

# Foot of Carrall: The Historical Maritime Gateway of Gastown

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*The arrival of the Canadian Pacific Railway in Coal Harbour in 1887 challenged the traditional public water access to the Burrard Inlet, as the street-end location at the foot of Carrall Street was the longstanding water access to the preceding community of Gastown. Vancouver City Wharf, the would-be public dock, shared this favoured location with boatbuilder Andrew Linton. City Wharf was sold to Union Steamships in 1889, which was a company that understood the meaning of being at this critical historical node. This article explores the history of this maritime gateway, explaining how the company heritage of Union Steamships is conjoined with that of Gastown at the foot of Carrall.*

*L'arrivée de la Compagnie de chemin de fer du Canadien Pacifique en 1887 a remis en question l'accès public traditionnel à la baie Burrard, étant donné que l'emplacement de Coal Harbour au pied de la rue Carrall avait servi pendant longtemps d'accès à l'eau pour la communauté de Gastown. Le quai de Vancouver, l'éventuel quai public, partageait cet emplacement privilégié avec le constructeur d'embarcations Andrew Linton. En 1889, le quai de Vancouver a été vendu à l'entreprise Union Steamships, qui comprenait bien l'importance d'occuper ce lieu historiquement dominant. Le présent article étudie l'histoire de cette porte d'entrée maritime et explique comment l'héritage de l'entreprise Union Steamships est lié à celui de Gastown au pied de la rue Carrall.*

The foot of Carrall Street was the heart of Gastown, but the epicentre for discord on the Burrard Inlet foreshore. The first arrival of the Canadian Pacific Railway (CPR) in Coal Harbour in 1887 challenged the traditional public water

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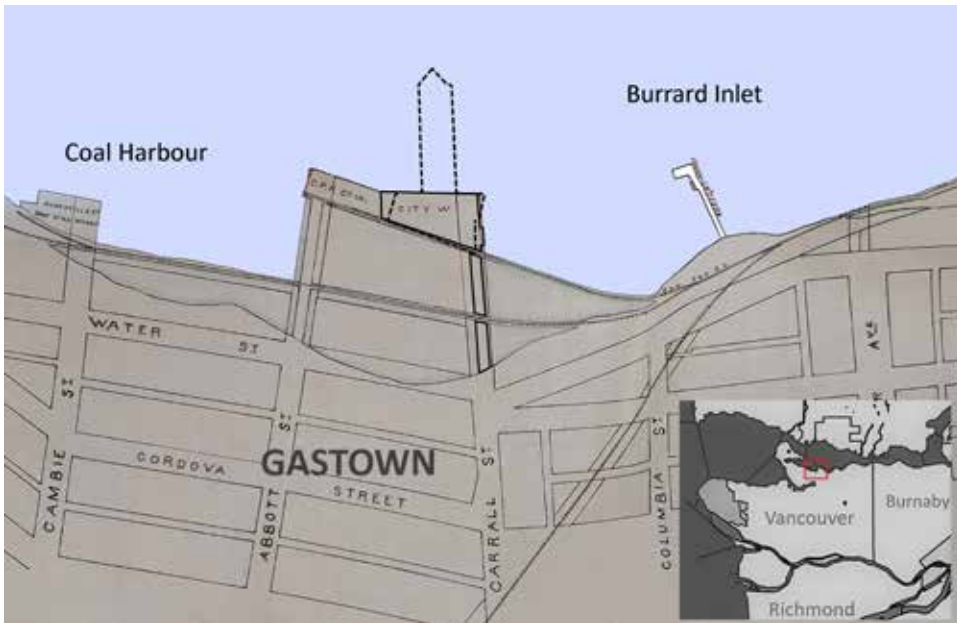
access to the Burrard Inlet when it located its first rail tracks across the foot of Carrall Street. The central, street-end location was the established water access area used by the people who lived in the grubby community of Gastown, which preceded Vancouver. Old slips, wharfs, and floats clung to the Gastown waterfront at the foot of Carrall Street and became separated from Vancouver by railway tracks at a time when this foot of Carrall area was also the community hub. What followed, according to maritime historian Norman Hacking, was nearly sixty years of intermittent litigation related to the Coal Harbour waterfront concerning who owned the foreshore rights, with attention usually focused on the foot of Carrall Street.<sup>1</sup>

This article explores the complex evolution of this local maritime gateway. Vancouver City Wharf, the would-be public wharf, was built within the Carrall Street carriageway in 1886 and shared this favoured location with the float and boathouse belonging to boatbuilder, Andy Linton. The ferry boat operators of the Burrard Inlet that later formed Union Steamships in 1889 were covetous of this location and they benefitted from the loss of a critical plebiscite election that rejected the motion that City of Vancouver should purchase City Wharf. As a result, Union Steamships was able to embrace this central geographical location even before the filling in of the old Coal Harbour and Gastown beach with gravel by the Canadian Pacific Railway, which finally levelled the old shoreline with the urban street grade.

What the maritime occupants of the foot of Carrall had in common was that, for a variety of reasons, each refused to sign a lease or pay money to the CPR. For many years, Linton Boatworks, City Wharf, and Union Steamships benefitted from different levels of government absorbing the continued legal challenges posed by CPR lawyers intent on removing the foot of Carrall Street residents with instruments such as a writ of ejectment. While any normal business owner alone could not bear such cost, occupants at the foot of Carrall relied on public popularity to survive their legal challenges. One of them, Linton Boatworks, had fostered the 1890s waterfront culture and the nascent Vancouver boating community, while City Wharf and Union Steamships, which held the same location, had appropriated some of the qualities of a public community wharf. Starting in 1901, however, the CPR started to erect a barrier across the foot of Carrall, at the mid-block point, north of Water Street intersection, preventing at-grade track crossings by passengers and blocking customers from reaching the Union Steamships wharf. Ultimately, the CPR won a large and complex cluster of lawsuits nicknamed the Street-end cases to permanently close off the ends of Carrall, Abbott, and Cambie streets to public access to the waterfront. The intermittent CPR barricades at Carrall Street became permanent ones and Vancouverites found themselves looking at their own waterfront through board fences.

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<sup>1</sup> Norman Hacking, "Old Wharf Goes," *Vancouver Province*, 8 January 1977, 21.



City Wharf and Gastown. City Wharf is outlined in black, compared with the 1910 Union Wharf, which is shown by the dotted line. (RG 43 Department of Railways and Canals fonds, volume 204, file 475, part I, Library and Archives Canada)

Prior to the incorporation of the new city, the probable loss of the waterfront caused uneasy feelings amongst the populace. Vancouver newcomer-settler Walter Gravelly recalled how:

This formed the chief topic of conversation at ‘Gassy Jack’ Deighton’s and Mannion’s hotels and at other gathering places, the customs house, jail and fire hall, and Hastings Mill store particularly. It was hoped at the time that with the setting up of the new city’s council definite action would at once be taken to establish and maintain their inherent rights to the foreshore.<sup>2</sup>

Primary sources show a generation of Gastown residents with temporary or poorly built landing or docking facilities on the Burrard Inlet foreshore.<sup>3</sup> Many newcomer settlers that built dock facilities on Burrard Inlet also happened to be steamboat owners. The oldest and most established facility was the Hastings Mill wharf, but it was not actually close to Gastown.

