

# A Kootenay Saga: The Revelstoke Police War, the “Kidnapping” of Premier Robson and the Rise of “Pothole” Kellie

by Bill Laux

This was the last article Bill sent to BC History and I've been waiting for an appropriate time to publish it

Bill Laux was a man of many talents, known for his endeavours as an artist, a writer, a builder of buildings made of mud-cement bricks, a small hydroelectric plant operator, as well as an exotic evergreen tree nurseryman but for BC History readers he was a historian searching out the stories about the early mines and railways of the West Kootenays and eastern Washington state.

He passed away in October 2004.

The Canadian Pacific Railway (CPR) was built across the Northwest Territories to the Rockies on Dominion lands. In British Columbia, the province owned the Crown lands but was so keen to get the railway that it agreed to convey “in trust to the Dominion” a belt of land 20 miles on each side of the proposed route. From this the CPR could select its grant lands on completion of the line. For the cession of this land the Dominion was to pay British Columbia \$100,000 per year. This arrangement created a belt of Dominion land through the province from Kicking Horse Pass to Port Moody. Missing from the agreement was any reference to whose laws were to govern the Railway Belt and whose police were to enforce them. The Dominion government and the CPR assumed that they would be in charge; the British Columbia government believed that it retained this responsibility. It was all very abstruse but it came to a head in Farwell/Revelstoke, in 1885.

Arthur Stanhope Farwell, born in Derbyshire, England in 1841, the son of a clergyman, arrived in Victoria in 1864. His surveyor's skills were much in demand. Farwell served as provincial Surveyor General 1872 - 1878. After Walter Moberly discovered the Eagle Pass route to the Kootenays, the provincial government sent Farwell and Gilbert Malcolm Sproat, also a surveyor, to lay out a road from the Sicamous steamer landing to the Columbia River at Big Eddy in 1883.

Closely following them was Gustavus Blin Wright with his men who were building the wagon road then being surveyed. Wright had built large sections of the Cariboo road and was now betting that the next big gold strike would be in the Kootenays. The government hoped that the Eagle Pass road would encourage the Kootenay mine owners to ship their ore out over this route to New Westminster. As a mineral route, however, the road was a failure as there was no smelter on the Coast to treat those Kootenay ores.

With the CPR's announcement that it would build via the Rogers and Eagle Pass route, Wright's road was at once crowded with men headed east, all wanting to get in on the CPR construction. Wright was waiting for them at Big Eddy where he was building a sawmill and had taken the contract to



construct the first bridge across the Columbia.

Farwell was there as well. His experience as a surveyor convinced him that the CPR would have to cross the Columbia at a point just below Big Eddy and he at once applied to Victoria for a pre-emption grant of 175 acres on this spot plus an additional Crown Grant of 1000 acres for a town site. His application was dated October 20, 1883, just as he and Sproat had finished their Eagle Pass survey. Not waiting for his grants to be approved. Farwell began laying out the town he named for himself. Farwell's land ran from the present Revelstoke golf course east to present Rokeby Street, then south to the River and back along the river bank to the golf course. It was an ideal site for a town. Wright was building his bridge, the Columbia River steamers could have their landing on Farwell's Front Street and the Canadian Pacific would have to buy their right of way, station grounds and yards from him. Title to Farwell's grants was issued January 13, 1885 with the CPR crews already across Rogers Pass and clearing their line down the Illecillewat River. Farwell awaited their arrival confident that he was about to become very rich.

When the CPR graders entered Farwell's grant



Golden the workers found plentiful liquor awaiting them and drunken trouble soon broke out. Sam Steele and his NWMP from their Wild Horse Post were immediately dispatched to the railroad camps to enforce the Dominion prohibition on alcohol. The government and people of British Columbia, who had waited 15 years for the promised railway, were in no mood to concede anything to the Dominion government. When the railway arrived in Farwell, the province was issuing liquor licences to everyone erecting a tent or building a log hotel. It refused a request to rescind Farwell's grants and was perfectly content to see its citizens get as much as they could of that railway payroll.

Along with the new town site a NWMP barracks and jail was built in early 1885 at the top of the Douglas Street hill to administer Dominion law and keep alcohol out of Revelstoke. Sam Steele was

an angry William Van Horne had no choice but to pay Farwell for his right of way across this "illegal" provincial townsite. A small, temporary station called "Gold Hill" or "Second Crossing" was grudgingly built on the north side of the track between present Charles and Ford Avenues. But Van Horne had a surprise for Arthur Farwell. There was a large area of flat land half a mile east of Farwell where the CPR track emerged from the Illecillewat Canyon. There the railway laid out a Dominion granted town site of its own with yards, station, streets, a hotel and lots for sale. It called the place Revelstoke after a substantial British investor.

