Conservation and Legal Politics: The Struggle for Public Water Power in Maine 1900-1923

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The Webster-Ashburton Treaty of 1842, which established the Maine-New Brunswick boundary along the St. John River, divided the Acadian settlements in the valley. Among the questions this posed for residents and for church officials was the location of the diocesan boundary: Would it follow national, or ethnic lines? The ultimate resolution—the parishes south of the river were transferred to the Diocese of Portland—depended not only on established Roman Catholic practice in matters of changing national boundaries, but also upon the personalities involved, including the bishops of Portland and Saint John and the parishioners on both sides of the river in Madawaska.

Tragedy and change are hallmarks of Acadian history. Throughout the seventeenth century, French immigrants arrived in what is now the Canadian province of Nova Scotia, then called Acadie (Acadia). The Treaty of Utrecht placed mainland Nova Scotia under British jurisdiction in 1713, and residents of Nova Scotia were supposed to become British subjects. However, for the next forty-two years, most Acadians refused to take an oath of allegiance to the British crown. Concerned by this act of defiance (which constituted a potential military risk), on the
The Madawaska Settlements portrayed on the map extended along both sides of the St. John River roughly from Grand ("Great") Falls to Fort Kent. Whether diocesan boundaries would follow the international division of 1842 was a matter of contention for almost three decades.

Map accompanying Walter Wells, WATER POWER OF MAINE (1869)

eve of the Seven Years' War British authorities expelled thousands of Acadians and scattered them along the Atlantic and Gulf coasts of what was to become the United States.¹ Many others were arrested.

The next century remained turbulent. With the return of peace, some of the arrested Acadians joined a few lucky fugitives who had escaped both deportation and arrest. Some relocated in the upper St. John River valley, on both sides of the river. French Canadians from the St. Lawrence River valley also moved there. Then, in 1842 hundreds of these francophones had to accept yet another political settlement imposed from outside. The Webster-Ashburton Treaty drew the Maine-New Brunswick boundary along the upper St. John River, right through the major traffic artery of their community. While some continued as residents of New Brunswick, others became citizens of Maine and the United States.²

This created a dilemma for the Roman Catholic Church. Would it leave Maine's francophones, most of whom lived literally within sight of New Brunswick, inside the Diocese of
Saint John? Or would it transfer them to the adjacent United States diocese (Boston until 1854, Portland from then to the present), which had responsibility for Maine's other Roman Catholics? For various reasons, the decision was not an easy one, and the matter remained unresolved until 1870 when authorities in Rome decided that diocesan boundaries should coincide with political boundaries.

The purpose of this article is to review the factors that both delayed and contributed to the decision. In 1920, Abbé Thomas Albert from St. Basile in Madawaska wrote an account, but information from Propaganda Fidei—the agency in Rome which directed overseas missions and advised the papacy on North American matters—now allows a more thorough examination of the issues. Moreover, material located at the Archives of the Archdiocese of Quebec refutes some of Albert's conclusions concerning the boundary dispute. It would appear that three factors affected the ultimate resolution of the dispute: Roman Catholic practice elsewhere; the attitudes of the local bishops; and the response of the lay people. The very length of the dispute appears to indicate that no one of these three points by itself was decisive.

The significance of the story is twofold. First, it provides insights, gathered from sources scattered from Rome to Quebec City to South Bend, Indiana, into political and religious allegiances in Madawaska. The dispute highlights the interplay of religion, ethnicity, and nationalism in Madawaska, and in the end the balance of these three allegiances was important to the settlement. Secondly, it provides a case study of a problem the Roman Catholic Church faced as political boundaries changed elsewhere in the nineteenth and twentieth centuries. Perhaps further examples of the church's reaction to changing political boundaries (from Madawaska in the 1840s to Alsace-Lorraine and the Oder-Neisse line in the 1940s) would contribute to international understanding.

