

Roger Paradis

JOHN BAKER AND THE REPUBLIC OF MADAWASKA

An Episode In The Northeast Boundary Controversy

The United States has been involved in numerous boundary disputes, but few of these growing pains, if any, have engendered such a welter of scholarly research as the Maine-New Brunswick controversy. Ironically, the master of intrigue most responsible for perpetrating the dispute has received little serious historical consideration. Too frequently, the embroglio has been superficially regarded as little more than a comic opera when, in fact, it threatened to precipitate a crisis of the first magnitude—an Anglo-American confrontation which, if permitted to degenerate indefinitely, could have enflamed the Northern frontier from Halifax to Detroit.¹

For half a century the dispute smoldered quietly while the United States temporized and engaged in protracted and fruitless negotiations with Great Britain. In 1817, however, a new and violent dimension was added to the boundary controversy as American settlers were lured to the pine wilderness of the upper St. John River by the prospect of timber profits and free lands. Among the Yankee settlers who yielded to the charms of the disputed Madawaska Territory was John Baker, a flamboyant agitator destined to be thrust from a prosaic but remunerative lumbering business to the fore of international politics. He was born in Moscow, Maine, in 1787, then a frontier wilderness.² His youth was spent largely in lumbering and the fur trade, and in 1816, he and his brother Nathan were charged with trading illicitly with the Indians. The Baker brothers made separate getaways; Nathan, who would also be involved in the boundary controversy, migrated directly to the disputed territory with his family. John used a more circuitous route, however, and for four years he frequented various lumber camps on the St. John and Miramichi Rivers and on Chaleur Bay in Lower Canada where the timber industry was

brisk and profitable. He was drawn to the disputed territory in 1820 to escape prosecution on a civil process for "intrusion and trespass" on Crown Lands in Lower Canada. There he joined his brother and other American settlers who had left the Kennebec for the St. John when construction was started on the "Canada Road" through the Bingham Purchase. To their great delight, the St. John Valley was found to shelter prime groves of masting pines, and fine intervals of land unfettered by government restrictions.

John and Nathan Baker were employed as timber cruisers and ax-men along the Meruimticook (Baker Brook), a tributary of the St. John. Their patron was an ambitious St. John merchant named Samuel Nevers, a "New Lighter" who believed in taking what he could from the King's forest and paying as little as possible to the Crown Land Office. In time, John Baker became intimately familiar with the enormous timber resources of the area as he hunted the headwaters of the Allagash and St. John regularly.³ Nathan seems to have had considerable influence on his brother in upholding the Maine claim. In 1818, he had attempted unsuccessfully to incorporate the disputed territory into a township of Penobscot County, and on several future occasions John tried to revive the idea. Admitted to the Union in 1820, Maine was "actuated by a spirit of patriotism not uncommon to new States".⁴ Territorial disputes are always sensitive issues, and for a young State whose politics had not yet been refined with experience and mellowed with age, the Northeast boundary controversy could readily be projected as a *point d'honneur* by a clever agitator, making compromise seem almost treasonous.

When Nathan died in 1821, John married his widow and thereby claimed his estate consisting of a hundred acres, house, barn, grist mill, and a ready-made family of five children, to which was later added a few others. John Baker now had a vested interest in the territory, and within a few years he had expanded his estate to include a second saw-mill, a three-acre island in the St. John River, and lots fronting the Madawaska, St. Francis and Meruimticook on which he made only minor improvements, possibly with a view to later speculation.⁵ He also added a second story to his frame house, another barn which could accommodate thirty-seven head of cattle, and a tool shed. Besides lumbering, this "go-ahead Yankee" also cultivated hay, wheat, barley, oats, and vegetables in considerable quantity, and his house served further as a depot where settlers and State agents could replenish their larders.

Legally, John Baker was a squatter, and as his estate grew his status became a matter of increasing concern.⁶ A rigid application of the Alien Laws after the War of 1812 made it difficult for foreigners to acquire title to

landed property. For that reason, he was loath to raise the jurisdictional issue, and for five years he submitted to Provincial authority without equivocation. In 1822, for example, he applied for and received from the government of New Brunswick the annual bounty for grain cultivated on newly cleared land. He also regularly paid the hated alien tax, and on several occasions he even applied to Provincial authorities for the "enforcement of British laws among American settlers both in civil and criminal matters".⁷

Baker's first brush with the law came in 1824 when a seizing officer confiscated three hundred logs cut on Crown Lands without a license. This represented a major loss for which he was only partly compensated at the rate of 2s 6d per thousand board feet counting three logs to a thousand.⁸ Such policies were hardly calculated to endear Baker and other Americans to Provincial authorities.