Gassy Jack was at the foot of Carrall Street.<sup>4</sup> The generations of wharves kept by Captain Jack Deighton are variously described as different lengths and forms of construction, always located at the foot of Carrall, across Water Street from his famous saloon. Recollections of Deighton’s wharf vary widely, meaning that he

<sup>2</sup> “Oldtimers Objected When Railway Company Shut Off Access to Harbor,” *Vancouver Province*, 11 January 1936, 5.

<sup>3</sup> *The Street Ends Cases, 1905*, file AM54-S23-2, City of Vancouver Archives.

<sup>4</sup> See, *The Street Ends Cases*. For a modern take on Captain Jack Deighton, please see Jen Ashton, “Mind the Gap: A Gassy Jack Story,” *British Columbia History* 54, no. 2 (2021): 35-36.

was always investing by replacing structures.<sup>5</sup> The years of Jack Deighton keeping some form of mooring had ended by the mid-1870s, but those structures were replaced by the different floats kept by the Sunnyside Hotel.<sup>6</sup>

Inspired by logging camps, this ungoverned, village habitation of Gastown subsequently became the nucleus from which the new city emerged. The original village faced the present harbour and was bounded by Carrall and Cambie streets. This area was previously known as Lek'leki and served as a Salish corridor from the foot of Carrall and Abbott through to False Creek, providing a high-tide route where a canoe could be portaged, thus avoiding the long paddle around the First Narrows.<sup>7</sup> The colonial-era survey of Gastown extended the Carrall Street right-of-way over the Burrard Inlet foreshore and into the ocean, while the beach itself was overlain by a surveyed subdivision. The description “foot of” followed by a street name was part of the vernacular of early Vancouver to describe locations, where many streets connected with the high-water mark of the ocean, so the “foot” usually referred to the place where the street connected with the water. The eastern side of Granville townsite, this same six-square-block townsite later called Gastown, was considered the best place for docks to be located or to land a boat, so the main beachside area for arrival and loading in Gastown was from Carrall to Cambie street.<sup>8</sup> Henry Cambie himself pointed out the foot of Carrall Street as



City Wharf and Linton Boathouse. Boats identified left to right: *SS Senator*, *Robert Kerr*, *St. Patrick*, *Laurel*, and *May*. (Image Bo P102 courtesy of Vancouver City Archives)

<sup>5</sup> “Deighton, John [and] Thomas,” file AM54-S23-2-M01131, City of Vancouver Archives; “Joseph Manion,” file AM54-S23-2-M03067, City of Vancouver Archives; “Generous, Brave, Crude,” *Vancouver Sun*, 3 March 1958, 8; and *The Street Ends Cases*, 114 and 163.

<sup>6</sup> “Joseph Manion,” file AM54-S23-2-M03067, City of Vancouver Archives.

<sup>7</sup> SquamishAtlas.com (accessed 30 October 2021).

<sup>8</sup> “Joseph Manion,” file AM54-S23-2-M03067, City of Vancouver Archives.

Gastown's Pacific gateway before the railway, describing how boats "landed there continually."<sup>9</sup> Otherwise, canoes and light watercraft would often be shoved up onto the shores, across from the stores which visitors sought to visit.

Before the CPR first arrived, Gastown had a large muddy beach attached to it, where Andy Linton spent decades of his life. Up to this point, he had remained single and had mainly lived on a farm in Charlotte County, New Brunswick, where he learned his woodworking skills. He first arrived in the Burrard Inlet in the early 1880s and worked throughout the region, while pondering what to do with his life ahead. The thirty-four year-old Linton, then a worker at nearby Hastings Mill, told himself that "if I was going to make anything of myself, I'd got to take chances, so I came over to Gastown to build boats."<sup>10</sup> Linton left his job and began crafting all manner of boats in a beach shack along the upper shoreline, adjacent to Water Street, in December 1884.<sup>11</sup> After months on the Gastown beach he relocated his floating boathouse and workshops to the end of the float belonging to the Sunnyside Hotel sometime over the winter.

When considering old-time Vancouver boat builders, modern day historians prefer to point readers towards a basket of boatbuilders, and grade them through their community value and the length of time they spent building watercraft. A wide variety of small craft builders put up a shingle and advertised as boat builders when Vancouver was a young city, but only a few had real lasting power. Historian Roland Webb explained how one 1890s backyard and weekend boatbuilder, Alfred Wallace, transformed his business into Burrard Drydock Co.<sup>12</sup> Another historian, James Delgado, introduced his readers to William Watts as a boatbuilder who started building light watercraft boats commercially on the Burrard Inlet in 1888.<sup>13</sup> Meanwhile, Norman Hacking made sure to include the early boat building firm Hayden and Walker to this distinguished list, indicating that they too qualified as early Vancouver boatbuilders.<sup>14</sup> These considerations are commonly limited to newcomer settlers as First Nations boatbuilding culture was well established amongst Salish people living on the north shore of the Burrard Inlet when Vancouver was first formed. Both Hacking and Delgado point out Andy Linton, the little boat man, as belonging to the fraternity of boatbuilders from when Vancouver began.

There has been much uncertainty as to the permanency of Linton's occupation of the water frontage. Linton had contented himself with temporary structures on floats, moored at the end of a long floating walk. When the long-awaited day in

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<sup>9</sup> *The Street Ends Cases*, 247.

<sup>10</sup> J.S. Matthews, *Early Vancouver Volume 3* (Vancouver: Noble Press, 1901), 211.

<sup>11</sup> *The Street Ends Cases*, 67.

<sup>12</sup> Roland Webb, "Burrard Drydock Co. Ltd.: The Rise and Demise of Vancouver's Biggest Shipyard," *The Northern Mariner* VI, no. 3 (1996): 1-10.

<sup>13</sup> James Delgado, *Waterfront: The Illustrated Story of Greater Vancouver* (Vancouver: Stanton Atkins & Dosil, 2010), 74; Peter Watts and Tracy Marsh, *W. Watts & Sons Boat Builders: Canadian Designs for Work and Pleasure 1842 – 1946* (Oshawa: Makinaw, 1997), 98.

<sup>14</sup> George Cran and Norman Hacking, *Annals of the Royal Vancouver Yacht Club, 1903 – 1965* (Vancouver: Evergreen Press, 1965), 3.

1887 arrived and the CPR train rolled over the new track and trestle into Coal Harbour, Linton watched and later reported: “Nothing happened. I still stayed there until they built the trestle.”<sup>15</sup> The first CPR rail line to Coal Harbour was built on a trestle across the Gastown beach, perpendicular with Water Street as it passed Gastown, and later became known as the inner CPR trestle. The second rail line built into Coal Harbour split from the first line west of Columbia Street and formed the outer CPR rail trestle. After the outer trestle was built and in the years before the gravel in-filling of the foreshore between the trestles, people reached the new foot of Carrall Street, now located outside the outer trestle, by going under this trestle. Despite the imposing detours of rails and trestles, the Linton float raised and lowered eight to ten feet daily, but the tide never left it and remained entirely on a line with the surveyed extension of Carrall Street.<sup>16</sup> During his time on the Vancouver waterfront, Linton accumulated wealth through staying busy and navigating the grey areas of CPR land rights.

