

The Apostle of Alaska

The Story of
WILLIAM DUNCAN
Of Metlakahtla

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HOW MR. DUNCAN BECAME A JUDGE

IN the early days there lived at Karta Bay, in Russian Alaska, a Russian trader, by the name of Charles V. Baranovitch.

Baranovitch, who was married to a Thlingit Indian woman, was a sharp, smart, unscrupulous man, and not at all particular about how he made his dollars, if he only made them.

It did not bother him in the least if he got the best of the Indians in a trade for furs, by giving them some fire-water, although he of course well knew that it was not only against the law, but extremely dangerous, especially to all white men who came in their way while they were under its influence.

Baranovitch had a fine schooner, and traded all the way from Victoria to Sitka.

One day, in the early spring of 1863, he came with this schooner into the harbour at old Metlakahtla. Mr. Duncan heard a report that he had liquor on board.

He took his canoe, and went aboard the schooner. But he first posted his Indians on the beach, and told them if he waved his hand to at once take their canoes, board the schooner, and put her on the beach.

When on the deck of the schooner, he told Baranovitch that he had no objection to his trading with the Indians, but that he did not allow any liquors at Metlakahtla ; that he had heard he was dealing in them, and had them on

board, and that before he allowed the Indians to trade with him, he wanted to search the schooner for liquors.

Baranovitch wanted to know what authority he had for such a proceeding. To which Mr. Duncan answered :

“ Authority ? I have no authority, sir, except the authority of self-defense. My life is in the hands of these Indians. They are my friends now. But if you take away their reason, I will have nothing to defend my life with. And I am going to prevent your placing my life in jeopardy if I can.”

“ How ? ”

“ Do you see those Indians on the beach ? They are only waiting for a signal from me. The moment they get it, they will rush aboard this boat, overpower your crew, beach your schooner, and burn it with all its contents. They will do it at one word from me. They are obedient to me now. If they get liquor, they will serve the devil, and not me, and the first thing he will tell them to do may be to kill me. Will you let me search your schooner peaceably, or shall I give those men the signal ? ”

He consented. Nothing was found. It was probably hidden away pretty well. In any event, he solemnly agreed not to sell any liquor, and shortly after he left.

Later on, he went to Victoria, and complained to Governor Douglas of the high-handed outrage which Mr. Duncan had subjected him to. Governor Douglas wrote to Mr. Duncan, and told him that he suspected he had taken the law into his own hands, but that he did not censure him for it. And, in order that he might not have to do it again, but have legal authority to protect himself, the Governor enclosed to him a commission as justice of the peace, with jurisdiction over five hundred miles of the coast line of British Columbia, and over all the islands of its extended archipelago as well.

It is perhaps the first time in the history of the world

that a man has been made a judge and a conservator of the law on account of having broken that law himself.

The Governor certainly knew what he did. The very life of the Commonwealth depended on the suppression of the unlawful liquor traffic with the Indians of the coast, and he well knew that no more fearless man could be found in the North Country than the little English missionary, and that he would see to it that the accursed traffic was manacled and stopped.

It did not take many years, after Mr. Duncan had the Governor's commission as a magistrate in his pocket, before his name became a terror to all evil-doers anywhere along the coast, as far as his jurisdiction extended.

In less than ten years, the unlawful liquor traffic with the Indians had practically ceased.

It may be that at times all the forms of law were not strictly observed in his court; that all the technicalities were not always given the seat of honour; that sometimes the evidence did not go in according to all the many hair-splitting rules of lawyers and text-book writers; that the information filed against a prisoner might not always, in every particular, be according to the best established rules of pleading. But who will have the heart to blame this rugged magistrate for brushing aside the web of technicalities and hair-fine distinctions, which perhaps has been the means of defeating justice oftener than maintaining it?

He was there to do substantial justice, and he did it as he saw it.

His aim was: "Let no guilty man escape!" And none escaped.

If the evidence was sufficient to create a moral conviction of a man's guilt, who will blame him for convicting the prisoner if it did not always come up to the utmost requirements of all the technicalities of the law, espe-

cially, as his knowledge of these technicalities was very limited ?

The fact remains, that not a single one of his decisions was ever reversed on appeal to higher courts.

One charge can certainly not be laid to his court. It cannot be said that the court played with justice, and let the offender off with a punishment so light as to make the proceedings a farce.

I believe it is the proud record of Judge Duncan, that only in one single case did a convicted liquor-seller get anything but the very highest punishment which the law allowed.

I cannot deny myself the pleasure of devoting a few pages to showing how justice was dealt out to offenders in the high court of Metlakahtla, between 1863 and 1885, when Mr. Duncan presided as its "chief-justice."

But before that is done must be related the circumstances under which Baranovitch and Mr. Duncan met again.

Several years later, the captain of a South-going steamer from Sitka came ashore at Metlakahtla, and asked Mr. Duncan if he had any brandy on hand.

Mr. Duncan informed him that he always kept some in his dispensary for medicinal purposes.

"Oh, my," said the captain, "I wish you would let me take some. Baranovitch is on board. He is dying. The only thing which can keep him alive, till we get to Victoria, is the administration of stimulants, and I do not want him to die on the way. Would you let me have it?"

Duncan did. What a sight! The great temperance apostle of the coast, the terror of all whiskey-sellers, furnishing the most notorious illegal liquor-vendor with the brandy which he needed to keep him alive on his last journey. For he did really live till he reached Victoria, but died a few days after arriving.

Last Decoration Day I saw at Metlakatla Baranovitch's Indian wife, who was on board the steamer with him at the time just mentioned.

She came up to Mr. Duncan, and shook his hand as cordially as if he had been her best friend. I think he probably was.

I am told that she was overheard, at this time, to say to Mr. Duncan that her husband always spoke of him as one of the greatest men he had ever met.

Baranovitch was a discerning man.