

The Battle of Deadman's Island



Source: Photo by Broadbridge-Bullen, City of Vancouver Archives #St Pk P330

I did my best to determine who all was captured in this photograph, some are for sure, others a guess:

- PC 7 (cutting bread) – George Hood
- Seated with bottle and no jacket – Roy Perry?
- standing in apron – unknown
- leaning on left knee – Daniel Marr?
- PC 43 (hammer) – George Sutherland Rear with cap – unknown
- Seated w pouring bottle – nk
- Seated and pouring with moustache – Gerhard MacAulay?
- PC 30 (seated with pipe) – Malcolm McLeod

- Rear with suit jacket open – nk
- Rear with bowler hat – nk
- Rear old guy – Police Magistrate A. Williams?
- PC 42 (leaning elbow) – William “Bill” Kuner
- PC 28 (standing with stick) – James Tuning
- Seated on ground with saw – Daniel McLeod?

This infamous photo, seen around the Department has a story to tell.

The small island situated within Coal Harbour in Stanley Park, was once held as an Imperial Military Reserve. The First Nations named it Squit-Sahs, later called Coal Island (1866), then Deadman’s Island. Of course, since 1942, the island itself has been home to the HMCS Discovery naval base.

Historically, it was the site of a massacre of 200 Coast Salish warriors (1700s), then a burial site for First Nations peoples (the coffins were placed in the trees to prevent animal disturbance) and later white settlers (1870s & 1880s). Some of those killed during the great fire (1886) and the building of the Canadian Pacific Railway were also buried here. Between 1888-1892, it was used to quarantine smallpox victims, some of who were buried there.

Here is the rest of the story:

February 14, 1899: The Dominion of Canada, via the Minister of Militia (Sir Frederick Borden), provides the Vancouver Lumber Company (Chicago-based enterprise, whose principal was Theodore Ludgate) with a 25-year lease of Deadman’s Island, at a rental cost of \$500 per annum. The lease is later updated to ‘in perpetuity’, lease cost to be arbitrated at the 25-year end. His plan: a sawmill and other industries, including warehouses, to be constructed. This mill would employ upwards of 1000 men. The recent total destruction by fire at Hastings Mill (Oct 26 1898) suggested that another city mill would be of benefit. This lease (give-away) was not well received by the City.

April 24, 1899: City officials got wind that Ludgate would be invading and taking charge of the island. Imposing preparations were made for a “gallant defence.” Long before daylight, a

small group of policemen trudged their weary way to the scene of the approaching siege and upon arrival were drawn up in platoons by an experienced warrior, the Chief of the Specials.

Along about 5 o'clock, the Mayor (James F. Garden) arrived with his aide-de-camp and legal adviser extraordinaire (City Solicitor). The Mayor, by virtue of his office, assumed the responsible position of Commander-in-Chief of the land forces and an anxious watch was at once posted to give the alarm when the invaders set sail.

Shortly before half-past-six the enemy got under way, the fleet being composed of one heavy barge and two smaller craft, one of which was Mr. Theodore Ludgate and his staff. The war correspondents were embarked in a low rakish craft, which was by far the swiftest in the flotilla and which circled around the rest of the squadron critically inspecting the appearance and equipment of the attacking force.

The waters were calm and smooth, and the sunlight glancing off the blades of the workmen's axes lent a martial appearance to the whole fleet. Early risers from the bank saw this, and judging from the glistening of the weapons of peace, thought the force must be armed to the teeth with shining firearms and bullet-proof cuirasses (armored breastplates). These therefore anticipating a bloody combat started post haste for the island, via the circuitous land route, where they arrived by the way, just after the conclusion of an armed neutrality. As the fleet slowly drew nearer the island the defenders were seen massed on the beach in a compact defensive formation, in the rear of which stood General Garden and his aide-de-camp issuing directions and infusing courage into the hearts of the defenders, already tired by long waiting.

They were not long kept in suspense and soon the boats of the advancing force grated on the beach and directions for an orderly landing were at once issued by the admiral of the fleet.

Mr. Ludgate and his party disembarked first, followed a moment later by the main guard from the barge. All advanced up to the place where the Mayor and City Solicitor were awaiting their coming, safely ensconced behind twelve stalwart Constables and a number of Special Constables.

The meeting was more ceremonious than might have been expected, for the members of both forces courteously greeted one another and remarked that it was indeed a fine morning. Beyond the civilities of greeting however, no time was wasted in introductory parley, for the land forces stood still waiting for further orders from his worship the Mayor.

The initiative was therefore forced upon the invaders and it was taken with alacrity. Seizing an axe, Mr. Ludgate swung valiantly and landed the first blow deep in the vitals of a sapling standing by his side.