At some point, Linton claimed the old float belonging to the Sunnyside Hotel for his very own. This float, of rough construction, was recalled by people using it as one which would slowly sink when too many people were standing on it. This old landmark Gastown hotel had been sold many times by 1886, and newspapers of the day name Harry Hemlow as the owner.<sup>17</sup> While the 1886 Vancouver fire consumed most of the hotel, it did not burn the Sunnyside Hotel float. In fact, residents came flocking to the float to escape the flames. In the aftermath of the fire, Vancouver newspapers reported that Hemlow took the insurance money from the damage to the Sunnyside Hotel and absconded to Seattle, leaving his 1886-era Vancouver creditors holding the bag for thousands of dollars.<sup>18</sup> With the old owner gone and ownership of the hotel ambiguous, Andy Linton repaired the float and added steps and it is likely at this point that Linton Float began. According to Linton: “My float, I used his at first, before the fire – a man had a float there you see, that owned the Sunnyside, and I used it until during the fire it got burnt up and I replaced it, and I had my boathouse here you see.”<sup>19</sup>

Newspaper sources are fond to recall Linton for his charity throughout the fire catastrophe, especially for feeding Vancouverites from his stove mounted on a float in the weeks that followed.<sup>20</sup> As Linton later recalled:

It was a beautiful day, and as there was a potlatch over at the Mission on the North Shore, a lot of my boats were there. When the fire was still

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<sup>15</sup> *The Street Ends Cases*, 72.

<sup>16</sup> *The Street Ends Cases*, 71.

<sup>17</sup> Jessie M Van der Burg, *History of the Union Steamship Company Ltd. Of British Columbia, 1889 – 1943*, (unpublished), 7, accessed from Earl Marsh Collection, MS-3254, box 18, file 13, British Columbia Archives. Matthews, *Early Vancouver Volume 3*, 96. “The Host of the Sunnyside,” *Victoria Daily Times*, 10 May 1886, 4.

<sup>18</sup> “No Arrest,” *Victoria Daily Times*, 20 September 1886, 4. “City and Province,” *Victoria Daily Times*, 29 September 1886, 4.

<sup>19</sup> *The Street Ends Cases*, 71.

<sup>20</sup> “Andy Linton, 87 Died on Thursday,” *Vancouver Province*, 6 December 1935, 18.

blazing, a big canoe with five white men aboard and a china man came to the float. They were going to the island prospecting, but changed their minds. So they sold me their stove. I set up on the float and for eight days I cooked and served free food for all who needed.<sup>21</sup>

Linton's service was significant – when SS *Yosemite* arrived in Vancouver three weeks after the fire its passengers discovered food still to be unavailable.<sup>22</sup>

Andy Linton was the “founder of the pleasure boat industry” on the Burrard Inlet, according to historian Martin Wells.<sup>23</sup> Although Linton Boatworks focused on building humble dories, small rowboats, fishing smacks or other work boats, his float was the great meeting place for those who loved the rowboat and the canoe.<sup>24</sup> Local boat clubs formed with the arrival of the railway and yachting became popular on the Burrard Inlet. Linton was deeply involved with this first generation of yacht clubs in the 1890s by storing boats, offering a meeting place, and allowing use of his float as a launch.<sup>25</sup> At the foot of Carrall Street, audiences would congregate to take in the public spectacle of dockside life, to walk around the dockyard area, buy food from Coast Salish people, or to gather to watch the annual yacht regattas or the famous canoe races for cash prizes. Through canoe racing, Vancouverites learned about the incredible boating skills of the Coast Salish people living throughout the region. All shapes of watercraft were involved with the races that occurred around Linton boathouse through the 1890s, with the float itself often used as one of the race markers.<sup>26</sup> Canoes still loaded and unloaded at the foot of Carrall through the 1890s, as Linton permitted the free use of his float for small watercraft.<sup>27</sup>

For twenty-five cents, Vancouverites could rent a rowboat and go for a spin on the peaceful waters of Coal Harbour or the Inlet. Boating was a favourite pastime with the people of Gastown, and the leisurely joy of the Linton boat rentals is enshrined in a popular song from pre-1900 Vancouver, called “Andy Linton’s Boathouse”:

If you’ve got a little sweetheart and you know your love is true  
 You really want to wed her and you think that she loves you  
 You want to pop the question but you don’t know what to do  
 Well here’s my advice: Get out on the blue.

Take her down to Andy Linton’s Boathouse,  
 Down to Andy Linton’s Boathouse,  
 (Just go) Down to Andy Linton’s Boathouse,

<sup>21</sup> “Centre of the Universe was Andy’s Wharf,” *Vancouver Province*, 27 January 1945, 41.

<sup>22</sup> Trevor Williams, “Displeasurecraft: Hunger and Enmity on the SS Yosemite,” *British Columbia History* 54, no. 2 (2021): 28 - 31.

<sup>23</sup> Martin Wells, *Coal Harbour Recollections* (Vancouver: Cordillera, 2007), 8.

<sup>24</sup> Watts and Marsh, *W. Watts & Sons Boat Builders*, 98 and 121.

<sup>25</sup> Delgado, *Waterfront*, 74.

<sup>26</sup> Matthews, *Early Vancouver Volume 3*, 210.

<sup>27</sup> *The Street Ends Cases*, 73.

And go out for a row.<sup>28</sup>

It was not just the lovers renting rowboats from Andy. According to historian David Hill-Turner, through the early days of pilotage work in the Burrard Inlet, "... a rowboat could be rented from Andy Linton's boatyard, at the foot of Carrall Street. The boat would be towed behind the departing ship until it reached Point Grey or Port Atkinson where the pilot would board his rowboat and return to the pilot station."<sup>29</sup>

By summertime 1886, the boatbuilding tandem of Linton & Shaw were actively building, storing, selling, and renting boats at the foot of Carrall Street.<sup>30</sup> Through it all, Linton – who was said to have born with a resemblance to Uncle Sam – lived a lifelong bachelor lifestyle.<sup>31</sup> It is mainly his contribution to building thousands of small watercraft and his boats coming into common use that legitimised his otherwise rough and derelict mode of living. Andy left Carrall Street in 1907, when his space on the water was replaced with the independently operated Johnston Wharf, which later became CPR Pier H.<sup>32</sup> Without a wife or a home, or any known civic address until 1912, Andy Linton both lived and worked right in the boathouse workshop.<sup>33</sup> After 1912, city directories show Andy living at the North Vancouver Hotel while Linton & Co. was located nearby at the Esplanade foreshore. In semi-retirement, Linton split his time between British Columbia and California, until passing away in 1935 in Vancouver.<sup>34</sup> Through locating at the foot of Carrall Street he had accumulated enough money to overcome the shabbiness of his younger life, which was fostered by his love for building beautiful watercraft.

The founders of Vancouver knew that every great city needed a City Wharf. After incorporating in 1886, one of the first acts was to build such a wharf at this central site. With the first Vancouver City Hall occupying a tent close-by, hemmed in with hotels and shaded by a large maple tree which grew at Water and Carrall streets, the first City Wharf was a short, wide platform located at the heart of Gastown, alongside Linton float. This wharf began largely as an initiative from the pocket of then Vancouver alderman David Oppenheimer, with no evidence of public funds being spent.<sup>35</sup> Get the wharf built first, ask for permission later, was the philosophy of Mr. Oppenheimer. By August 1886, City Wharf began building outward onto the Gastown beach, further into the Burrard Inlet in the

<sup>28</sup> "Tillicum," *Vancouver Sun*, 12 September 1936, 38.

<sup>29</sup> David Hill-Turner, *Business in Great Waters: A Brief History of Pilotage in British Columbia Waters*, (Vancouver: World Ship Society of British Columbia, 1987), 42.

<sup>30</sup> "City and Province," *Victoria Colonist*, 20 June 1885, 4. "Boating on the Inlet," *Victoria Daily Times*, 5 October 1885, 1.