In 1825, Baker applied to Fredericton for a grant through Nevers who agreed to act as mediary. His land was surveyed and title was about to be conferred when the scheme was discovered by the Crown Land Office and the application denied. Despairing of a grant from the State of Maine, he turned to naturalization as the only recourse. While he was in Fredericton awaiting citizenship, he was approached by land agents from Maine and Massachusetts with an offer of one hundred acres and "such lands as might be applied for in the future".⁹ Baker leaped at the offer, perhaps not fully appreciating the serious political implications of his act, and thereafter was irrevocably wedded to the American cause.

Returning to Madawaska, John Baker provided his benefactors with lodging and acquainted them to the area. For a week, his house served as a land office from which flowed a steady stream of deeds to the Americans; all told, some twenty-five lots were granted under State authority. Members of the "compact and flourishing" Acadian settlement, established by New Brunswick in 1790, were also offered a stipend on the promise not to serve in the Provincial militia. There is no evidence, however, that money was accepted or promises were made, but the State could hardly expect Fredericton to overlook such blatant encroachment, which elicited a vigorous response from the Government. The local militia was increased from two companies to five, and area magistrates and wardens were instructed to deal firmly with the interlopers, but to avoid serious provocations.¹⁰

Maine was not prepared for a showdown over the disputed territory in 1825. A hundred miles of unbroken wilderness separated the frontier from the nearest Maine town, and the only practical mode of communication with

the North was through New Brunswick via the St. John River. Consequently, Provincial firmness coupled with hard logistical facts prompted the State to acquiesce and reconsider its strategy, and for the next two years all further excursions into the area were suspended.

On July 4, 1827, John Baker held an Independence Day celebration at his residence to which all the Madawaska settlers were invited.¹¹ The Kennebec men responded in large numbers, but most of the French settlers stayed away, not because they necessarily preferred the English of Fredericton to those of Portland, but because the *status quo* offered security they were reluctant to jeopardize. Baker was disappointed by this rebuff since his plan would have been better served if the Acadian French had been more susceptible to American influence. Undeterred, he proclaimed the whole Madawaska Territory to be henceforth independent from all expressions of foreign jurisdiction.¹² He was acting, he said, under State authorization and expressed his conviction that the Territory legally belonged to Maine. Awaiting the day when the United States would claim what was rightfully Maine's, he would refuse to acknowledge any other authority. A liberty pole was erected and a "crude representation of the American flag was raised in salute of the new Republic".¹³ The flag had been sewed by Mrs. Baker and was "white . . . with an American eagle and a semi-circle of stars, red". The event was followed by an outdoor picnic and evening ball during which Baker announced another convocation scheduled for August 10 to consider ratification of a "Compact" government.

John Baker took it upon himself to prepare the Madawaska Compact, assisted by his secretary Steven Grover.¹⁴ The document called for a pledge of mutual support and adjustment of disputes through popularly elected arbiters without having recourse to British authorities. The government was to be administered by a triumvirate headed by Baker as "General" of the Republic, and two companions, Charles Stetson and James Bacon. The General also conveniently invested himself with special confiscatory powers, a consideration hardly flattering to the Spirit of the Mayflower Compact or the concept of frontier democracy. Thus was conceived the Republic of Madawaska, a counterfeit Republic which was to last for one year after which application was to be made to the State for "the benefit of some regular authority," i.e., annexation.¹⁵ The document was popular among the Americans, but only one French settler could be induced to lend his signature and only after a good deal of encouragement from "Demon Rum". The linguistic barrier proved formidable. The French were generally friendly with the Americans,

but they were understandably suspicious of the document that was read to them in English, which they did not understand.

Baker exercised his authority on several occasions that summer. Especially provocative was a test case he deliberately engineered involving two American settlers—one was a member of the triumvirate—who were “in” on the plot. One settler made application to George Morehouse, an unsuspecting provincial magistrate, for a *capias* “to bail for debt” against his companion. When a local constable attempted an arrest, the swashbuckling Baker came to the rescue brandishing a sword and assisted by a gang armed with clubs and muskets.¹⁶ Baker lectured the officer on the new status of the territory, knowing that a full report of the incident would follow forthwith to his superiors, and in the middle of some rather unsavory invectives, he threatened the constable with violence if he did not release his prisoner. On being released, the two men settled the matter privately, in accordance with the Compact agreement, and in the presence of the unnerved constable.