Until a larger macro-study materializes, it may not be possible to weigh the importance of these three factors—Roman Catholic practice generally, the bishops' attitudes, and the argu-
ments of the laity. Was public opinion of greater relevance in this instance than in other contemporary situations? Did the Vatican and did bishops of the Roman Catholic Church heed lay opinion in a North American context more attentively than was the case in less democratic European societies? This article is a first step toward some answers to the larger questions, and it does deal with an arrangement that remains in place after more than a century.

ROMAN CATHOLIC PRACTICE ELSEWHERE

In the second half of the nineteenth century, the general practice of the Roman Catholic church was to have diocesan boundaries coincide with political ones. On the southern border of the United States, the 1848 Treaty of Guadalupe Hidalgo and the 1853 Gadsden Treaty imposed a new U.S.-Mexican boundary. People of Spanish and Mexican origin, all until then within the Mexican Diocese of Durango, suddenly found themselves living in separate political jurisdictions. As in Madawaska, the dispute centered around which of the two factors, ethnicity or politics, would prevail. There were differences; most of New Mexico’s Hispanic population lived farther from the international boundary than did Maine’s francophones, and the population base in New Mexico was sufficient to justify creation of an entirely new diocese. However, there were parallels. Through no initiatives of their own, Maine’s francophones and New Mexico’s Chicanos had become citizens of the United States. People of similar cultural heritage, in many cases blood relatives, lived on the opposite side of the international border. Would they share a bishop and a diocese – part of their cultural heritage – with their relatives, or would they adapt to the new political realities?

Three examples from Europe confirm that the Church did not confine diocesan realignment along political boundaries to North America alone. Napoleon III’s support for Italian unification and the resulting transfer of Nice to French jurisdiction in 1860 split Italian communities into two different dioceses; the Italians who remained in Italy became part of the Diocese of
Ventimiglia, while the Diocese of Nice maintained responsibility for Roman Catholics in the Department of Alpes-Maritimes. The Diocese of Nice then divided in 1868, after Prince Charles III of Monaco petitioned Pope Leo XIII to detach Monaco from the Diocese of Nice. The Pope created the Diocese of Monaco, whose boundaries coincided with those of the principality. To the north, the Diocese of Strasbourg became a German diocese after the Franco-Prussian War, despite protests from residents of Alsace. To align diocesan boundaries with political boundaries was thus a common practice.

ATTITUDES OF THE BISHOPS

In Madawaska, personalities were important, both in delaying the decision and in its resolution, and three New Brunswick bishops participated in the dispute. Of these the most determined was Thomas Connolly, who strongly opposed the transfer of American Madawaska to the Diocese of Portland. Ordained in 1838, the Irish-born Connolly became Bishop of Saint John in 1852 and Archbishop of Halifax in 1858. In that latter capacity,
As Maine's first bishop when the Diocese of Portland separated from Boston, David Bacon initially acquiesced in Saint John's jurisdiction over American Madawaska. Later he insisted on a division along the international boundary.

Photo courtesy Sister Therese Pelletier, Archivist, Diocese of Portland.

he continued to supervise the Diocese of Saint John, and Connolly remained the most outspoken critic of any plan to align the diocesan boundary with the political one. In 1860 he outlined five compelling reasons why American Madawaska should remain within the Diocese of Saint John: the nearest bishop would be 350 miles from Madawaska; the closest French-language parish in Maine was 200 miles from Madawaska; Portland was too new and inexperienced a diocese to meet the needs of the Madawaskans; the American way of life and Protestant influence would weaken the Catholics' faith; and few clergy within the Diocese of Portland could communicate in French.9