The CPR forbade liquor in its work camps or anywhere near them and the North West Mounted Police (NWMP) enforced this rule with vigour. As construction passed Kicking Horse Pass and entered British Columbia, the Dominion rule still held: no alcohol was allowed within the Railway Belt. British Columbia, however, allowed the sale by anyone who held a valid liquor licence. Liquor licences were a valued source of revenue for the cash-strapped province and the province readily issued them. As soon as CPR construction arrived at

called away to the Northwest or Second Riel Rebellion but he left Special Commissioner George Hope Johnson in charge. A half mile away in Farwell, the Provincial government had appointed Gilbert Malcolm Sproat as stipendiary magistrate and big Jack Kirkup as chief constable of Farwell/Revelstoke. With the two towns full of wild and rowdy railway labourers and alcohol freely available in Farwell, the legal situation was murky. Special Commissioner George Johnson was enforcing Dominion law prohibiting the sale of alcohol while Kirkup was upholding provincial law permitting its sale.

With two rival police forces, each jealous of their own authority and enforcing conflicting regulations, a clash was bound to come. It happened in the hot summer of 1885. One of George Johnson's NWMP men came upon a man bringing a pack train of liquor into the Railway Belt and arrested him. When Johnson brought the man before Magistrate Sproat the packer pleaded that his act was perfectly legal under Provincial law. Sproat agreed and issued a warrant for the arrest of the Dominion constable and sent a provincial constable to Douglas Street to make the arrest. On his arrival at the NWMP barracks

*A. S. Farwell, Surveyor-General (left)*

Royal BC Museum BC Archives  
photo A-01295

*Gilbert Malcolm Sproat*

Royal BC Museum BC Archives  
photo A-01770

## The Lardeau City Misadventure

*Like his misguided pothole adventure Farwell made an unlucky choice for what he hoped would become the Kootenay metropolis, Lardeau City. To get in on the Lardeau mining boom he bought land in 1893 on the floodplain at the head of the Northeast Arm of Upper Arrow Lake and had it surveyed into the town site he called Lardeau or Lardeau City. This, he intended, was to become the commercial centre of all the mines being located up the Fish River and over the Badshot Range on Lardeau Creek.*

*J.M.Kellie used his power as Minister of Mines to have 513 miles of trails built to reach the isolated mines in his riding but his Lardeau road project was an embarrassment. He had the government build a road from his town of Lardeau City up the right bank of the Fish River, over a difficult mountain and down to cross the river to Camborne with its mines. But it was a road which connected the Fish River Mines to a muddy village with no steamer connections whatever.*

*Lardeau City was separated from the Northeast Arm by a wide mudflat, which prevented steamers from landing. The Camborne mines had to use Thompson's Landing to send out their ore over a road they built themselves in 1895. In spite of Kellie's political connections and persistent advertising as the "Centre of the Lardeau," which it was not, Lardeau City was a failure. It was mostly washed out by the great storm and flood of 1894, which also destroyed Killarney (Edgewood) and a good part of Kaslo.*

*Kellie's political and business rival, Hewitt Bostock a wealthy Englishman, who owned the Province newspaper, established a rival town of Comaplix two miles west of Lardeau with a dock for steamers and a large sawmill. At this, what remained of Lardeau City including its hotel, picked up and moved themselves over to the new town.*



the provincial constable was arrested by Dominion Commissioner Johnson, who tried him and sentenced him to jail for interfering with the duties of a Dominion constable. Sproat then sent another constable to arrest the Dominion constables and he too was arrested by the NWMP. An angry Sproat then issued a warrant for the arrest of Special Commissioner Johnson and swore in twenty men to act as special officers to arrest him. This posse captured Johnson and two of his constables, the remaining Dominion officers barricaded themselves in their headquarters and prepared to defend themselves if Sproat should attack. The standoff did not last long, George Johnson was released on bail and left both towns. One by one, most of the NWMP men discreetly took their leave as well. Sproat and Kirkup then took over the policing of both towns.

On September 23, an alarmed Dominion government sent in Colonel J.F. McLeod of the NWMP

to investigate. Sproat and McLeod, sitting jointly, presided over a hearing on the matter and concluded - that George Johnson and his deputies had been at fault in arresting legitimate Provincial police constables. They decided that henceforth the Dominion constables would police the Railway Belt east of Farwell, that is, Revelstoke to Kicking Horse Pass, and Provincial police would enforce the law in Farwell and from there west. Sam Steele returned and set up a new headquarters in Farwell to police and seize any alcohol east of that point. After the railway was finished and the CPR selected its Railway Belt lands the Dominion police withdrew.