Another “high-handed” incident that greatly agitated the Provincial officials was Baker’s attempted interference with the passage of the Royal mail through the Temiscouata Portage.¹⁷ The provocation occurred while the “General” was coming down the Madawaska River on his raft and chanced to encounter the mail carrier, a rugged French Canadian, from whom he demanded a surrender of the mail. Considering himself a “better man” than Baker, the carrier refused to yield without struggle. Baker wisely decided not to force the issue but threatened to return again to the mail route, and with adequate support to enforce his will.

The Portage was of critical importance to Great Britain because of the communication link it provided between Canada and New Brunswick.¹⁸ Not only was this the shortest and most direct route between the two provinces, but in winter it was the *only* route, and Baker knew that Great Britain would tolerate no interference in this quarter.

In time, this agitation and intrigue began to have an unsettling effect on the Madawaska Settlement. Local officials warned of the corrupting influence Baker was having on “a great part of the militia” and “the increasing tendency of the inhabitants to question British jurisdiction”.¹⁹ Calls for Baker’s suppression became more urgent, and although Provincial authorities were reluctant to take firm measures against the “banditti”, the only alternative was to risk the possibility of being shortly considered the intruders themselves.²⁰

Provincial authorities, however, were indignantly alarmed by the new rash of incidents and acted swiftly to reassert their authority by ordering the

Americans to appear in court in Fredericton on charges of trespassing on Crown Lands. Despite the "consternation and alarm" which swept the settlement, the settlers stood their ground and ignored the summons.²¹ Rather than risk an international crisis, the Province decided to make a last attempt at coercive persuasion. On August 10, the appointed day for ratification of the Madawaska Compact, a local magistrate called on Baker to surrender "the paper which had been offered for signature", and submit to Provincial authority.²² On consulting with other settlers who had begun to assemble near his house, Baker refused to give up the document for fear it might be "prejudicial" against them. He argued he was on American soil, had the countenance of his government upon which he could depend for protection and support, and would not yield except to superior force. While this verbal exchange was going on Mrs. Baker, the "Barbara Fritchie" of the disputed territory, raised the Madawaska flag in renewed defiance. Queried by the magistrate about the strange banner, Baker humored him along by saying it was the American flag. "Did you never see it before," quipped the intrepid Baker, "if not, you can see it now." Ordered to pull it down, Baker replied, "No, I will not; we have placed it there, and we are determined we will support it. Great Britain has no jurisdiction here". With this, the magistrate withdrew, and the American settlement was left to ponder its ultimate fate. Fearing the worst, John Baker burned the Compact and hid the flag between the walls of his house, a regrettable loss and needless effort as both were later admitted as secondary court evidence. He and James Bacon were appointed as a "deputation" to present their case to the State Legislature and inquire specifically from the Governor whether their American citizenship entitled them to State protection.²³

Baker was absent from the settlement for over a month, during which time plans were set in motion for his arrest. He returned from Portland on September 22, and three days later, during the pre-dawn hours, the County Sheriff and a posse of fourteen deputies arrested the *Beau Sabreaur* and hustled him off to a Fredericton jail.²⁴ His mills were closed and all work on his land suspended. In a futile effort to save himself, Baker displayed a letter from Governor Enoch Lincoln acknowledging his right to protection as a citizen and promising an indemnity of five dollars a day if committed to jail. He was formally charged with inciting sedition among the Madawaska settlers, and a multiplicity of lesser charges including the obstruction of the British mail, trespassing on Crown Lands, and cutting five hundred of the King's trees valued at one hundred pounds. Unable to provide two sureties for his bail,

which was set at one hundred pounds, he was committed to a "loathsome and filthy" prison which had been condemned by a Provincial Grand Jury as "a public nuisance" and which precluded all possibility of comfort.²⁵