From 1855, Bishop David Bacon of Portland was an important American personality in the dispute. Educated at Montreal and at Emmitsburg, Maryland, Bacon had served as a priest in New York State. In 1854 the church created the Diocese of Portland, and the following year Bacon became its bishop. As Bishop of Portland, Bacon familiarized himself with the career of Edward Kavanaugh, who in 1843 had become Maine's first Roman Catholic governor. Earlier in his adult life, Kavanaugh
had been active in Madawaska, initially studying the region first-hand with John Deane at the request of the then-Governor Samuel Smith in 1831, and then representing Maine at the Webster-Ashburton talks. As governor after the boundary settlement, Kavanaugh quickly established schools in Madawaska which would introduce the francophones there to American culture, values, and political traditions. Because Kavanaugh died in 1845, ten years before Bacon’s arrival as bishop, the two men could not have known each other. Yet Bacon was doubtless familiar with the Kavanaugh-Deane report, which would account for his initial zeal to assume responsibility for the region.10

Initially, Bacon had been willing to allow the Saint John diocese to service Madawaska, but by 1859 he had become interested in American Madawaska. Arguing that the Apostolic Brief incorporating the Diocese of Portland in 1853 had designated jurisdiction over the entire state of Maine, Bacon began to insist that diocesan boundaries should not cross international boundaries.11 Bacon thoroughly disagreed with Connolly’s assessment of the situation. Militant Protestant elements in New Brunswick, where the Orange Order was strong, were potentially a greater threat than the Protestant religious majority in Maine could ever be. Moreover, thought Bacon, the Diocese of Portland had three priests fluent in French and eight others with some capacity in the language. There were also, he added, two French Catholic communities within sixty miles of Madawaska.12

Propaganda Fidei’s response to these opposing opinions was to order the bishops to submit further recommendations. Again Connolly drafted a lengthy letter to Rome denouncing any proposed transfer of Madawaska to Portland. In addition to the previous rhetoric against “heretical Anglicans and the Americans,” Connolly said that Madawaskans on both sides of the border would suffer if separated by religious as well as political boundaries. Connolly also assured Propaganda Fidei that the residents of the area had personally informed him of their desire to remain within the Diocese of Saint John.13

The other two New Brunswick bishops did not feel as strongly. Francophone causes did not appeal to James Rogers,
Bishop of the Diocese of Chatham, created in 1860, and travel overland from Chatham to Madawaska was more challenging than the trip up the St. John River valley from Saint John. Bishop Rogers’ response was that it did not matter who had responsibility for Madawaska as long as both Canadians and Americans in the area remained part of the same diocese. Connolly’s successor in Saint John, Bishop John Sweeney, initially agreed with his predecessor but in March, 1865 asked to be relieved of responsibility for Madawaska. Since Confederates had attacked the Vermont community of St. Albans from British North America the previous October, the U.S. government had tightened border controls and insisted on passports from those who wished to cross. Maintaining extensive ties in an international diocese had become all but impossible. Eventually, Bishop Rogers’ indifference and Bishop Sweeney’s change of heart made the transfer of responsibility possible.

Ironically, while Bishop Sweeney was reevaluating his position, Bishop Bacon of Portland had decided that Madawaska should indeed remain part of the New Brunswick diocese. In 1859 Bacon had argued for Portland’s control over Madawaska.
Residents in American Madawaska seemed to favor partition along the international boundary, and those in New Brunswick to support the existing boundaries. Americans argued that crossing the St. John River in winter made religious observances difficult.

Pullen, IN FAIR AROOSTOOK (1902).

However, as he became more familiar with the geography and cultural realities of the region, his enthusiasm disappeared. Early in 1865 he told Rome that he did not want responsibility for Madawaska after all, and recommended that it remain part of the Diocese of Saint John.

By this time, it appears, Bishop Bacon agreed with many of Archbishop Connolly's arguments. Except in summer, he said, travel from Portland to Madawaska was next to impossible. Bacon also admitted that his diocese lacked funds, personnel in general, French-speaking priests in particular, and a diocesan infrastructure with church buildings and schools. Responsibility for Madawaska would stretch its limited resources even further. A man of peace rather than a man of ambition or of national pride, Bishop Bacon expressed concern about the current ill-will between the United States and British North America, where he had studied. To divide Madawaska at such a time, he thought,
would be most unfortunate. Thus second thoughts on the part of the Portland bishop prevented a quick solution.