<sup>31</sup> "Dramatic Happenings," *Vancouver Sun*, 17 June 1944, 33.

<sup>32</sup> "Vancouver Wharves Scrapbook," Earl Marsh Collection, MS-3254, box 17, file 9, British Columbia Archives. "Work on wharf will Start Monday," *Vancouver Daily World*, 20 August 1907, 11.

<sup>33</sup> British Columbia Directories show Andy Linton living at the North Vancouver Hotel after 1912.

<sup>34</sup> "Andy Linton, 87 Died on Thursday," *Vancouver Province*, 6 December 1935, 18.

<sup>35</sup> "Miscellaneous M-Z," file COV S-20, City of Vancouver Archives. This shows the private expenses of City Wharf.





Andy Linton's boathouse and City Wharf. (Item A-03275 courtesy of the Royal BC Museum)

Carrall Street right-of-way. Approval came months after by Vancouver council, in the form of the City Wharf bylaws, while the wharf builders struggled to meet the requirements imposed by Ottawa.<sup>36</sup> The pretext for first extending the platform at Carrall Street was to accommodate the city's first fire engine, which arrived for the Vancouver Volunteer Fire Brigade in August 1886.<sup>37</sup> One practical reason for building City Wharf was to institute a suitable fire protection infrastructure in the weeks following the devastating Vancouver fire of 1886.<sup>38</sup> City Wharf hosted the flourishing dockside life because the demands of the Vancouver Fire Brigade were fairly light.

In September 1886, Alderman David Oppenheimer (soon to be Mayor) formed Vancouver Wharfage and Storage, after construction of City Wharf began and when it appeared that Canadian Pacific Railway, or the provincial and federal governments, were preparing to use the lawcourts to remove the new wharf. In November, General Superintendent Henry Abbott of the CPR's Pacific Division wrote a letter to Oppenheimer describing the Gastown beach as railway property and exclaiming, "I forbid you or your company building the extension of that wharf."<sup>39</sup> Sometime after starting construction, City Wharf operators decided to adopt a municipal purpose and public-like qualities, to seek popularity with Vancouverites and thus help to overlook whether the wharf was built legally or not. These public qualities were helpful in the years ahead when municipal and provincial governments protected these otherwise private wharf owners from lawsuits or being evicted by the CPR. The first of many court proceedings was taken here by the Attorney General to prevent the building of the wharf, but through negotiation with the CPR City Wharf was mainly completed by late 1886.<sup>40</sup> This

<sup>36</sup> By-law no. 15: A by-law to construct a wharf at the foot of Carrall Street, file COV – S36, City of Vancouver Archives.

<sup>37</sup> See Vancouver Fire Fighters Historical Society website, [www.vffhs.com](http://www.vffhs.com).

<sup>38</sup> T. McGuigan to D. Oppenheimer, 31 August 1886, reel A-1812, British Columbia Archives.

<sup>39</sup> Abbott to Oppenheimer, 5 November 1886, RG 13, volume 1869, file 1247-1886, LAC.

<sup>40</sup> H. Darling to J. Gemmell ND (1899), MS 42 "Land Use and Title," series 13 56, Bowen Island Museum and Archives. RG13, volume 1869, file 1247-1886, LAC refers to the withdrawn legal case: Attorney General of Canada v David Oppenheimer & Vancouver Wharfage and Storage, from Spring

wharf structure was generally an extension of Carrall Street, with a T-shape at the end, which was later built into the larger, L-shaped City Wharf of 1889, itself capped with a warehouse.<sup>41</sup> Sometime in 1888, while the outer trestle was being built and City Wharf was being upgraded, Linton Boatworks had floated their operation to the eastern side of City Wharf and the Carrall Street roadway.

Though privately held and operated, City Wharf was declared as the public wharf, and it existed for almost four years, from summer 1886 to April 1890. The strength of the commitment by the City of Vancouver to purchase City Wharf sometime in the future is what ensured City Wharf its public qualities. This wharf, as a condition of its construction, could only be sold to the City of Vancouver and the sale was expected to happen in the future.<sup>42</sup> An elevated approach carried traffic from the foot of Carrall to Union Wharf over the Gastown beach, yet still inside the Carrall Street road dedication. In 1889, however, the bracings for the elevated approach gave way. Shortly after that, several of the City Wharf pilings buckled due to an overweight shipment.<sup>43</sup> After these accidents, the CPR filed another injunction to briefly stop the reconstruction and the City of Vancouver was called by courts to defend their lease across the Gastown foreshore – this beach area having been formally granted to the CPR by the province in 1885. Eventually, Vancouver and the CPR signed a lease agreement over the foreshore and work recommenced on City Wharf.<sup>44</sup> For much of its short life, City Wharf was partially closed, under some new form of construction or for legal reasons.

Meanwhile, Vancouver Wharfage and Storage Company also built a wharf at the foot of Carrall Street, which was the first large private dock to be used for public purposes in the city. This company hired a wharfinger (a keeper of a wharf) and then occupied and maintained City Wharf. It was also sued many times. One event which cemented the reputation of the aggressive CPR lawyers was when the railway company applied to a Vancouver court in 1888 to seize the entire wharf structure and remove City Wharf permanently from the reach of Vancouverites. This aggressive legal maneuver was made to collect on unpaid debt to CPR for warehouse space which was shared by the two companies. Through the ensuing court proceedings and sheriff auctions, Mayor Oppenheimer had emerged from the legal proceedings with City Wharf back in his hands again by 1889, away from both Vancouver Wharfage and Storage and the CPR.<sup>45</sup>

In this era without conflict-of-interest laws and where private wharves could be

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1887.

<sup>41</sup> *The Street Ends Cases*, 1905, 252. “The City Wharf,” *Vancouver Daily World*, 14 August 1889, 4.

<sup>42</sup> T. McGuigan to D. Oppenheimer, 31 August 1886, reel A-1812, British Columbia Archives.

<sup>43</sup> Van der Burg, *History of the Union Steamship Company Ltd.*, 58. “The City’s Wharf,” *Vancouver Daily World*, 28 May 1889, 4.

<sup>44</sup> “The City Wharf,” *Vancouver Daily World*, 14 August 1889, 4.

<sup>45</sup> H. Darling to J. Gemmell ND (1899), MS 42 “Land Use and Title,” series 13 56, Bowen Island Museum and Archives.

declared public ones, Vancouver voters of the 1880s were willing to overlook legal questions in the rush to build the great city, action for which David Oppenheimer is still respected today. Through summer and fall 1889, Mayor Oppenheimer politely urged his own council to make a decision on City Wharf. City of Vancouver had to either buy the wharf, or else release City Wharf from the condition that the wharf could only be sold to the City. Historian Robert MacDonal points to the City Wharf debates as an example of the cohesiveness of Mayor Oppenheimer and his team of friendly Aldermen.<sup>46</sup> Nearly the entire Vancouver council matched the mood of Vancouver business owners and the public by supporting City Wharf. Vancouverites submitted several large petitions to Ottawa in support of the City

City Wharf at the foot of Carrall Street. (Image Bo P40 courtesy of Vancouver City Archives)



Wharf bylaws while Vancouver politicians also lobbied Ottawa directly for lenient treatment of the wharf.<sup>47</sup> Instead of proceeding with a purchase, however, city politicians gently fostered the need for a voter plebiscite while Mayor Oppenheimer sought private arrangements for City Wharf to be sold.