The American settlement was visibly shaken by Baker's arrest. A few families chose to leave the turbulent area, and others, gripped by fear of impending disaster, wavered temporarily in their loyalty to the firebrand and deprecated his actions. Those who remained directed their efforts at securing Baker's release by petitioning the State Government for protection and liberty for their "best friend and benefactor".²⁶ The Province remained adamant; all efforts aimed at securing Baker's release were unavailable. President Adams denounced the arrest as "incompatible with American rights" in the disputed territory, and instructed his Secretary of State to conduct an investigation of the incident.²⁷

The following year, John Baker was arraigned at the Hilary term of the Supreme Court, and a true bill of indictment was found against him. He appeared before the court without counsel, entered no defense, called no evidence, and declined the jurisdiction of the court to try him.²⁸ On May 28, he was convicted and fined twenty-five pounds and sentenced to serve two additional months imprisonment.²⁹ By this judicious restraint of justice, New Brunswick reaffirmed her determination to exercise incontestable jurisdiction in the troubled region, but carefully avoided inflaming an already critical situation which almost certainly would have invited retaliation from Maine.

Throughout his trial and imprisonment, Baker's comportment was exemplary for its stoicism and dignity, for not once embarrassing his government, for neither relenting in his opposition to British jurisdiction nor vacillating in his support of the Maine claim. The State could readily have provided bail for Baker and saved him eight months of confinement, but only at the price of acknowledging British jurisdiction and compromising its own chances to the timber-rich area. Baker understood, and he suffered his ordeal in patience. His only concern was for the security of his "distressed" family left destitute to face the approaching winter in an unfinished and not "tenantable" house. His pleas for relief were answered when the sum of \$213 was unanimously voted in October and charged to the account of the United States Treasury.³⁰ "If he shall persevere," observed Governor Lincoln to Henry Clay, "he shall deserve to be called truly great."

The lessons of 1827 were not lost upon Washington and London, and both countries agreed to submit the boundary dispute to the arbitration of the King of the Netherlands. A general detente prevailed during the period

of Royal litigation but in 1831 the *modus vivendi* was interrupted abruptly. On March 15, two weeks before King William's recommendation in favor of a conventional line was announced to the State Legislature, it incorporated 4,272 square miles of the Madawaska Territory on both sides of the River St. John "as a continuous assertion of the right of the State to jurisdiction over the territory known to be within the limits of Maine".³¹ This act also assured the Madawaska settlers of the same "privileges and immunities" common to other State municipalities. The State was motivated to this extreme measure by a growing apprehension that a railroad might be built through the disputed territory from the city of St. John to the St. Lawrence. Since the Convention of 1818, the Port City had been steadily by-passed in favor of other sea lanes, and St. John merchants were pressing hard for a communication link which would hopefully transform the city into an entrepot of the winter trade with Canada.³² Suspecting it might be called upon to accept something less than a full loaf, and believing it could get more through continued agitation than the sublime arbitration of England's ally, the State roundly rejected any suggestion of a compromise settlement. In so doing, it justified itself on the rather specious grounds that a conventional line would constitute a violation of its "constitutional rights".³³

John Baker had played his role with such consummate skill during the first round of controversy that it was natural he should assume the leadership of the second and potentially more perilous confrontation. Accordingly, John Deane and Edward Kavanagh were appointed by Governor Smith of Maine to conduct another census of the Madawaska Settlement, arriving on July 24, 1831.³⁴ Baker hosted the two agents on several occasions, providing them with much useful information concerning claims, timber rights, and agricultural resources. Their final evening in the region was also spent with Baker, and although it is somewhat conjectural exactly what may have transpired, more than likely the politics and strategy of the border struggle were debated. Albeit, a few days after their departure, Baker delivered a warrant to a trusted companion named Walter Powers calling for a town meeting for the purpose of organizing a municipal government and electing a representative to the State Legislature. Baker made a renewed effort to draw the Acadians into active participation, but without any appreciable success. A French Canadian settlement at Chautauqua (Frenchville) only three miles below the Meruimticook had been developing, however, and the Americans enjoyed somewhat better rapport with them, no doubt because of their proximity to each other.

The political strategy formulated by Baker and his friends reeked with

Machiavellian machination. His plan called for a meeting on August 20 at the residence of one Peter Lizotte, Captain of the local militia and the highest military officer in the disputed territory. The municipal government would then be packed with his friends, with two or more French settlers elected as "window-dressing" to serve as town selectmen. For himself and a French inhabitant, he reserved a seat in the State Legislature. Quite certain that New Brunswick authorities would never permit one of its nationals to serve in the Maine Legislature, that distinguished office would then devolve upon himself.