ATTITUDES OF THE LAIT Y

Those residents of American Madawaska who have left a record tended to favor partition along the international boundary, while New Brunswick Acadians supported the status quo. In the end the Americans won; as the people of American Madawaska were the most directly affected, the outcome seems appropriate. While the significance of their opinions is not altogether clear, their attitude made the decision of 1870 quite acceptable.

As early as 1843, when Maine was still part of the Diocese of Boston, some francophone residents of Maine asked that their parishes be attached to Boston. The petitioners mentioned the political boundary that left the cathedral outside their own country, the difficulty of crossing the St. John River, particularly in winter, and problems of currency exchange. They complained that the Catholics of St. Basile, on the New Brunswick side of their river, and their priest, Father Langevin, consistently failed to provide civil authorities in Maine with vital statistics on births, deaths, and marriages.

By midcentury Maine's Acadians, many of whom had attended the schools introduced by Governor Kavanaugh, had become more American in outlook. The Civil War and the climate of anglophobia which arose from Great Britain's apparent support of the Confederacy strengthened their political convictions. Late in 1864, Propaganda Fidei received a petition signed by some 1,017 heads of families in Aroostook County calling for the region to be transferred to the jurisdiction of Portland. Chief organizer of the petition was Louis Cormier, secretary of the Catholic Association in Aroostook. This petition challenged earlier statements by Archbishop Connolly regarding Madawaskan sentiment and the bishop's dismissal of the St. John River as "a small stream." The river, the petitioners indicated, was a major problem. Although it could be a highway in benign weather, blocks of ice transformed it into a barrier.
Fort Kent teachers and students. The valley’s schools, becoming more American in outlook during the 1860s, helped supplant cross-border kinship and ethnic identities with a new national identity.

Pullen, IN FAIR AROOSTOOK (1902).

When the ice broke up, residents of Maine had to skip mass. More important, New Brunswick-based priests could not reach the dying to administer the last rites. This petition repeated the 1843 complaint about the registration of vital statistics, and the signatories expressed dissatisfaction that tithes and offerings were going to fund projects in a different country. Across the river in New Brunswick, Roman Catholics disagreed. Parishioners Sylvain Daigle and Luc Albert of St. Basile circulated a petition that attracted 137 signatures in favor of keeping all Madawaska within a New Brunswick diocese. In their opinion, Cormier and his associates were American chauvinists. Like Archbishop Connolly, Daigle and Albert minimized the difficulties of crossing the river and blamed Cormier’s friend, Father L.A. L’Hiver, for fomenting discontent where there should not have been any.
THE OUTCOME

The bishops settled the issue in 1870, one year before the Treaty of Washington led to an improvement in Anglo-American relations. During a visit to Rome for Vatican I, Bishops Bacon, Sweeney, and Rogers privately negotiated a deal that transferred the disputed territory to the Diocese of Portland. Sweeney maintained his position of 1865:

A part of the Diocese of Saint John in New Brunswick, commonly called Madawaska, is situated in the state of Maine, and since manifold problems may arise, because the bishop of Saint John lives under the government of Canada, therefore the undersigned bishop requests in all humility that, for the good of religion, the aforesaid part of this diocese be transferred to the jurisdiction of the bishop of Portland and be added to the Diocese of Portland.

Bacon, who at this point did not relish the transfer, restated his opposition: it “would be much more amenable... if [this] yoke were not imposed [on me],” he informed church officials. Yet he was willing to accept the transfer for practical reasons. Mellowed by the passage of time, even Archbishop Connolly saw merit in the transfer. Eleven years after Bacon had officially laid claim to Madawaska, the General Congregation rendered a decision that placed the disputed territory within the Diocese of Portland, and the Pope sanctioned the declaration on August 7, 1870.

