 16 March 1902.

<sup>118</sup> LAC, RG18, Vol. 232, File 195, Snyder to White, 17 March 1902.

“old friends of Government greatly opposed, trust to you to interfere vigorously.”<sup>119</sup> Presumably Walsh passed these concerns on to Sifton.

Another possible explanation for the end of Constantine’s assignment is the police relationship with the Commissioner for the Yukon Territory, James H. Ross. In a 22 March 1902 Memorandum White wrote to Sifton that “during the past year there has been more or less friction caused by the Commissioner questioning proceedings forwarded from the Yukon for his concurrence.”<sup>120</sup> The Commissioner of the Yukon was technically in command of all Mounted Police in the Yukon.<sup>121</sup> But as White noted, the Commissioner’s office “agreed to approve any act of the Officer Commanding the Yukon which by law should be performed by the Commissioner.”<sup>122</sup> White feared that the Commissioner’s interference in the Conspiracy response would prevent the police from quickly responding to further unrest. “To overcome this difficulty” the Yukon had been divided into two districts.<sup>123</sup> But the problem persisted.

The decision to change course appears to have been influenced by the dissatisfaction with Wood’s supposed demotion, expressed to Sifton by Walsh, and the conflict between the Mounted Police and the Commissioner’s office. In Sifton’s eyes, the re-organization of the police districts in the Yukon had done nothing but upset supporters of the Government’s Yukon policy. Constantine had made some efforts to protect the Yukon, but the threat of further unrest remained. J.H. Ross, the Commissioner for the Yukon Territory, Major J.M. Walsh, a former

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<sup>119</sup> LAC, Clifford Sifton Fonds, Microfilm C545, F.C. Wade to Walsh, 21 March 1902.

<sup>120</sup> LAC, Clifford Sifton Fonds, Microfilm C546, White, 22 March 1902 Memorandum. White was at least partly referring to the Conspiracy response: “Within the last few months circumstances occurred which necessitated the taking of extra precautions in the Whitehorse District and providing for prompt action in the event of an emergency.” The conflict appears to have been partly due to the Commissioner’s absence from the Yukon. Ross wanted to be more involved in the Conspiracy response but he left the Yukon for Ottawa at the beginning of February 1902. LAC, Clifford Sifton Fonds, Microfilm C546, Wood to White, 6 February 1902.

<sup>121</sup> See William R. Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925* (Vancouver: University of British Columbia Press, 1985), 33.

<sup>122</sup> White, 22 March 1902 Memorandum.

<sup>123</sup> *Ibid.*

Commissioner of the Yukon, and F.C. Wade, a former member of the Yukon Territorial Council, were handpicked by Sifton and their opinions had some influence in the Government. Sifton decided that a change in policy was needed, triggering what could be called a reset of the Conspiracy response and investigation. Constantine and P.C. Chamberlin were recalled from their work and an evaluation began.

Unlike the Mounted Police, the Canadian government viewed the Conspiracy as an immediate threat to Canadian sovereignty. During the Alaska boundary dispute, the Government feared that unrest in the boundary region would force the United States to forgo negotiations and enforce their interpretation of the boundary. The Conspiracy showed that the government needed to take steps to protect the region from further unrest and learn what it could of any future threats, no matter the source. The information that led to the decision to divide the Yukon into two districts, for example, came from outside the Mounted Police. In Chapter Two it was suggested that the decision to send Constantine to the Yukon was influenced by the results of Superintendent Snyder and Detective J.H. Seeley's investigations. But, as White wrote to Commissioner Perry on 29 January 1902, "it was not [Snyder's] report... which influenced the Government in the matter, but rather information received direct by the Ministers, which I have not seen."<sup>124</sup>

While this information is not in the Mounted Police records, there are a number of examples of the Government receiving information from other informants. One likely source is Major H.J. Woodside, Census Commissioner for the Yukon in 1901. Woodside told the *Ottawa Daily Free Press* on 23 November 1901 that he "learned from a couple of reliable Skagway