While a compromise over the question of policing had been reached, the matter of land titles continued to be confused as ever. The Dominion government had been disposed to give grants of land within the Railway Belt to businesses and corporations seeking to develop the area. It granted land in Farwell to the Columbia and Kootenay Steam Navigation Company but as the province had already granted this land to Arthur Farwell, it refused to register the grant. Similarly, it refused to register a Dominion grant to Kootenay Smelting and Trading Syndicate comprising 320

acres extending from present Government Road nearly to Mackenzie Avenue and from the river to the CPR right of way.

With the province refusing to honour Dominion grants and the Dominion government refusing to recognize provincial grants, no one in Revelstoke/Farwell could obtain a legally registered title to any property. The town had no hope of incorporating as long as this situation persisted. The smelter shut down, demanding a title before it would spend money to shore up the riverbank where erosion was undermining its works. Banks and other businesses refused to locate in such a chaotic place. Many hopeful businessmen simply left for Nelson, Golden or the Okanagan. The hope that with the arrival of the railway, Revelstoke/Farwell would become the trading centre and metropolis of the Kootenays faded.

Arthur Farwell sued the Dominion government



*Constable John Kirkup  
of the Provincial Police  
(left)*  
Royal BC Museum BC Archives  
photo A-02263

*Farwell on the Columbia  
River, 1885*  
Royal BC Museum BC Archives  
photo I-30817

for his rights. The case of Regina vs Farwell dragged on for ten years while the town waited. Finally, in February 1894, the Supreme Court of Canada announced that Farwell was to surrender his provincial title and receive in exchange a Dominion title to all 1175 acres of his grant minus those properties the Dominion government had granted to others. Still, it took three years after this decision before the first Revelstoke title deed was issued. Local squabbling and apathy delayed incorporation until 1899. By then Nelson was the undisputed administrative and commercial centre of the Kootenays. Many blamed Arthur Farwell who prudently moved to Nelson. His attempt to enter politics never succeeded as the voters of Revelstoke were solidly against him.

It was not only the businessmen and residents of the Railway Belt that resented the dual authority imposed on the CPR lands. Miners were outraged to find that they had to register all claims within the

Railway Belt with both governments. The Dominion claimed jurisdiction over "all minerals." while B.C. claimed jurisdiction over "precious metals." The Illecillewaet mines in the Railway Belt were on galena deposits containing lead, silver, zinc and gold and on these the province assessed a tax of 5% on all gold and silver mined in the Belt for a period of 25 years following the completion of the railway while the Dominion government demanded \$105 from the miners for each location within the Belt. This dual taxation, the angry miners insisted, was wrong and a detriment to the development of a mining industry in the Kootenays. Along with double taxation, the hard rock miners were still grappling with outdated laws drawn up for the placer miners of the 1860s.

While the miners were the single largest group in the Kootenays they found themselves without effective representation at Victoria. The MLA for Kootenay, Col. James Baker of Cranbrook, was

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*J. M. Kellie, M.L.A.*  
*for Kootenay*  
Royal BC Museum BC Archives  
photo G-09892

obsessed with his coal and his railway schemes and had no time for the Railway Belt miners. Angry and rebellious, the miners found their champion in "Pothole" Kellie. James M. Kellie was born in Coburg Ontario in 1848. By 1884 he was in Golden prospecting and with his two partners, Kellie bought three placer claims on Canyon Creek, some eight km. south of Golden. There were two deep potholes on this creek and Kellie and his partners were sure they had gold at their bottoms - if they could somehow be drained. The three men set to work that winter to whipsaw lumber to build a flume to divert the creek past the potholes. By spring it was complete, however, a sudden snow-melt sent a torrent of water down the creek taking their flume with it. Patiently, they set to work to saw and carpenter together another flume and then with buckets they slowly bailed out the two potholes. Finally, reaching the bottom, in great excitement, they dug the last few feet of sand.

What they found was not gold, but only the decayed leg of a mountain goat. J.M. Kellie from then on was known as "Pothole" Kellie.

In 1889 "Pothole" Kellie was on the Illecillewaet River above Revelstoke where he had located several mining claims showing silver. Like the others working in the Railway Belt, he was incensed at being taxed by two governments. He became well known in the district among miners as an outspoken foe of both governments and the CPR, which was now levying an additional charge of \$20 on each mining claim located on its grant lands in the belt.

In Revelstoke, Kellie joined a group of twelve miners meeting in Teetzel's drugstore on Front Street in Farwell to protest Premier John Robson's unfair taxation of their mines. When the group learned that Robson would arrive on the train from Golden where he had been speaking in favour of his supporter, Colonel Baker, they decided to confront him forcibly.