The Rome decision delighted Father L’Hiver, by this time a patriotic, flag-waving American. To his friend Louis Cormier he wrote:

Victory.... The case is ended in Rome. Bishop Bacon is your bishop.... The Bishop is going to be in Houlton with me on Tuesday, 18th of October.
In 1870 a more experienced and mature Bishop Bacon concluded that absorbing the Madawaskan parishes would put undue strain on the Portland diocese. Still, he deferred to the wishes of the New Brunswick bishops and accepted the transfer.

A good team of horses must be there, or two or three. Another fresh one in Presqu’Ile, or two or three. And then the general meeting on this side of Violet Brook. Flags and everything you can think of. Let us see great rejoicing.27

In his 1920 *Histoire du Madawaska*, Abbé Albert seemed oblivious to Bacon’s reluctance about the transfer. Information from the Archdiocese of Quebec indicates that Bishop Bacon continued to feel burdened by the predominantly francophone Madawaska region. As late as 1874 he told the Archbishop of Quebec that he would like to transfer Aroostook because he lacked priests fluent in French.28 The Archbishop’s office replied that since the Archdiocese of Quebec could spare no priests for Aroostook, Bacon should try to recruit priests from Brittany on a forthcoming visit to Europe.29

This problem also haunted Bacon’s successor, Bishop James Healy. In 1887 Healy wrote Sweeney that priests from the

[Photo courtesy Sister Therese Pelletier, Diocese of Portland.]
The Diocese of Saint John could minister to the needs of Catholics on the American side of the river. At the same time, Healy refused to authorize his own priests to perform any duties in the Diocese of Saint John.30

CONCLUSIONS

The fact that Madawaska's diocesan boundaries continued to trouble the church and the parishioners for twenty-eight years is evidence that the Roman Catholic church lacked a definite policy regarding changes in political boundaries. Local personalities and local problems appear to have influenced the struggle and the outcome, even in the era of such an authoritarian pope as Pius IX. That the New Brunswick bishops restrained their own personal ambition in search of an acceptable compromise facilitated the negotiation. Bishop Bacon's concern for international good will early in 1865 also indicates a strong sense of statesmanship. In the end, patriotism on the part of the American Madawaskans was an important factor. As time passed, even without the catalyst of the Civil War, they became increasingly American in their outlook, as generation after generation attended American schools and voted in American elections. If travel across the river had been the only consideration, the Bishop of Saint John could have stationed one or more priests permanently on the American side. Nationality overrode most other factors, and the Roman Catholic church had the good sense to realize, in Madawaska as elsewhere, that national boundaries shaped allegiances. If the nationalist sentiment of the American Madawaskans did not dictate the outcome of the debate over the diocesan boundaries, it certainly rendered the result acceptable.
"Evangeline," by Henry Wadsworth Longfellow, describes this tragic event.


Ibid., 10: 477.

Ibid., 12: 650.

Ibid., 13: 355.


Bacon to Propaganda Fidei, February 1860. Scritture. Pte I, 1860, vol 6, folio 44erv. to 444r.

Connolly to Propaganda Fidei, August 8, 1861. Scritture. 1870, vol. 997, folio 1120r. to 1124r.

Roberto Perin, Rome in Canada: The Vatican and Canadian Affairs in the Late Victorian Age (Toronto: University of Toronto Press, 1990), pp. 259-60 (note 45).


Propagandi Fidei to Sweeney, July 2, 1865. Lettere e decreti della s. congregazione e biglietti di mons. segretario dell'anno 1865, vol 356, folio 233rv.


Albert, Histoire du Madawaska, pp. 243-44.


Sweeney to Propaganda Fidei, March 12, 1870. Scritture. 1870, vol 997, folio 1109rv.


General Congregation Decision, August 1, 1870. Scritture. 1870, vol 997, folio 115rv.


Bacon, Portland, to Archbishop of Quebec, May 28, 1874. Archives of the Archdiocese of Quebec, Quebec City.
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