The meeting went somewhat according to plan. Lizotte began by protesting the holding of the meeting at his residence, but finally acquiesced. Jesse Wheelock and Daniel Savage were elected Moderator and Town Clerk, but the Madawaska French elected as Selectmen declined. The legislative election was a sham, and the results were those anticipated. Although the Americans present and voting outnumbered the French six to one, Lizotte won the election handily over Baker. As Provincial officials were in attendance and taking notes, Lizotte also found it expedient to protest his election. Being elected to the State Legislature was an honor, however, which the illustrious Captain could not bring himself to decline formally until the cabal aborted a few weeks later.

On September 24, Sir Archibald Campbell, Lieutenant Governor of New Brunswick, accompanied by the Attorney General and County Sheriff, led a detachment of militia to the disputed Madawaska territory to purge it once and for all of the perfidious Americans.³⁵ Using the Madawaska elections as a *pis aller*, Campbell's forces scoured the countryside arresting all those with known or suspected disloyalties. All told, some thirty French and four Americans were arrested. Lizotte was among the first to reaffirm his loyalty, renouncing his legislature seat, as Baker had expected, and protesting the election in the most vigorous terms to the State Governor. The chief transgressor, however, escaped. Baker had kept a strict surveillance of the Royal visitor's whereabouts, and as the flotilla of twenty canoes and a "Royal" barge wound its way up the wide and lazy river, the rogue melted into the forest to a hastily improvised hideaway. An intense search failed to produce the statemonger, so a heavy garrison was posted to starve him into submission. Under cover of darkness, the intrigant sashayed ahead of the troops to warn the Americans in time for most of them to escape to the forest. The settlers spent several nights in the woods subsisting largely on potatoes recovered under cover of darkness from nearby fields. Baker refused all offers of surrender and under-

took instead another four hundred mile journey to Portland to submit a full report, arriving two weeks later.

A flood of protests issued on all sides with increasing acrimony. The United States was implacable in demanding the immediate release of all American prisoners. The British Charge d'affaires in Washington was finally informed by the Lieutenant Governor on November 8 that all American prisoners had been released.³⁶ Livingston also sent a scathing letter to Governor Smith protesting against the "ill-advised persons" who were the source of all the disturbances. The Governor, in "disgraceful obsequiousness" denounced the whole affair as the work of "inconsiderate individuals" acting under a general law not otherwise intended by the executive or legislative authority to be executed in the disputed territory.

Fortunately for the "misguided" Americans, Governor Lincoln, certainly their idol if not their abettor, was returned to power in 1832. The timing was especially propitious as the Federal Government was pressuring the State for a treaty whereby it would have relinquished its claim to the disputed territory North of the St. John and East of the St. Francis Rivers in consideration of the proceeds from the sale of a million acres of Government land.³⁷ The treaty was kept secret, but the abrasive Governor ultimately placed himself squarely against it and finally administered the *coup de grâce* at a state dinner when he raised his glass to his "brethren of Madawaska, John and Mrs. Baker", and the other settlers, "a little too white to be sold".³⁸ The Governor would accept nothing less than a permanent settlement of the controversy, on his terms.

Few crops were harvested from the Baker farm that fall. In an area where killing frosts come early and winters are a six-month affair, any interference with the harvest could spell disaster. Baker's saw mills and grist mill were also idled for two very critical months.³⁹ Fortunately a number of settlers were reimbursed by the State Legislature for their losses. Baker received the largest stipend, \$350 in consideration for all his "suffering", thereby lending further credence to British suppositions that Baker and the other American settlers were hirelings of the State.

Rebuked by Washington and frustrated by the most dogged resistance from New Brunswick, the State allowed the border dispute to lie dormant for the next six years. During this period, an unfamiliar calm pervaded the area, interrupted only by the frenzied staccato of the lumberman's ax. Taking full advantage of the political thaw, timber crews literally invaded the area, denuding it of its big trees. John Baker was among those temporarily distracted by the prospect of handsome timber profits, too preoccupied with keeping his

saw-mill humming "*d'une noirceur a l'autre*" to be overly concerned about politics.⁴⁰ He did preserve at least a figment of State jurisdiction, however, by keeping the American and the Madawaska flags on permanent and conspicuous display in his own household, and by allowing his employees free-time every July fourth during which copious toasts were exchanged, firearms discharged, and "appropriate" songs were sung.