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<sup>124</sup> LAC, RG18, Vol. 232, File 195, White to Perry, 29 January 1902.

friends the whole details of the affair.”<sup>125</sup> He put the blame for the Conspiracy on the withdrawal of the Yukon Field Force. “I hear that the Militia Department is being mildly censured for withdrawing the regular troops from Dawson,” he told the *Free Press*.<sup>126</sup> According to Woodside, “there was a plot formed in 1898 to overpower the NWMP and officials and ship them down the Yukon... so that the conspirators could take over the country.”<sup>127</sup> But “three things held the conspirators back: the fear of the police, the want of a bold leader, and the knowledge that a force of Canadian regulars... was advancing into the country.”<sup>128</sup>

There is no evidence that Woodside communicated this information to the Government but given Woodside’s reputation as a journalist and militiaman and his connections in the Government, it would have been valued by Sifton and others in Ottawa.<sup>129</sup> His suggestion that “twenty-five to fifty more NWMP should be sent into Whitehorse and Dawson at once” is similar to Sifton’s response for example.<sup>130</sup> And his concerns about the removal of the Militia were addressed by the Government.

In another example, on 2 May 1902, a friend wrote to A.P. Sherwood on the “Fenian scare at Skagway and Atlin.”<sup>131</sup> He told Sherwood of Primrose and Seeley’s trip to Skagway and concluded that “this Fenian scare was the muddy water he [Primrose] stirred up to hide his own doings.”<sup>132</sup> He also warned Sherwood that Boer sympathizers and Irishmen in the United States “might make a raid” on some Canadian interest and “are not in love with Mother England and

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<sup>125</sup> LAC, RG18, Vol. 207, File 188, *Ottawa Daily Free Press*, “The Truth About Yukon,” 23 November 1901. According to Woodside, The police became aware of the Conspiracy in Skagway and they “soon were able to secure a list of the names of the merchants of Skagway who contributed money to aid the enterprise and also to learn the names of the principals in the Conspiracy.”

<sup>126</sup> *Ibid.*

<sup>127</sup> *Ibid.*

<sup>128</sup> *Ibid.*

<sup>129</sup> Doug Whyte, “New Perspectives on the Klondike,” *The Northern Review* 19 (1998), 181-203.

<sup>130</sup> *Ottawa Daily Free Press*, “The Truth About Yukon,” 23 November 1901.

<sup>131</sup> LAC, RG18, Vol. 229, File 149, Unknown to A.P. Sherwood, 2 May 1902.

<sup>132</sup> *Ibid.*



would jump at anything to do her an injury.”<sup>133</sup> Such threats from Fenians or Irishmen fit into the Government’s view of the Conspiracy.

The tendency of the Government to rely on such information demonstrates how seriously the threat of the Order of the Midnight Sun was viewed in Ottawa. The Government was desperate for information on the Conspiracy and was willing to listen to any source of information, even if it was not particularly reliable. Information from outside the Mounted Police also appears to have been more valuable in Ottawa than information from the police in the Yukon. The Mounted Police view that the Conspiracy was not a serious threat was at odds with the Government’s position. And the haphazard nature of the Mounted Police investigation into the Conspiracy did not inspire trust in Ottawa. The issue of trust also appeared in the early Government response to the Conspiracy. After learning of the existence of the Conspiracy, Sifton and the Laurier government were concerned that they had not been informed of the Conspiracy when it was first discovered.<sup>134</sup> The Government was unsure if the Mounted Police could be trusted to prevent unrest in the Yukon. Mounted Police suggestions of “constant vigilance” would do little to stop American action in the boundary dispute, in the Government’s view.<sup>135</sup> And any reports of future unrest from sources outside the police had to be taken seriously. An initial response to the Conspiracy was necessary to protect Canadian territory, but a further response was needed to ensure that Canadian interests in the boundary dispute were protected.