The plebiscite victory was felt to be so assured that the *Vancouver Daily World* announced a win for purchasing City Wharf before going to press on the evening of 4 October 1889.<sup>48</sup> However, when the dust settled, the plebiscite to create bonds “to purchase the City Wharf at the foot of Carrall” had failed by a large margin.<sup>49</sup> As Table 1 shows, voter turnout was much lower than other plebiscites in 1889. Mayor Oppenheimer suggested through newspapers how on the day of the plebiscite, many of the City Wharf supporters were likely away in

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<sup>46</sup> Robert AJ MacDonald, “The Business Elite in Municipal Politics in Vancouver, 1886 – 1914,” *Urban History Review* 11, no. 3 (1983): 13.

<sup>47</sup> RG 2, OIC # 1887-0392 & OIC # 1886 -1809 (Nov 1886) & RG 13, volume 66, file 257, LAC are large, signed petitions from Vancouverites related to City Wharf. See M. McLean to Governor General of Canada, 16 October 1886, reel A-1812, British Columbia Archives.

<sup>48</sup> “The By-law,” *Vancouver Daily World*, 4 October 1889, 1.

<sup>49</sup> “Record of Elections 1886-1924,” file CVA COV – S37, City of Vancouver Archives.

New Westminster, which was then a larger community.<sup>50</sup> Nearly all Vancouverites who attended the Provincial Agricultural Exhibition on the final day did not return with enough time to vote in the plebiscite. “The people evidently took no interest whatsoever in the matter” mourned the *Vancouver Daily World* after the loss.<sup>51</sup> City Wharf was gone.

Date	Amount	Result	Purpose	Yes	No	Sp	Total	Reg Voters
May 17, 1889	\$125,000	Approved	General Improvements	241	163	10	414	2421
October 4 1889	\$5,000	Defeated	City Wharf	62	128	0	190	2421
October 11 1889	\$20,000	Approved	Brockton Point Athletic & Ground Improvements	228	117	4	349	2421

Source: CVA COV – S37 “Record of Elections, 1886- 1924” pg 14- 15. “The City Sold Again” *Vancouver Daily World*, April 19 1890, pg 2

Many communities throughout Canada enjoy their public water access by having a municipal wharf, but Vancouver does not. The loss of this valuable downtown location was a watershed event which reverberated on the waterfront and remained a topic for municipal politics for years afterwards. The failure of the City Wharf plebiscite and the subsequent sale of City Wharf to Union Steamships in 1889 was the start of decades-long mourning, regrets, and hand-wringing which lingered in the Vancouver maritime community in conjunction with the failure to re-create another public wharf area. In the following decades, the quest for a public wharf in Vancouver lay dormant, occasionally re-awakened by go-nowhere proposals which promised to invite Vancouverites to the Burrard Inlet waterfront.<sup>52</sup> With the passing of time, Vancouverites could not imagine their own city without Union Steamships perched precariously along the Burrard Inlet shoreline, even in lieu of a public wharf.

Historian Jessie Van Der Burg believes the initial planning for Union Steamships was hatched in Gastown around the tables of the Bodega Hotel and bar, where the company’s captains and managers socialized with wealthy Vancouverites.<sup>53</sup> The year before the company formed in 1889, while Vancouver council was publicly deliberating on the future of City Wharf and arranging for a plebiscite, company managers were actively seeking a home wharf for their new venture. Captain Donald McPhaiden had tried to lease City Wharf from Vancouver Wharfage and

<sup>50</sup> “The Annual Exhibition,” *Victoria Daily News*, 1 October 1889, 2. “The City Sold Again” *Vancouver Daily World*, 19 April 1890, 2.

<sup>51</sup> “Yesterday’s Election,” *Vancouver Daily World*, 5 October 1889, 2.

<sup>52</sup> This is a reference to proposed public wharves at Gore Avenue and Heatley Street which were intended to replace City Wharf.

<sup>53</sup> Van der Burg, *History of the Union Steamship Company Ltd.*, 16.

Co. but was turned down.<sup>54</sup> From Isle of Tyree, Scotland, McPhaiden commenced a sea-faring life through sailing for several years from Melbourne.<sup>55</sup> Donald first lived in North Vancouver, where for years he worked as a stevedore, then became one of the ferry boat operators between Gastown and Moodyville.<sup>56</sup> Later, he also approached the CPR directly to ask if he could lease and build another wharf, and the CPR also turned the Captain down, while shortly after permitting Evans, Coleman, and Evans to proceed with building their own wharf.<sup>57</sup> Being rejected by the railway giant meant that any future steamboat company intending to locate in Vancouver against the wishes of the CPR must be at City Wharf, or else not be in Vancouver, or Gastown, at all. As such, much of the tableside plotting at the Bodega involved Captain McPhaiden actively proposing different partnerships plotting how to acquire a home wharf and initiate an independent, Vancouver-based steamboat company.

Historian Jack Little points out how Union Steamship Company founders had foresight enough to recognize the value of the anticipated tourist and leisure class. The need to cater to the travelling tourist and to promote the young province to new residents was included on the original 1889 company prospectus as one of the primary purposes for Union Steamships coming into being.<sup>58</sup> The arrival of the railway, and the designation of Vancouver as Canada's Pacific gateway encouraged more and more settlers to travel to British Columbia, first as tourists and later as newcomer settlers. This point would later become important as Union Steamships grew and later embodied the emerging travel and leisure culture of the 1930s, one where the company's popularity was propelled by promising exploration, adventure, and relaxation to Vancouver weekend excursionists.

The origins of Union Steamships are in the old mariners of the Burrard Inlet, specifically the three boat captains: Donald McPhaiden, Hugh Stalker, and James Van Bramer. Upon arriving in the Burrard Inlet, the trio had been conjoined from the start as alternating business partners and friends, each of a similar age and known for genial dispositions as the ferry boat operators to North Vancouver. They joined with the early managers of Union Steamships, the most committed and longstanding of which were Henry Darling and Alfred St. George Hamersley. Each of these people were previously associated with Union Steamships of New Zealand and borrowed its best features for a new British Columbia company. A fourth captain, William Webster, briefly worked as the Company manager through

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<sup>54</sup> Van der Burg, *History of the Union Steamship Company Ltd.*, 17.

<sup>55</sup> E.W. Wright, *Lewis & Dryden's Marine History of the Pacific Northwest* (Portland: Lewis and Dryden Printing, 1896), 408.

<sup>56</sup> "Ald McPhaiden," *Vancouver Daily World*, 18 January 1897, 8. "McPhaiden," *Vancouver Province*, 15 June 1909, 20.

<sup>57</sup> Van der Burg, *History of the Union Steamship Company Ltd.*, 17.

<sup>58</sup> Jack Little, "Views from the Deck: Union Steamship Cruises on Canada's Pacific Coast, 1889 – 1958," in *Moving Natures: Mobility and Environment in Canadian History*, eds. B Bradley, J Young and CM Coates (Calgary: University of Calgary Press, 2016): 204.

a critical time, but he was only in BC long enough to get married and travel around the world, before leaving for Hawaii.<sup>59</sup> An important contribution of Captain Webster in his limited time in British Columbia was his negotiation with Mayor Oppenheimer, which led to City Wharf being purchased by Union Steamships in exchange for \$5000 cash and \$5000 in stock.<sup>60</sup>

Before cargo service started, many of Union Steamships' activities were municipal oriented, and the public functions at Union Wharf were so similar to what preceded it that Vancouverites continued to occasionally refer to Union Wharf as City Wharf for decades afterwards.<sup>61</sup> Union Steamships grew laterally from Captain McPhaiden's company, Burrard Inlet Towing, who used his own boats to start operations. The new owners controlled the North Vancouver ferry, SS *Senator*, a couple of scows and a pair of tugs named *Skidegate* and *Leonora* which worked throughout the Burrard Inlet. Upon taking over City Wharf, Union Steamships accommodated many of the municipal functions which this wharf used to fulfill, such as assisting the Vancouver Volunteer Fire Brigade or for offloading gravel.