In 1836, the internecine struggle moved into its final and most violent phase. At issue were prime groves of masting pines of which John Baker claimed both sides of the Meruimticook tributary. The failure of the cotton crop in the United States was forcing British ships to call at St. John for timber to complete the last leg of the "Cotton Triangle".⁴¹ White pine was still dominating the Liverpool and Bristol lumber market, and the Disputed Territory was the only major source of these giant trees remaining in New Brunswick. White pines were enormous trees, frequently reaching six to seven feet in diameter at the butt four feet off the ground. Such trees grew to one hundred fifty feet in length, and the first sixty feet were limb free and milky white. A twenty-foot log might not vary more than an inch or two in diameter at either end, yield five to eight thousand board feet, and bring as much as \$50 at the boom.⁴² A single tree could produce 1,800 cubic feet of marketable lumber, and the Liverpool market offered prices that fluctuated from 1s 3d to 2s 1d; fabulous profits from equally fabulous trees.⁴³

The opportunities for quick profits was not lost to the powerful timber barons of Bangor and Fredericton who controlled the legislature. Provincial merchants were favored geographically, however, in that the St. John river provided the only outlet for ton timber, and beyond the Disputed Territory it flowed entirely through New Brunswick. In flagrant disregard for existing agreement with the United States, Provincial merchants, in 1836, petitioned for permission to export timber rafted from the Madawaska Territory.⁴⁴ Their efforts were crowned with success the following year when the Civil List Bill was enacted placing Crown Lands under control of the provincial assembly. An estimated ten thousand tons were cut that year in the disputed northeast, and in 1838, New Brunswick cutters were employed on every major tributary of the St. John to the Allagash river, including the Seigneurie of Madawaska. Only the largest trees were harvested so "as to square twenty to thirty inches," and nothing but "clear stuff" was cut. Altogether, an estimated 125,000 tons were harvested. In the Spring, the timber was floated down the St. John beyond the due North line and marketed as timber cut under permits. Al-

though timber rustling did not always escape prosecution, "the trespassers generally managed to escape much loss".⁴⁵

An excellent opportunity to rekindle the smoldering dispute presented itself to Maine authorities in 1837 with the announcement of the distribution of the United States Treasury Surplus.⁴⁶ When John Baker learned that an agent named Ebenezer Greeley was in fact distributing the surplus to settlers along the Aroostook River, he hastened to confer with him whether the St. John settlers would also be eligible. Baker hinted that the Madawaska settlers might be induced to switch loyalties if they were permitted to partake of the government's largess. If the surplus was rejected, the mere offer would be a *bona fide* exercise of American jurisdiction. The nature of Greeley's instructions relative to the Madawaska French, and his reply to Baker's request, have not been recorded. The agent, however, never had an opportunity to visit the pine-studded valley. Shortly after his meeting with Baker, he was arrested and conducted to Woodstock, New Brunswick, for incarceration. His jailer released him, for reasons that remain unknown, but he was promptly re-arrested and carted off to a Fredericton jail.

The usual round of protests followed, this time between Sir John Harvey, Lieutenant Governor of New Brunswick, and Governor Robert Dunlap of Maine, with both sides threatening to use force to uphold its claim. Washington and London again took up the cudgels and S. M. Fox, the British Ambassador, finally obtained Greeley's release.⁴⁷

During the winter and spring of 1838, John Baker received two more callers named Ebenezer Webster and George Buckmore.⁴⁸ Webster and Buckmore were appointed by the Governor to assess the extent of the timber traffic along the upper St. John. By now, Baker had one of the most spacious and elaborate dwellings in the region, and all callers except Provincial officials were welcomed. Baker provided his guests with lodging, supplies, directions, and advice. He further reminded them of the giant pines which had lined both sides of the river as late as 1831, now all cut and rafted away. He told of timber wardens and magistrates who winked at the depredations and themselves participated in the timber trade. Finally, he advised Webster to be extremely cautious in approaching the timber crews.