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<sup>133</sup> *Ibid.*

<sup>134</sup> White responded to this criticism in a 22 November 1901 Memorandum: “The so-called Conspiracy with the object of establishing a Republic in the Yukon Territory has been known to the Mounted Police for several months past, but it was considered too much of a bubble to be taken seriously; in fact, it would have been an insult to the better element of citizens of the United States who are living in the Yukon to assume that they would be parties to such a scheme. The Mounted Police have dealt with the matter as one of the many subjects for enquiry which come under their attention, and the bubble appears to have been burst by an Officer of the Force visiting Skagway, in U.S. Territory, in search of further information,” LAC, RG18, Vol. 229, File 149, White, 22 November 1901 Memorandum.

<sup>135</sup> LAC, RG18, Vol. 229, File 149, Seeley to Wood, 24 January 1902.

By July 1902 the Police Act had been amended to appoint Superintendent Wood Assistant Commissioner for the Yukon Territory. Wood was given the authority to exercise “all the powers of the Commissioner” when Ross was absent from the Yukon and would have the authority to quickly response to any threats.<sup>136</sup> But the Conspiracy response and investigation was never restarted.

In June 1902 Laurier went to London for the coronation of King Edward VII and a conference of colonial prime ministers. According to historian Charles Campbell Jr., Sifton “warned him before leaving Ottawa not to agree to an even-numbered tribunal” to settle the boundary dispute.<sup>137</sup> But in Norman Penlington’s words, “Laurier broached the boundary question because of possible border trouble.”<sup>138</sup> After meeting with British officials Laurier decided that Canada would accept American control of Skagway and Dyea and agree to an even-numbered tribunal. In meetings on 24-25 June, these concessions were passed on to the United States. Sifton and others in the Cabinet were furious, but there was nothing they could do. On 24 January 1903 Britain and the United States signed the Hay-Herbert Treaty setting the terms of the Alaska boundary tribunal.<sup>139</sup>

With an agreement in place to settle the boundary dispute there was no need to continue the response to the Conspiracy. It no longer mattered if the Order of the Midnight Sun or some other group created unrest in the boundary region. The Alaska boundary would soon be set by negotiation. Most of Constantine’s recommendations were at least partly addressed. The Mounted Police continued to be vigilant and the number of police in the Yukon was maintained

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<sup>136</sup> LAC, RG18, Vol. 230, File 181, White, 9 July 1902 Memorandum.

<sup>137</sup> Charles S. Campbell Jr., *Anglo-American Understanding, 1898-1903* (Baltimore: John Hopkins Press, 1957), 256. An even-numbered tribunal could end with no agreement but an odd-numbered tribunal with a neutral party would be more likely to produce an agreement that Canada could support.

<sup>138</sup> Penlington, *The Alaska Boundary Dispute*, 64. Campbell Jr.’s other interpretation

<sup>139</sup> Campbell Jr., *Anglo-American Understanding*, 256-258; Penlington, *The Alaska Boundary Dispute*, 62-68.

at 300 until the final settlement in October 1903. But the Government was no longer concerned with the Conspiracy and the threat it posed to Canadian sovereignty in the unsettled boundary region.

## Conclusion

“I am informed, confidentially,” North-West Mounted Police Comptroller Fred White wrote to Superintendent A.E. Snyder on 22 May 1902, “that a man named Harrington was one of the mainstays, financially, of the Order of the Midnight Sun at Skagway, and that another by the name of Burns... is also a keen advocate of republican institutions in the Yukon Territory.”<sup>1</sup> White instructed Snyder to “make enquires respecting these men.”<sup>2</sup> Snyder responded by instructing Constable Ralph Dooley to travel on “special duty” to Seattle and locate Harrington and Burns.<sup>3</sup> Dooley arrived in Seattle in late June and quickly found Burns. Posing as an Irishman joining a friend in Dawson, he told Burns that he had heard that “there was great disputes going on about the Alaska boundary line.”<sup>4</sup> Burns replied that “as far as he could make out, Canada together with large English syndicates wanted to grab up all the valuable country in the district.”<sup>5</sup> Dooley also asked about the “secret parties” that were planning to attack Dawson.<sup>6</sup> “I often take great interest in hearing the different reports circulating about the supposed raids,” Burns remarked, “but I think there is no chance of it ever happening now.”<sup>7</sup> Dooley was not able to find Harrington.