“Arrest that man,” shouted the Mayor from behind his own army.

At this command Sergeant of Police Johnson advanced and placing his hand on Mr. Ludgate’s shoulder said: “You are under arrest, adding by way of explanation, “In the Queen’s name.” The crisis having been precipitated, the heads of the two forces came together and a brief conversation ensued.

“I am sorry,” began the Mayor, “but there is unfortunately no other course open for me, and acting on behalf of the Council it is my duty to arrest you and any of your men who may attempt to destroy property on this island.”

“I regret that you have seen fit to adopt this course,” replied Mr. Ludgate. “I regard you and your men as having no right here at all. You are trespassers on this property and will be held responsible for the course you are taking.”

Turning to his men, Mr. Ludgate then ordered them to begin work at clearing away the underbrush and they promptly divided into three or four parties and immediately commenced operations. For a minute or two, the sound of axes chopping vigorously lent the impression that the invaders had gained their point.

“Arrest them all,” was the Mayor’s next command and the officers jumped to obey. One enthusiastic little man with a ferocious black beard refused to be disarmed and persisted in swinging his axe in dangerous proximity to the head of the stalwart Constable towering above him. He was at length caught in an unguarded attitude and his weapon removed.

In five minutes, the workmen were all corralled and a ring was formed in the centre of which stood the Mayor and Mr. Ludgate. "Your men are all under arrest," explained the Mayor.

"So it appears," replied Mr. Ludgate. "I have no intention of resisting by force and never intended to. We know, however, just how the matter stands and you are responsible for what you have done."

Upon further consultation it was decided not to take the men to the city under arrest, but Mr. Ludgate's undertaking to produce them when wanted, was accepted.

"I shall protect my men," he said, "no matter what phase the difficulty may assume and the Dominion Government will protect me."

At this stage the City Solicitor suddenly appeared on the scene and assumed active charge of the defenders of the island and his sudden animation was thus explained by a by-stander who had been watching the progress of the whole affair:

"You see," he said, "it is this way: the City Solicitor anticipating an outbreak of active hostilities, had, as he considered himself entitled to, taken a fair start on the more athletic Mayor, calculating that when the break for cover took place they would be on practically even terms and would reach the city at about the same time. Not hearing any shots and not hearing his worship breaking through the underbrush, he concluded that a truce had been patched up and emerged on the scene once more."

Nothing more was done and the army of invasion was ordered to form up for re-embarkation on the transports. Before leaving, Mr. Ludgate thanked his worship for the courtesy with which he had conducted the negotiations, and the latter suavely replied that he had not shown so very much courtesy as the disagreeable nature of his duties prevented him from doing the honours of the occasion as gracefully as he could have desired.

This ended the negotiations between the opposing commanders, but before leaving Mr. Ludgate presented the axe with which he had struck the first blow, to one of the Constables, who eagerly accepted it, declaring he would ever prize it as a "memento" (sic) of one of the

most exciting experiences of his life. (*This excerpt is the Province newspaper reporter's amusing tale told in April 24, 1899 edition, pg 3*)

May 1899: This dispute becomes further complicated as to ownership of the island. Does it belong to the Dominion (Canada), the Province, or the City of Vancouver? The City had long contended that their lease of Stanley Park included Deadman's Island. The Province stated it was theirs and not that of the Dominion. The transfer of title from the Imperial Government to the Dominion Government is discovered providing absolute proof that the Ludgate lease stands.

1901: Courts decided that the island does in fact belong to His Majesty the King on behalf of the Province of BC. Ludgate is to cease from felling trees or otherwise trespassing on property declared to belong to His Majesty. The political battle wages on.



Sgt. Walter Shirley, 1915

May 28, 1909: Constable Walter Shirley spends a wet night on the island. E.L. Kinman, the Chief of Staff and associate of Mr. Ludgate arrives at the island, along with his 'battle axe brigade,' to carry out the day's work. Officer Shirley allegedly threatened to get his gun into action if the invaders did not go peaceably away. "You cannot bluff me, I have looked down the business end of a gun before," said Mr. Kinman. The officer found it necessary to back up and head into a nearby shed, closing the door and bracing himself against it. The door soon went down, and according to Shirley's account, he decided to evacuate the ground; Mr

Kinman assisting him by force from the island. Cst. Shirley made his report to Chief Chamberlin, who declared he had acted in a satisfactory manner and with tact (*Province – pg 1*).