The determined miners met Robson's train and invited him to stop over for a day and listen to their complaints and have the mining situation explained to him. Realizing that these angry men were willing to use force, the Premier was obliged to let himself be removed from his car and escorted to Cowan's hotel. The "kidnapped" Robson was kept in his room while the miners rushed out handbills to advertise a public meeting with the Premier for the following night. A large crowd attended, not only miners but most of the local businessmen as well. Robson had to sit through the evening listening to speaker after speaker attack his mining legislation as ignorant, obsolete, unfair and a hindrance to the mining industry. When he was at last allowed to speak, the Premier reminded his audience that in the coming June 1890 election the Kootenays were for the first time to have a second MLA and that he would be glad if it were someone familiar with mining matters who might advise him



*The Honourable John Robson, Premier from 1889 to 1892*  
Royal BC Museum BC Archives  
photo A-01718

members increased the size of claims, clarified the rules for holding them, provided for mill site claims and introduced a new section on lode mines. Kellie was, like all miners, blunt and forthright in language and unwavering in his support of the independent miner. He canvassed his district faithfully, soliciting the views of every miner he met and stubbornly insisted that the money paid by the Kootenay miners in taxes, licences and fees should be scrupulously returned to the Kootenays in the form of appropriations for road, trail and bridge building to link the small miner with his market.

The decade of the 1890s saw the proliferation of Kootenay mines draw in an increasing population. In the provincial election of 1894, Kellie was returned with a handsome majority for the new riding of West Kootenay-North. By 1898 West Kootenay elected 4 members to the legislature and had a voter's list with 6115 names. Kellie, now as Minister

in the legislature. As the meeting came to a close "Pothole" Kellie was among those submitting their names to stand for that election. The other candidates were Arthur Farwell, whom most were blaming for the land titles mess, W.M. Brown, proprietor of the Columbia House hotel, one of first men to cross Gus Wright's bridge in 1884, and J.W. Haskins, of the Farwell Volunteer Fire Department.

As for Premier Robson, at his next stop in Kamloops, he took the platform to blandly proclaim that he had the mining difficulties well in hand. When the returns came in for the election, the miners had won. Their man, "Pothole" Kellie, defeated W.M. Brown by one vote (46-45) and the unpopular Arthur Farwell was not far behind with 40 votes.

"Pothole" Kellie went to Victoria and got himself on the committee drafting the new Mineral and Placer Mining Act. Together with CPR lawyer, George Cowan, Kellie and the other committee

of Mines, defended his district vigorously, loudly complaining that his "Kootenay Kow" was being milked of its riches to support poorer and unproductive districts like the Okanagan and Cariboo.

His slogans were long remembered. In 1964 the author was told by an ancient Trout Lake miner that the magnificent legislative buildings in Victoria had all been built with Kootenay gold and silver. Not true, of course, but this had long been one of "Pothole" Kellie's contentions, that his beloved "Kootenay Kow" was being milked for Victoria's aggrandizement. The loyalty of this Lardeau miner to his long ago champion suggests the power Kellie had been in his district.

"Pothole" Kellie held his legislative seat for ten years and earned the respect of the legislature for plain talk and passionate defence of the small miner.

The great influx of miners, merchants, tradesmen and others into the Kootenays had turned the original rude mining camps into sizable towns.



Revelstoke Today  
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The unincorporated towns of Nelson, Rossland, Trail, and Grand Forks were administered by the provincial government which received substantial tax revenues but returned only a pittance in grants for improvements. Again crying that Victoria was still shamelessly milking the “Kootenay Kow,” Kellie and the other interior MLA’s forced the passage of the “Speedy Incorporation of Towns Act 1897” which allowed towns to incorporate without the usual six months waiting period. Immediately, the towns of Rossland, Nelson, Trail, and Grand Forks incorporated themselves and were now able to claim those tax revenues for local improvements. Revelstoke, however, was unable to use the new act as its status was still before the courts in the interminable Farwell vs Regina.

Kellie was elected for the last time in 1898. His usual support eroding with the miners’ and railwaymen’s unions now urging support for Socialist candidates. Kellie acknowledged that his miners’ world had changed. He did not run in 1900 and retired from provincial politics after losing the 1903 election. In blunt, miner-like language, “Pothole”

Kellie summed up his political career, “whether my political actions were wise or otherwise I am not a judge. All I know is that I have done what my conscience dictated, and I commanded my own respect.”

The Railway Belt lands which had created all the problems turned out to be largely semi-desert land unsuitable for agriculture. The CPR selected its grant lands from the heavily timbered mountain regions and those riverine lands along the Thompson and Fraser which could be farmed. As for the rest, the Dominion government privately sold 4,900,000 acres mostly in the Peace River Block but the remainder, which no one wanted, was transferred back to British Columbia in 1930 and dual sovereignty in British Columbia ceased. •