On 10 July Snyder sent Dooley’s report to White. Snyder added that Burns “took practically no interest... in the movement which was afoot” while he was in Skagway and that Harrington “is a dismissed United States soldier, carrying no weight or influence, and consequently not worth attaching any importance to.”<sup>8</sup> Snyder wrote, “anything further I can

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<sup>1</sup> *Library and Archives Canada (LAC)*, RG18 Royal Canadian Mounted Police Fonds, Volume 229, File 149, Fred White to A.E. Snyder, 22 May 1902.

<sup>2</sup> *Ibid.*

<sup>3</sup> *LAC*, RG18, Vol. 229, File 149, Ralph Dooley to Snyder, 8 July 1902.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *LAC*, RG18, Vol. 229, File 149, Snyder to White, 10 July 1902.

learn regarding Burns, I will advise you of.”<sup>9</sup> But there was no need. The Conspiracy investigation had finally ended.

The Canadian response to the Order of the Midnight Sun and its plans to take over the Yukon can only be understood with the context of the Alaska boundary dispute. The Klondike Gold Rush brought thousands of miners and traders into the northwest before the location of the Alaska boundary was known. The Canadian government was determined to protect its interests in the region during the boundary dispute. Efforts to enforce mining regulations and maintain control of the boundary region angered American miners and businessmen, who wanted the region to be governed in their interest. During the Alaska boundary negotiations, the location of the temporary border changed several times and mining laws were subject to change as Canadian officials determined if mining districts were in the Yukon or British Columbia, further angering miners. And American businessmen did not know if there would be Canadian competition on the Lynn Canal. The founders of the Order of the Midnight Sun appealed to these concerns. They promised to repeal all mining laws that were deemed oppressive, maintain Skagway’s trade advantage, and immediately settle the boundary dispute or cede the Yukon to the United States. Since the United States generally ignored the region, miners would be free to govern the region in their own interests.

After the Order was discovered, the Mounted Police had to operate in Skagway, Seattle and San Francisco to fully investigate the Conspiracy. The geographical nature of the Alaska panhandle and the fact that the region was divided by an unsettled boundary meant that the Mounted Police had to work with American officials and miners in the northwest to govern the region. United States troops and established miners were willing to work with the Mounted Police to maintain order. The Mounted Police did not view the Conspiracy as a serious threat

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<sup>9</sup> *Ibid.*

because they knew that United States authorities and the majority of miners did not support unrest and that most threats to Canadian sovereignty in the Yukon led to nothing. The police preferred to thoroughly investigate the Conspiracy before committing to a response.

The Canadian government, on the other hand, viewed the Conspiracy as an immediate threat to Canadian interests in the Alaska boundary dispute. Prime Minister Wilfrid Laurier and Minister of the Interior Clifford Sifton were convinced that the United States wanted to control the Yukon and that the Conspiracy or any future unrest in the region could be used to force the American interpretation of the boundary line on Canada. Because the Government believed that the Conspiracy was a real threat and the Mounted Police did not, the Government often mistrusted that police interpretation of the situation. It consequently took steps to ensure that the Conspiracy was thoroughly investigated. It also increased the Mounted Police presence in the Yukon to defend the boundary region and prevent further unrest.

While the Conspiracy caused a great deal of excitement when it was discovered, the Order of the Midnight Sun was not a serious threat to Canadian sovereignty. More interesting is the scale and scope of the Mounted Police and Canadian government response to the Conspiracy, within the context of the Alaska boundary dispute. The Conspiracy shows that local issues played a role in the boundary dispute. The Canadian government in particular would not have taken the Order of the Midnight Sun seriously if it did not believe that the Conspiracy could cost Canada in the boundary negotiations.