The early years of Union Steamships were also tied to the first municipal waste removal schemes in Vancouver. As a central site, the neighbourhood around City Wharf was being degraded by household garbage, as the tidal area became a favourite dumping zone for early Vancouverites. Instead of walking to the end of City Wharf or Linton Float and dumping household waste directly into the Burrard Inlet, villagers in Vancouver were instead encouraged to load their garbage onto a skiff, which one of the Union Steamship tugs pulled out and dumped in Georgia Strait.<sup>62</sup> The CPR dump trains bringing in loads of dirt also made the neighbourhood around City Wharf very rough and muddy, while in the summertime shoreline gravel fills were the source for the large clouds of dust which floated over East Vancouver.<sup>63</sup> The public soon grew aware of the cramped conditions on the wharf as travelers using the North Vancouver ferry had to stand shoulder to shoulder in crowds.<sup>64</sup> Given these activities, historian J. Rodger Burnes described Union Wharf of the 1890s as "not by any means a nice spot."<sup>65</sup>

The North Vancouver ferry, the SS *Senator*, continued to leave Union Wharf daily, which was another tradition inherited from City Wharf. According to Burnes, the first direct ferry system to North Vancouver was instituted in 1893 between the

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<sup>59</sup> Anne Richards to JS Matthews, 10 July 1934, file AM54 – S5 – 1, letter 1143, City of Vancouver Archives.

<sup>60</sup> Anne Richards to JS Matthews, 10 July 1934; and Van der Burg, *History of the Union Steamship Company Ltd.*, 17.

<sup>61</sup> "Railway Company Owns the Wharf," *Vancouver Province*, 6 August 1903, 1.

<sup>62</sup> Norbert MacDonald, "The Canadian Pacific Railway and Vancouver's Development to 1900," *BC Studies* 35 (Fall 1977): 23.

<sup>63</sup> J. Rodger Burnes, *Echoes of the Ferries: A History of the North Vancouver Ferry Service* (Vancouver, self-published, 1974), 26.

<sup>64</sup> Burnes, *Echoes of the Ferries*, 18.

<sup>65</sup> Burnes, *Echoes of the Ferries*, 23.

Union Steamships Company and North Vancouver for *Senator*, which made six scheduled trips a day.<sup>66</sup> The ferry had a smaller, customized float built on the east side of Union Wharf. From this float there was a ramp leading to Union Wharf that was so steep when the tide was out that the kindly old captains needed to be on hand to help elderly passengers ascend the ramp.<sup>67</sup> In the summer of 1899, Union Steamships pulled *Senator* off the run and discontinued scheduled ferry service. The District of North Vancouver responded by introducing its own ferry which sailed daily to Union Wharf, SS *North Vancouver*.<sup>68</sup> When train traffic increased, empty CPR train cars would sometimes block the entrance to Union Wharf, which caused people to occasionally miss the scheduled North Vancouver ferry sailings, or else attempt to climb under the cars.<sup>69</sup> Gradually, the North Vancouver ferry



SS *North Vancouver* ferry at Union Wharf in 1903. (MONOVA #2058, Archives of North Vancouver)

service outgrew the heritage dock facilities at the foot of Carrall Street and moved briefly to nearby Stimson's Wharf, before settling at a new ferry terminal built at the foot of Columbia Avenue in 1904.<sup>70</sup>

Union Steamships formed, brought in boats, and started service, but getting a leasehold agreement with Canadian Pacific was a secondary priority. The problem was that, while CPR officials routinely assured the public that some deal existed, Union Steamships insisted that none did. On the rare occasion when the owners or managers were asked, Union Steamships officials (who would have been signing agreements) publicly contradicted their CPR counterparts by claiming that no agreement existed. In correspondence, Manager Henry Darling wrote that, in regard to City Wharf, the owner, Vancouver Wharfage Company, "never paid nor agreed

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<sup>66</sup> Burnes, *Echoes of the Ferries*, 13.

<sup>67</sup> Burnes, *Echoes of the Ferries*, 23.

<sup>68</sup> Burnes, *Echoes of the Ferries*, 17 and 22.

<sup>69</sup> Burnes, *Echoes of the Ferries*, 18.

<sup>70</sup> Burnes, *Echoes of the Ferries*, 80.

to pay any rent.”<sup>71</sup> In 1902, Darling’s replacement, Gordon Legg, told Vancouver newspapers how, “The company had never made any leasehold agreement with the CPR.”<sup>72</sup> Also in a courtroom setting, Andy Linton admitted to a judge that by 1905 he had signed no lease and offered no money to the CPR.<sup>73</sup> Don McPhaiden went further, explaining that in addition to not paying for a lease, he believed “Union Steamships Company only held that property by squatters rights.”<sup>74</sup>

Just like City Wharf before it, Union Steamships continued the tradition and never had an agreement with the CPR from 1889 to 1903, when courts finally imposed the first lease.<sup>75</sup> According to Henry Darling, the persistent provision that the railway company “could take possession of the wharf at any time” had kept Union Steamships from signing any type of legal document with the railway giant.<sup>76</sup> This was a valid fear for the company; the idea of owing the CPR money or renegeing on a contract, then having the CPR legal department use the courts to sweep away the company, proved a longstanding theme in the early years of Union Steamships. Despite such conflicts, the bad feelings did not keep the companies from working together on several different business endeavours.

Fortunately for Union Steamships, one of their ardent supporters was also a lawyer. Alfred St. George Hamersley arrived in Vancouver after previously being associated with Union Steamship Company of New Zealand, and his contribution was comparable with the company founders.<sup>77</sup> He came to North Vancouver and immediately became involved with ferry service across the Burrard Inlet, which first brought him together with the captains which formed Union Steamships. Mr. Hamersley hosted the first Union Steamships meetings and provided legal services for the company. As a storefront lawyer, he acted as the Vancouver City Solicitor intermittently from the 1890s onward, at the same time he was involved with Union Steamships. His involvement helped keep the gates open at Union Wharf as he guided the steamship company through their legal storms. Hamersley was a key person for involving the City of Vancouver in legal campaigns against the CPR and he was one of the senior legal architects on the losing side of a large court action called the Gore Avenue case.<sup>78</sup>

<sup>71</sup> H. Darling to J. Gemmell ND (1899), MS 42 “Land Use and Title,” series 13 56, Bowen Island Museum and Archives.

<sup>72</sup> “Vancouver,” *Victoria Daily Times*, 24 October 1902, 3.

<sup>73</sup> *The Street Ends Cases, 1905*, 77. Andy’s claims of having no agreement is contradicted on the spot by CPR lawyers in the Street ends case.

<sup>74</sup> “Special Meeting to Be Called,” *Vancouver Province*, 11 August 1903, 7 features quote by Alderman Morton, recounting what Alderman McPhaiden told him previously.

<sup>75</sup> “Railway Company Owns the Wharf,” *Vancouver Province*, 6 August 1903, 1. “Wharf,” *Vancouver Daily World*, 7 August 1903, 5.