Later that day, Inspector Mulhern and 6 stalwart policemen made a landing and signified their intention of putting in a long and pleasant sojourn. Mr. Kinman pointed out that they were trespassing and told them that if they did not leave at once they would be thrown off. After a little parleying, the police decided that discretion was the better part of valor and withdrew (*Vancouver Daily World – May 29 1909 pg 1*).



Sgt. William Kuner, 1915

Jun 1 1909: E.L. Kinman and F.L. Gartley, both associates of Mr. Ludgate, led a new assault on the island. Armed with clubs, they resisted arrest and struck Cst. Kuner and Cst. Allan over the head. Cst. Lowry was also manhandled. All were immediately arrested, disarmed and taken to the police station.

The story as told by Constable Kuner, who still carries a large lump on the left side of his head, mutely testifying to the hardness of the club and strength of the blow with which Kinman put the cop down for the count. He said that he, and Constables John Allen and Lowry were patrolling the beach under orders to intercept any landing parties from the enemy. While they stood gazing out upon the expanse of the inlet, Kinman, along with associates F.L. Gartley and Bill Smart executed a flank movement. Constable Kuner was

temporarily in charge of the police squad and gave sharp orders for a formation to attack the intruders by a counter movement, whatever that is. Before any of the police were alive to the boldness of the landing party, they each were mixed up in combat, sudden and startling.

Kuner received a weighty swat which carried away his helmet and left a large bruise on his head. "I saw stars, your worship", he recounted to Magistrate Williams. Immediately following Kuner's astronomical display, Constable Allen was struck in the abdomen by Billy Smart and was slowly recovering from the ensuing period of seasickness, when Mr. Gartley put Constable Lowry's helmet over among the bushes.

Assault on Police Officer is changed to common assault and prisoner Kinman is committed for trial.



Sgt. Sam Lowry, 1915

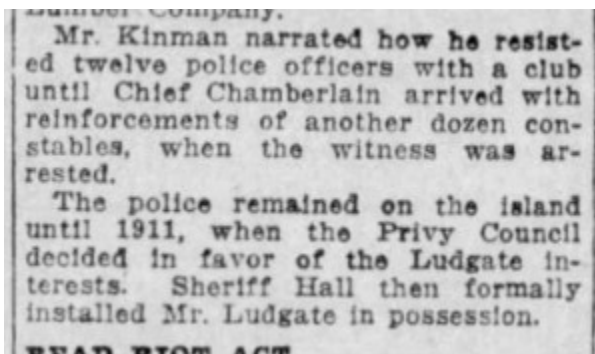
Jun 4 1909: "Several members of the force were allowed to come in to town to change their clothes. It has been voted that the job is not one on which the spick and span uniforms and the brightly shining buttons should be worn. Any old suit which the coppers can find is good enough for the job out there. The men are beginning to look like an army after a long siege. Clothes and shoes are worn and torn. They find it not so easy to keep looking elegant when their beats lead first into a mudhole and next through sharp-pointed underbrush."
(Province, pg 2).

Oct 1909: The island had been held by Vancouver Police “for months” at a cost of \$3000-5000.

Jan 29, 1910: Local Supreme Court rules – City wins ! “Federally leased property of the City & not the lumber company”; further appeals launched.

Feb 1910: To date, 385 policing days spent occupying the island.

Dec 1910: Ludgate refuses to sell the lease. His appeal is taken to the Privy Council of England. Lease is held to be valid.



1911: Fight taken to Privy Council of England, Ludgate ‘wins.’ Police on the island reassigned. By this time, Ludgate had cleared all the trees, his company had gone bankrupt, and the sawmill plan was dead.

1912: Dominion government initiates action.

1913: The City still purports that the island is theirs. Another appeal is launched.

1914: The Crown is determined to now be the rightful owner of the land.