For the next three years, Baker was cast in his familiar role, attended both by successes and failures. In 1838, for example, he tried unsuccessfully to organize a boycott of Sir John Harvey's visit to the Madawaska.⁴⁹ The next year, he helped guide the Civil Posse from the Aroostook River to the St. John. In 1841, he incited and assisted seven members of the 56th Royal Regiment to

desert to the Americans, an exercise of temerity which led to his arrest and payment of twenty pounds in fines.⁵⁰

This was yeoman work, however, compared to Baker's involvement following the Scott-Harvey agreement of 1839, a gentlemen's agreement which called for the continued exercise of Provincial jurisdiction in the disputed area pending a final settlement of the controversy.⁵¹ Maine was quite concerned by this arrangement lest it be misconstrued for weakness and be prejudicial to its claim. If the State was to maintain a sphere of influence in the area and a semblance of jurisdiction, it was paramount that the entente be circumvented. In the fall of 1840, State authorities dusted off the Legislative Act of 1831, not yet repealed by the State Legislature, and called on Baker to assemble the Madawaska settlers for another town meeting.⁵² Baker was elected Moderator and his son Elias was elected Town Clerk and Assessor. Such blatant nepotism, supported by a detachment of militia disguised as an "armed posse", assured Baker of a virtual monopoly of civil authority, which he exercised with singular impunity against Provincial authorities for about a year. All the timber in the area above the boom was declared American property and subject to confiscation on failure to pay five shillings a ton to Captain Stover Rines, posse Commander at Fort Kent who acted hand-in-glove with Baker for the next two years. This must have been bitter-sweet to the man who had chafed under alien taxes and been hounded by Thomas Baillie's timber wardens.

To guard against smuggling, a boom was to be erected during the spring freshet and maintained, by force if necessary, until the duty should be paid. Amidst "general rejoicing" Baker hoisted the American flag and the Captain fired three rounds of ordnance in salute. The incident was marred somewhat by a Provincial Justice of the Peace with more courage than wit who attempted to protest the meeting. He fell into the hands of the truculent Baker and his ruffians, and might have expiated for his bravado with his life if Captain Rines had not intervened.

Baker convened a second meeting in early November to participate in the Presidential election. This time, a number of French Canadians responded to Baker's invitation, obviously trying to placate both sides by keeping a foot in both tents. The Canadians were settled just below the Meruimticook. They had been in the area a comparatively short time, and many were yet without legal title to their lands. Baker's influence appears to have been somewhat greater among them than among their Acadian cousins who were settled further down on the St. John. Because of their disposition to truckle with the Americans, local Provincial authorities held them in the highest con-

tempt. "The lowest order of Canadians," said one official, "without principle or property".⁵³ Provincial authority over these people appears to have been more nominal than real.

Before opening the polls, Baker indulged in a bit of electioneering. Unfortunately, history has not recorded either the outcome of that election or Baker's choice of candidates. It is somewhat remarkable that New Brunswick permitted this flagrant manifestation of American jurisdiction without the least formal protest. Provincial acquiescence may be explained by official reluctance to jeopardize negotiations by another confrontation, a distinct possibility if an attempt had been made to forcefully dislodge the Americans. By 1840, consequently, John Baker had created a veritable sphere of influence for Maine in the disputed Territory extending some thirty miles where his authority was either unchallenged or ignored. Great Britain took a dim view of the "armed posse" at Fort Kent but considered it "imprudent and unwise" to call their jurisdiction into question, and instructed Provincial officials "to abstain from any interference" with the Baker clan "which might bring on a collision".⁵⁴

As the spring drive got underway in 1841, tons of timber began to accumulate behind the American boom. Most of the timber had been cut under direction of a Provincial magistrate who fully understood the political implications of the American impost.⁵⁵ After repeated attempts to break the boom had been foiled by the Baker gang and posse, the magistrate agreed to pay the duty and the timber was released. The prevailing opinion among British circles was that the timber could not "be allowed to pass" without acknowledging American jurisdiction. Lord Sydenham countered by ordering that all timber cut by American citizens "be seized on its passage" down the St. John and released only on payment of four to five shillings a ton to the Crown Land Office. The few sticks of Yankee timber rafted down river, however, was part of a general drive and could neither be readily identified nor intercepted. Since the drive was earmarked for the St. John market whose merchants always took a dim view of timber duties, and as the timber trade was vital to the economic stability of the Province, Governor Colebrook's opinion that the Americans be accorded "the privilege" of floating their timber down the river ultimately prevailed.