<sup>76</sup> Darling to J. Gemmell ND (1899), MS 42 “Land Use and Title,” series 13 56, Bowen Island Museum and Archives.

<sup>77</sup> Van der Burg, *History of the Union Steamship Company Ltd.*, 11.

<sup>78</sup> *City of Vancouver v. Canadian Pacific Railway* [1893] 23 SCR 1; “Hamersley, A. St. G., K.C.,” file AM54-S17-M3947, City of Vancouver Archives. Van der Burg, *History of the Union Steamship*



The man described as “always on the wharf” turned into always being on Vancouver City Council.<sup>79</sup> Don McPhaiden reigned over Ward 3 between 1894 and 1902 and he was similar to Mr. Hamersley through being another shared leader of both Union Steamships and the City of Vancouver.<sup>80</sup> Alderman McPhaiden served under five mayors and was a mainstay of the Public Works committee for many years.<sup>81</sup> Through the 1890s while an Alderman he was also the Burrard Inlet Shipping Master and he sat on the Union Steamship executive board.<sup>82</sup>

The year 1899, as in other years past, featured another volley of lawsuits between Union Steamships and the CPR about access to Union docks over the Gastown foreshore.<sup>83</sup> These issues sounded familiar, as the 1890s featured several court cases between these constant legal combatants over the foot of Carrall Street. The different court actions throughout the years of the CPR attempting to remove Union Steamships from the Burrard Inlet waterfront formed the old cliché of waterfront conflict, and it was difficult for Vancouver newspaper readers to tell one court case from the next. The CPR made several attempts to have a writ of ejection issued to take possession of the wharf, but these were rescinded through last-minute negotiations. Like a large wave on the distant horizon, Vancouverites could see that when the CPR began blocking Carrall Street, the court case of the decade would surely swell and crest over who owned the waterfront.

When Union Steamships Manager Henry Darling was replaced by Gordon Legg in 1901, the wharf tenure received more attention. The new manager travelled back to England to meet some of the company’s partners, and to ask about what they recalled about the home wharf.<sup>84</sup> On the way back, Legg stopped at Ottawa, where he again made inquiries with the federal government about Union Wharf, before returning to Vancouver. Within weeks of his arriving home to Vancouver, the CPR first began erecting barricades across the foot of Carrall. The first road barricades were simple fencing, but the obstructive quality of the CPR road blocks across Carrall Street strengthened over time. The next generation of barricades were heavy portable fences, and citizens did not wait for city crews to remove the new street obstructions.<sup>85</sup> A post and chain fence was installed by 1903, which was

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*Company Ltd.*, 7.

<sup>79</sup> Matthews, *Early Vancouver Volume 3*, 280.

<sup>80</sup> “Record of Elections 1886-1924,” pages 97-166, file CVA COV – S37, City of Vancouver Archives. Captain McPhaiden served as Alderman for seven terms between January 1894 to December 1902, except one term in 1895 where he did not run.

<sup>81</sup> “Minute Book,” volumes 5 and 6, file COV – S373, City of Vancouver Archives. While records begin in 1897, Alderman McPhaiden was on the Public Works Committee for 1897, 1899, 1900 & 1901.

<sup>82</sup> “Ottawa Notes,” *Victoria Daily Times*, 30 May 1898, 8. Van der Burg 53.

<sup>83</sup> Van der Burg, *History of the Union Steamship Company Ltd.*, 58.

<sup>84</sup> Van der Burg, *History of the Union Steamship Company Ltd.*, 59. “Notes,” *Vancouver Province*, 6 June 1901, 7.

<sup>85</sup> *The Street Ends Cases, 1905*, 81.

later improved to a retractable railway arm crossing by mid-decade.<sup>86</sup>

In 1901, while they erected barricades, Canadian Pacific began attempting to barter or make a deal with Vancouver council, offering a trade for the street-end locations at Cambie, Abbott, and Carrall streets. This was common at the turn of the century as Vancouver and Canadian Pacific were so interconnected on land development issues that railway lawyers would propose swaps and trades for the public arena to discuss. Some Vancouver streets extended to the high-water mark, which meant that street-ends fronting the water sometimes acted like a boat slip, beach, or neighbourhood park. These proposals were intended to save additional litigation, so long as the City of Vancouver conceded the Gastown thoroughfares north of Water Street to the CPR. The railway giant had offered another east-side location for a public-market style wharf for free in exchange for the downtown street-end locations.<sup>87</sup> Later, CPR lawyers also offered to trade the Gastown street-ends for a free library site.<sup>88</sup> Manager Legg was in the public eye much more than his predecessors, eager to describe what Union Steamships was experiencing. Please do not trade Union Steamships in for a library site, Legg pleaded to Vancouver Council.<sup>89</sup> If the street were obstructed, his company “would be practically shut out and would have to give up business,” Legg warned.<sup>90</sup> On the other hand, a minority of Vancouverites wanted to accept these deals, believing the railway lawyers would likely win any upcoming legal battle anyway, which they eventually did. City Council responded in fall 1902 by asking the CPR to remove all obstructions from the ends of Cambie, Abbott, and Carrall streets to allow free access to Burrard inlet waterfront.

It is difficult to point to the beginnings of the Street-ends cases, whether it was the shock of the road barricades across the foot of Carrall Street or the writ of ejectment served on Union Steamships, or perhaps both. The treatment Union Steamships tolerated commonly pricked the sense of fairness and justice amongst East Vancouver residents. People were in a barricade-inspired uproar at the street level and at the corporate level. The final report of the Street-ends cases committee in 1902 bitterly divided members of the Vancouver Board of Trade and turned a scheduled meeting into a tense confrontation between the corporate supporters of Union Steamships and the CPR.<sup>91</sup> The shock and outrage the public felt over how poorly the CPR would treat the local favourite Union Steamships inspired the provincial government to intervene and submit the first filings for the Street-ends cases.

The Streets-end cases were a cluster of lawsuits between the Attorney General of BC Charles Wilson and the Canadian Pacific Railway, heard by different courts,

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<sup>86</sup> “Fencing the Track,” *Vancouver Province*, 4 March 1903, 10.

<sup>87</sup> “Proposal for a Market Site,” *Vancouver Province*, 22 July 1902, 2.

<sup>88</sup> “Carnegie’s Offer May Be Refused,” *Vancouver Province*, 13 July 1901, 1.

<sup>89</sup> “Board of Works,” *Vancouver Province*, 21 July 1901, 2.

<sup>90</sup> “Discussion,” *Vancouver Daily World*, 29 July 1902, 3.

<sup>91</sup> “Urge City to Fight CPR,” *Vancouver Province*, 3 December 1902, 2.

concerning the closure of the ends of the principal streets of Gastown. The original case involved three legal items, one of which involved extending the sewer and storm servicing to the Burrard Inlet, while a writ of ejectment on Union Steamships was still ongoing. The main event of the Street-end cases asked for a declaration that the public have a right of access to the ocean through Cambie, Abbott, and Carrall streets. The initial filings sought “ingress from and egress to the sea, and to pass and repass over and through the streets for the purpose of getting to and from the sea.”<sup>92</sup> The case was first heard over several months in Vancouver by Justice Lyman Duff between 1903 and 1904.<sup>93</sup> The court case itself was novel through the active involvement of many of the former decision-makers or eyewitnesses to Vancouver waterfront development, where each described the qualities of the Gastown waterfront before the arrival of the railway. The Attorney General’s case was largely a nostalgic one of honouring the historical maritime gateway of Gastown. His case mainly showed how the non-conforming use of boats landing at the foot of Carrall Street had even predated Confederation with Canada, and how Coal Harbour acted like a public harbour for Gastown. Justice Duff, however, ruled in favour of the CPR. An appeal was heard by the full court in Victoria in 1905, then by the British Privy Council late in 1905, with the final ruling arriving in February 1906.<sup>94</sup> The cases ended in consecutive victories by Canadian Pacific lawyers, as subsequent courts upheld Justice Duff’s original ruling.