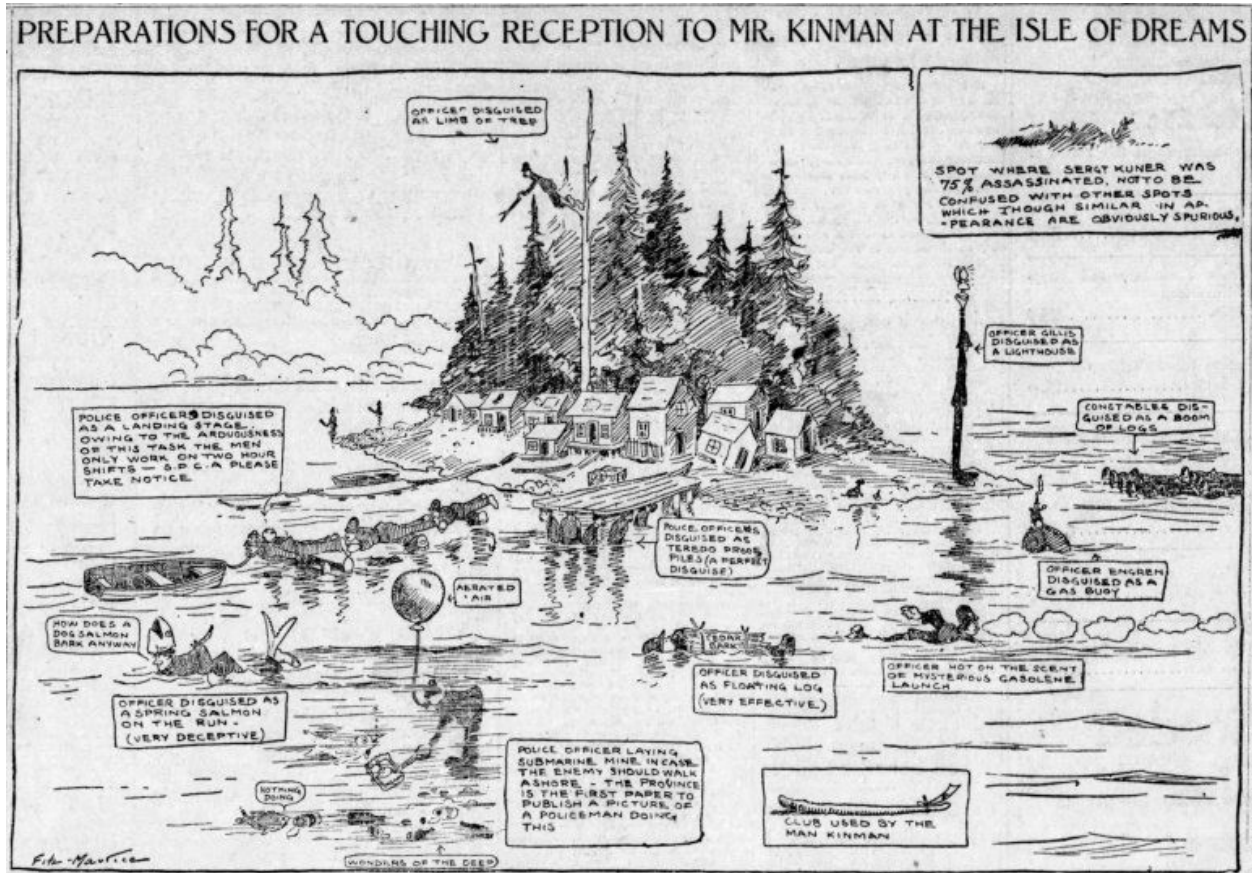
Feb 9, 1917: Theodore Ludgate dies at Camp Borden, aged 62 yrs.

Aug 1919: Privy Council of England declares the perpetual lease held by the Vancouver Lumber Company as invalid, but the original 25 years remains.

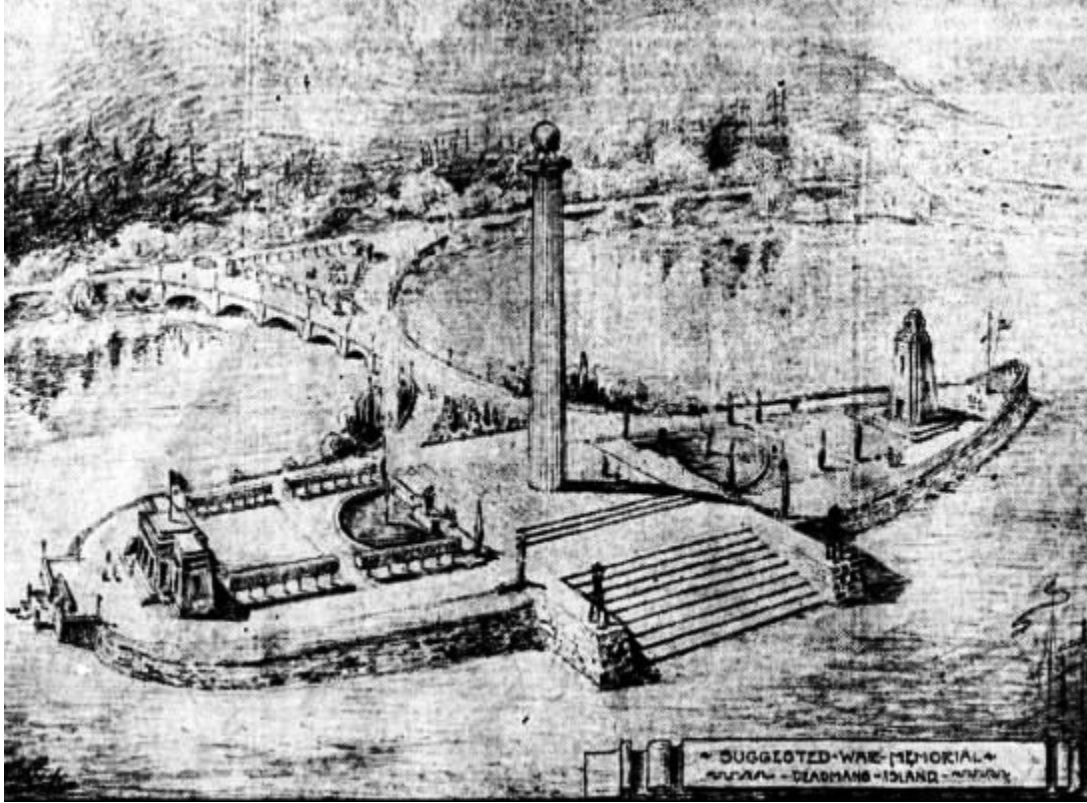
Nov 1919: The King issued a writ (via the Minister of Militia) demanding immediate possession of the island on the grounds of non-payment of rent under the lease (granted in 1899 at \$500 per annum) since September 1, 1913. Defendants include the estate of