The Conspiracy offers a perspective on the unique situation that developed in the northwest during the boundary dispute. The cooperation between Canadian and American authorities in the north has yet to be fully explored by historians. This cooperation suggests that international sovereignty in the northwest is more complicated than has been assumed. The

conflict between the Mounted Police in the Yukon and Canadian officials in Ottawa during the Conspiracy investigation also appears to be unique to the Alaska boundary region. These issues have been ignored in the past because they go against the master narrative of the Mounted Police resolutely defending and protecting Canadian interests in the Yukon. For those in Ottawa, the Conspiracy revealed a sense of vulnerability in the northwest and led to a serious response by the Canadian government. Even though the Mounted Police recognized the realities of the region and did not view the Order of the Midnight Sun as a threat to Canadian sovereignty, the Canadian government was determined to protect its distant territory.

## Appendix

### March 1901 Manifesto

To Whom it May Concern,

Since it has become evident to the miners, merchants and the general public in the Porcupine, Bennett Lake and Atlin mining districts, British Columbia and Yukon district, North-West Territory, that the resources of these parts of Canada can never be developed under the present corrupt and incompetent rule of the British Columbia and North-West Territory governments, we have decided to establish a republic.

Our reasons for doing so are:

1. Defective mining laws, framed by individuals who do not know our wants, and which we have no power to correct.
2. Corrupt officials who administer the same and who cannot be removed because they have a pull
3. The insatiate greed of the present government which losses no opportunity to bleed the miner, while we receive no benefit in return.
4. The way the liquor traffic is conducted to the advantage of the few who are in the ring while others who hold the same license are held back.
5. Gambling, which is carried on in all the towns in the above named districts though forbidden by law, should be licensed. If we must have gambling the revenues from the games should go to the state. At present petty officials receive the benefit.
6. The policy of leasing to individuals or companies thousands of acres of timber, grazing or mineral land, to the exclusion of all others from the same.
7. Corruption in the recorders' offices at Dawson and Atlin.
8. Absence of a lien law.
9. Delay in getting justice through the courts.
10. We are opposed to having carpet baggers appointed from the outside to hold offices and propose to elect our own officials.
11. While we are licensed and taxed to the utmost, the government furnishes us with no schools or hospitals and has made but few trails.
12. Foolish legislation such as the British Columbia Alien Act and others, which have been the cause of diverting millions of dollars and hundreds of prospectors from these districts and retard the development of the country for years.
13. Hostility to the miner and his interests. This country has no manufacturing or agricultural interests. All her resources are mineral. We are opposed to continuing a condition which eventually must result in the death of the mining industry.
14. The royalty of ten per cent on the gross output of the mines is exorbitant and cannot longer be tolerated. If the British government is justified in annexing the two South



African republics because they charge her subjects two and a half cent on the output of mines we certainly have a right to resent the imposition of ten per cent on the same.

15. The duty on goods, merchandise and wares of all kinds is much too high and should be reduced to the minimum. We hold that prospectors and bona fide settlers with their outfits should be admitted free.
16. Miners' Licenses – In the Yukon district miners are charged \$10 and in the British Columbia district \$5 for the permission to prospect. This tax should be abolished.
17. Loggers' Licenses – Miners are charged \$10 and \$5 respectively in the British Columbia and Yukon districts for the privilege of cutting logs to build a cabin. Miners should not be taxed for this privilege.
18. Recording Fees – It costs \$15 in the Yukon Territory to record a claim and in the Atlin district \$5. These claims must be re-recorded every year. We hold that this fee is exorbitant and that one recording should suffice.
19. Boundary Line Dispute – The unwillingness of the British Columbia government to meet the United States government half way in the boundary line dispute is a condition which grows worse and more acute with time, and will cause trouble, perhaps war, unless attended to at once. At present capital hesitates to invest in this disputed district and the development of the country is retarded thereby. We pledge ourselves if successful in this undertaking to send a delegation to Washington, D.C., at the easiest possible opportunity, to the end that the boundary may be permanently fixed.