When the dust settled on the Canadian Pacific victory in the Street-ends cases in early 1906, the City of Vancouver was at a crossroads. The court loss was a setback, given that Vancouver bureaucrats had previously believed they could dispose of the street-end oceanfront locations as they saw fit. By 1906, Vancouver was exhausted and defeated, had no Burrard Inlet wharfage for the public, had lost some good deals, and had passed on comparable choices. Instead, they had gambled on lawsuits they believed would support their assertions, only to lose and end up with nothing. The Street-end cases demonstrated the public liability that each level of government would accept to undertake such large legal endeavours so that Linton Boatworks and Union Steamships could keep operating at the foot of Carrall Street. The City of Vancouver spent \$40,000 paying out legal bills when the Street-end cases ended.<sup>95</sup> The public was also worn out by the white noise of waterfront strife, from decades of CPR lawsuits or the complaints about wharves in municipal politics. The conclusion of the Street-end cases was capped by Premier Richard McBride removing Charles Wilson as the Attorney General.

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<sup>92</sup> Deputy Attorney General to Minister, 28 July 1903, file GR-0429, box 10, file 3, British Columbia Archives.

<sup>93</sup> “Vancouver Supreme Court Minute Book,” pages 140-144, GR – 1819, British Columbia Archives.

<sup>94</sup> Attorney-General for British Columbia v. Canadian Pacific Railway [1906] A.C. 204. Lawyer for the CPR was Edward P. Davis and the Vancouver law firm Davis, Marshall and McNeill, against BC Attorney General Charles Wilson and Edgar Bloomfield, from Wilson, Senkler and Bloomfield, for the plaintiffs.

<sup>95</sup> “Wind up of the Campaign,” *Vancouver Daily World*, 13 January 1909, 9.

As a politician, Wilson inspired a range of criticism, but Vancouver newspapers explained how the “Street ends suit failure cooked his official goose.”<sup>96</sup>

The conclusion of the Street-end cases also added lustre to the historical affection for Union Steamships. Public respect for the company strengthened through these early legal trials, with the transportation company viewed as requiring protection as a weaker party fighting for its existence against the land-use caprices of CPR executives. Through reputation and public popularity, Union Steamships was insulated and protected by different levels of governments, whose elected members found it to be good politics to associate with the company. Through the years, the steamship company embraced the evolving locations that wharf upgrades brought, which meant it was building outward and further away from Carrall Street and into the Burrard Inlet. Still, Union Steamships continued to identify their wharf through the foot of Carrall – a constant reminder of the CPR hegemony over the cultural locations of newcomer settlers.

More time passed and Carrall Street was still occasionally blocked off after the Street-end cases victory. Although the CPR had earned the right in court, they still could not control Union Steamship customers, employees or pedestrians from crossing the rail tracks when the train traffic was light. The foot of Carrall area became more dangerous with each passing year, due to the laying of more railway spur tracks, the yard shunting of rail cars, and the passing-by of scheduled rail traffic. By 1908, public safety emerged as a compelling reason for limiting Carrall Street pedestrian traffic. Also, since the earlier CPR victory in the Street-ends cases, a new waterfront access road to Union wharf had been opened, which involved taking a 1.5 km detour through Columbia Street, before walking the final metres to Union wharf on a boardwalk built between active railway tracks, over what was formerly the outer CPR railway trestle.<sup>97</sup> After a long consultation and cooling off period, CPR announced that this time they were serious, that the foot of Carrall Street crossing would again be closed off with a new, larger fence and barricade by August 1908. Newspapers and CPR officials predicted the usual behavior, how “the boarding between the railway tracks will be torn up,” and this time the railway decided to place a watchman at the point to prevent pedestrians and early vehicles from crossing there and to keep waterfront locals from removing locks from the gate or damaging the fencing.<sup>98</sup>

As a matter of record, the final person to pass through the CPR road obstructions at the foot of Carrall was a bit of an institution on the Vancouver waterfront – Captain George Marchant, the final master of the SS *Beaver*. On 24 September

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<sup>96</sup> “Honorable Wilson has Resigned,” *Vancouver Province*, 15 March 1906, 1. “Untitled,” *Vancouver Daily World*, 28 November 1906, 4.

<sup>97</sup> “Board of Railway Commissioners Applications, 1909 – 1931,” Minutes, 27 October 1909, Vancouver BC, COV-S481, City of Vancouver Archives.

<sup>98</sup> “Carrall Street End to be Closed,” *Vancouver Daily World*, 8 June 1908, 1. “Opposes the Closing of Cambie,” *Vancouver Daily World*, 29 August 1908, 1. “Carrall Street Fence,” *Vancouver Province*, 9 September 1908, 7.



Foot of Carrall Street in 1908, showing Union Steamships Dock and Alexander Street at Columbia. (Phillip Timms Collection, 2552 and 7569, Vancouver Public Library)

1908, the old Captain approached and began vigorously prying the locks off the barricade. He had almost finished when he was stopped by the watchman, who in turn called in a Vancouver City policeman. Marchant's pleas are described by newspapers:

When the policeman came the Captain made no resistance, but also did not hesitate to say what he had done. He furthermore said that he had used that section of the earth for a thoroughfare for 30 years, and that he proposed to continue doing so. If the lock was put on again, he would take it off again. In his opinion there was such a thing as the CPR peoples going a little too far in the matter of claiming the earth...<sup>99</sup>

Captain Marchant was released without charges, but he remained defiant. He let everybody around him know how he "proposed to walk down Carrall Street whenever I felt inclined, barricade or no barricade, bastille or no bastille."<sup>100</sup>

The road obstruction at Carrall Street grew more bastille-like as time passed, as Captain Marchant had suggested. The pioneer thoroughfare of old Gastown would now remain disconnected from the Vancouver waterfront for the next seventeen years, from 1908 to 1925.<sup>101</sup> Several attempts to build a pedestrian overpass at the north-end of Carrall Street ended in failure due to the railway giant, for a variety of reasons, withholding their support for building this key piece of infrastructure.<sup>102</sup> The Vancouver waterfront would grow into an enclave of private enterprise, one which the public would be increasingly restricted from accessing. The City of Vancouver and Canadian Pacific had failed to reconcile their competing visions for how the public would access the Burrard Inlet, meaning that Vancouver is unmatched in Canada for the volume of litigation over waterfront property rights.

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<sup>99</sup> "Forced Locks off Barricade" *Vancouver Daily World*, 25 September 1908, 3.

<sup>100</sup> "Forced Locks off Barricade" *Vancouver Daily World*, 25 September 1908, 3.

<sup>101</sup> "Carrall Bridge Formally Opened," *Vancouver Province*, 2 July 1925, 14.

<sup>102</sup> Evidence for the legacy of attempts by Vancouver City Council to initiate construction of the Carrall Street overpass between 1910 and 1927 is provided through newspaper articles through this period.