Theodore Ludgate, which now includes his son as well as about 20 squatters. Nothing was done, as this government were voted from office.

May 1920: Ludgate estate sues the Dominion Government for loss of use of the property (\$446,750) and (\$200,000) costs derived from defending their title.



1922: Consideration for a permanent war memorial to be placed upon Deadman's Island has been raised by Mr. H.B. Bell-Irving at a Board of Trade meeting. The majority of Parks Board Commissioners endorse this plan, but some feel this tribute should be closer to "the daily person's travels" in the city.



The Province Nov 17, 1922, pg 21

**GOV'T WINS
DEADMAN
ISLAND**

**Means Ejection Of the
Vancouver Lumber
Company**

Deadman's Island is awarded to the Dominion government under a judgment handed down this morning by Mr. Justice D. A. McDonald. The recent trial lasted four days. On three previous occasions the question of ownership was before the privy council.

Vancouver Daily World Feb 29, 1924, pg 1

**ISLE OF DREAMS
AGAIN IN COURT**

**Vancouver Lumber Co. and
Ludgate Estate in Court
Of Appeal.**

ON WAY TO LAW LORDS

Another round of a twenty-six-year-old fight for possession of Deadman's Island opened in the Court of Appeal Tuesday, when the Vancouver Lumber Co. and the Theodore Ludgate estate appealed from Mr. Justice D. A. McDonald's judgment which restored the island to His Majesty the King, nominal plaintiff for the Dominion Government.

Province Mar 11, 1925, pg 3

The

1926: Considerable discussion initiates about a second bridge to the North Shore, with the approach running through Stanley Park. The issue of using parkland is a contentious one! Other thoughts were to infill the mud flats and wrap the seawall around it.



The Province Feb 21, 1926, pg 30

The Department of the Interior (Ottawa) is contemplating to establish an industrial area on Deadman's Island.

NO ACTION ON STATUES PLAN

Parks Board Defers Decision
Regarding Deadmans
Island Memorials.

The Province Mar 14 1930, pg 10

'HANDS OFF DEADMANS ISLE' IS CRY

Mayor Protests Industriali-
zation in Telegram to
Ottawa.

WARNS MINISTER
OF HORNETS' NEST

Province Dec 9, 1927, pg 1

BARRACKS FOR SAILORS

Deadmans Island to Be Permanent Base For Vancouver Division of Naval Reserve

Development of Deadmans Island as a permanent base for Vancouver division of R.C.N.V.R. will be undertaken almost at once.

Decision to carry out long-discussed plans for development of the small island lying in Coal Harbor off Stanley Park was announced today by Hon. Ian Mackenzie, minister of pensions and national health, when he arrived on the Coast for a short visit.

In memory of one of Captain Vancouver's famous ships, the new naval establishment on Deadman's Island will be named H.M.C.S. Discovery.

The Province – Aug 10, 1942, pg 1

In 1929, the Federal Government handed the island over to the City on a 99-year lease. Due to the Depression, nothing was done because of a lack of funding, thus the land sat vacant. The caveat of the lease was that the Feds reserved the right to take it back any time it may be needed for defensive purpose. With the onslaught of WW II, Mayor James Cornett offered it back to the Government and the site became home to the Naval Reserve Unit, who produced thousands of volunteers to fight on behalf of Canada.