We have not underestimated the task nor have we undertaken it lightly, without giving it a thought. We love peace and regret having been forced to a pass which makes this effort on our part a duty, and hope God and the world will hold us guiltless should any blood be shed in the attempt.

Respectively submitted.

(seal) Committee, O. M. S.<sup>1</sup>

June 1901 Letter to the Citizens of Skagway

To the Citizens of Skagway,

Skagway is situated only forty miles from the head of navigation on the Yukon [River] and a thousand miles nearer to the great Klondike placers than her rivals, Victoria and Vancouver. Most of the people of the interior are countrymen of hers, who, all else being equal, would give her preference in trade. Yet with every natural and geographical advantage in her favor and a daily train service to the inside, Skagway merchants stand idly behind their counters, while shipload after shipload of freight from far off Canadian ports are dumped at the wharf and

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<sup>1</sup> LAC, RG18, Vol. 229, File 149, *Seattle Daily Times*, "Rebellion Against Canadian Authorities was Planned by Desperate Miners," 21 November 1901; *Ottawa Citizen*, "Plot to Seize Yukon," 22 November 1901.

headed on to the interior. In the season of 1898-9, out of \$7,000,000 worth of merchandise that went to the Yukon through the White Pass, only \$2,000,000 worth came from American ports (Skagway included), while the balance, \$5,000,000, was from Vancouver and Victoria.

It is a fact that while the present tariff conditions prevail, Skagway will never reap the advantages from her superior trade location at the head of the Lynn Canal.

If in the natural course of events, the Yukon Territory should be annexed to the United States, Skagway in all probability would be made the capital of the state, which would mean public buildings, forts, naval station, etc.

The Canadian government has subsidized an all-Canadian railway to the headwaters of the Yukon. If this road is ever completed Vancouver, Winnipeg and eastern Canadian cities will enter the Yukon markets and Skagway will be killed. If we are successful the Canadian railroad will never be built in our time.

The Boundary Line Dispute – This question has rested too long and there is no indication that it will be settled soon. Capital hesitated to invest in the disputed territory and development is delayed. If we let the matter rest a compromise, perhaps, will be had, and good territory given away. The Canadians hope to obtain a free port of entry on Lynn Canal when settlement is made. If they succeed in this Skagway will be brought into competition with a Canadian town somewhere on Lynn Canal. If our plan carries the boundary question will be settled at once, and there will be no more talk of a free port.<sup>2</sup>

#### The Oath of the Order of the Midnight Sun

By this book, and the holy contents thereof, I, Mr. \_\_\_\_\_, do hereby endorse the purpose for which the Order of the Midnight Sun was organized, and solemnly swear, pledging my honor as a gentlemen, that I will in every way possible, and to the best of my ability, without respect of favor, friendship, love or hate, loss or gain, envy or malice, aid the members and officers of this lodge in every legitimate effort to accomplish the purpose desired; that I will remain true to any trust that may be imposed on me as a member of this organization, and will not expose any secrets thereof. I further promise to shield, protect and defend any member if necessary. So help me God.<sup>3</sup>

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<sup>2</sup> LAC, RG18, Vol. 229, File 149, *The Yukon Sun*, "The Great Conspiracy: How the Plot that was to Overthrow the Territorial Government of Hatched," 29 March 1902.

<sup>3</sup> *Ibid.*



Seal of the  
Order of the Midnight Sun.

(San Francisco *Call*, Nov. 17, 1901)

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<sup>4</sup> T. Ann Brennan, *The Real Klondike Kate* (Fredericton: Goose Lane Editions, 1990), 127.



Emblem of the  
Order of the Midnight Sun.

(San Francisco *Call*. Nov. 17, 1901)

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<sup>5</sup> *Ibid.*, 125.

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