As 1840-41 was a blue banner year for Baker and the Maine claim, the following year was one of bitter disappointment and disillusionment. On August 9, 1842, the definitive Treaty of Washington internationalized the upper St. John Valley and by a beautiful irony, the "seditious" John Baker

was consigned to remain under British jurisdiction.⁵⁶ Humiliated by the "Webster-sellout", and smitten with despair, Baker screamed out his rage, scorn, self-pity, and impotence.⁵⁷ Baker regained his balance a few days later when the full text of the Treaty was made known; he was especially mollified by Article IV which called on both sides to validate existing claims. In time, he made his peace as graciously as possible with Provincial officials, and in 1848, he accepted a grant of 887 acres of choice farmland with yet many fine stands of pine on it: a princely estate, but he never became a citizen.⁵⁸

The Northeastern boundary controversy, for years attended by political badinage and condescension in Washington, needed a *persona dramatis* to force it to a settlement. An inveterate frontier rogue named John Baker caught the imagination of his government and brazened his way from frontier obscurity into international politics. He was a self-made upstart with a propensity for dramatic intervention, relentless and infuriatingly effective. The State needed a ploy in the boundary dispute, and John Baker was its man "Friday". It would be a mistake, however, to imagine Baker as the mere unwitting tool of capricious politicians. Rather, he was himself motivated by a curious melange of patriotism and cupidity. He was a land-hungry frontiersman for whom the disputed territory presented a splendid opportunity for aggrandizement.

The State Government never admitted to any complicity in the Baker-inspired border clashes, but the overwhelming weight of evidence strongly suggests otherwise. More than likely, its strategy was the product of State policy worked out at least in general principle in collusion with Baker, and was predicated on the assumption that Provincial jurisdiction in the Madawaska constituted a usurpation of authority by occupation. The Madawaska Settlement was unmistakably west of the due-North line from the St. Croix and legally, therefore, quite beyond Provincial jurisdiction. Against this, New Brunswick could merely reiterate the British contention that possession constituted "nine points of the law".⁵⁹

The State was also acutely aware of old Acadian grievances which it believed could be exploited to its advantage, in particular, the eviction of the Madawaska Acadians from their homes on the Keswick in 1784 by the Loyalists. Somehow, the State conceived the idea that it could incite the inhabitants to dramatize their disaffection with British rule by actively supporting American liberation.⁶⁰ This stratagem, it is superfluous to conclude, never met with any appreciable success. Baker had two major disadvantages which he was never able to overcome *vis-à-vis* the Madawaska French; his nationality and language handicap. Under pretended authority or not, it seems unlikely that

Baker would have gone to the extreme of playing at sedition without at least the tacit concurrence of State authorities.⁶¹

The Baker trial and the Incorporation Act of 1831 had a corrosive effect on the boundary dispute. For over a decade, it polluted the international climate essential to an amicable and definitive settlement, and bound Washington inextricably to the "Justice of the Maine claim".⁶² Hitherto, the Federal Government had shown little more than a passive interest in the contest and had been inclined to treat the State with patronizing indulgence. Baker's arrest and the Campbell expedition, however, constituted such a "rigorous" exercise of authority as to be inadmissible unless the United States was prepared to consider the area as "an incontestable part of the British dominion."

The perennial controversy also represented something of a dilemma for New Brunswick authorities, and their reaction was both natural and predictable. Actually, the Province committed the very error which it ascribed to Baker acting unilaterally on an international issue which was legally the prerogative of American and British Governments. A "friendly representation" made to the United States Government "accompanied by a request for redress" would have been more desirable from the American view, and would almost inevitably have led to Baker's official castigation.⁶³ Such a course, however, would have impaired, perhaps fatally, New Brunswick's already weak possessory claim which ipso-facto implied jurisdiction.

John Baker died on March 10, 1868, in obscurity, unhonored, and unmourned by the State he had felt privileged to serve faithfully, for almost a score of years, at great risk to himself and his family. His death inspired poets long before politicians and historians.⁶⁴ The State did not formally acknowledge its debt to the part-time patriot for another twenty-five years. In 1895, his body was disinterred from the family plot at Meruimticook (Baker Brook), New Brunswick, and reburied with great pomp in Fort Fairfield,* Maine, and a monument was erected commemorating his loyalty "in maintaining the Honor of his Flag".

*Fort Kent would have been more appropriate historically for John Baker's reinternment. His daughter, Adeline Slocumb, lived in Fort Fairfield, however, and it was she who marshalled support for her father's burial on United States soil.

NOTES

Much of the documentation for this article has been deleted and abbreviated because of limited space.

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