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The Rogues of 'Quoddy: Smuggling in the Maine New Brunswick Borderlands 1783-1820

Joshua M. Smith

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**THE ROGUES OF 'QUODDY: SMUGGLING IN THE MAINE-
NEW BRUNSWICK BORDERLANDS**

1783-1820

By

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A THESIS

Submitted in Partial Fulfillment of the

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Smuggling has been an important problem in American-Canadian relations. Yet the nature of smuggling is little understood; it is by definition an elusive, secretive, and subtle practice. This dissertation explores smuggling as a social force within a border community on the United States-Canada boundary. Smuggling almost always involved the illicit crossing of political boundaries, and as such can be used as a means of studying popular attitudes toward the creation of national borders. Moreover, because smuggling is directly related to the transition to modern capitalism, this study sheds light on the roots of both American and Canadian economic development.

The Passamaquoddy region that straddles the border between Maine in the United States and New Brunswick in what is now Canada offers an ideal example of borderlands smuggling in the years following the American Revolution to the end of the War of 1812. During this period, the international border running through Passamaquoddy was

extremely ill-defined and subject to periodic military action and diplomatic correction. By 1783, two oppositional groups settled Passamaquoddy. Loyalist adherents to the British Crown settled the New Brunswick side of Passamaquoddy Bay, while republican Americans settled the Maine side. Despite the ideological differences of these two groups, and various laws that often prohibited trade between them, Passamaquoddy residents engaged in a lively smuggling trade even when the United States and Great Britain were fighting the War of 1812.

The accommodation between Loyalists and Americans at Passamaquoddy provides an opportunity to compare the historical experience of Canada and the United States, both of which have developed extensive frontier mythologies. The theoretical basis for this study is “borderlands theory,” which emphasizes modes of accommodation rather than conflict on the North American frontier. Smuggling thus provides a means to analyze the creation of the border between the United States and Canada, to compare the American and Canadian frontier experience, and to understand the transition to capitalism.

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ABBREVIATIONS

- MeHS- Maine Historical Society, Portland, Maine
MeSA- Maine State Archives, Augusta, Maine
MHS- Massachusetts Historical Society, Boston, Massachusetts
MSA- Massachusetts State Archives, Boston, Massachusetts
NAC- National Archives of Canada, Ottawa, Ontario
PAG- *Microform Edition of the Papers of Albert Gallatin*
PANB- Provincial Archives of New Brunswick, Fredericton, New Brunswick
RG21/MDC- Massachusetts Federal District Court Records, National Archives and Records Administration, Waltham, Massachusetts.
RG21/MeDC- Maine Federal District Court Records, National Archives and Records Administration, Waltham, Massachusetts
RG21/MCC- Massachusetts Federal Circuit Court Records, National Archives and Records Administration, Waltham, Massachusetts
TGT- Thomas G. Thornton Papers, Maine Historical Society, Portland, Maine
“Winslow Papers”- “Edward Winslow Papers,” Special Collections, Harriet Irving Library, University of New Brunswick, Fredericton, New Brunswick
WKP- “William King Papers,” Maine Historical Society, Portland, Maine

INTRODUCTION

Smuggling has been an important problem in international relations; yet the nature of smuggling is little understood. It is by definition an elusive, secretive, and subtle practice. This dissertation explores smuggling as a social force within border communities, using the Passamaquoddy region on the border between the United States and Canada as a model. Like other forms of social banditry, smuggling can be used to analyze social economies, attitudes towards violence, and the rise of governmental authority in the decades following the American War of Independence, both in the American republic and the neighboring British colonies to the north. Moreover, smuggling almost always involved the illicit crossing of political boundaries, and as such can reveal popular attitudes toward the creation of national borders. Borderland smuggling is one means of analyzing the creation of the border between the United States and Canada, and of comparing the American and Canadian frontier experience.

This work argues that smuggling was inextricably linked with the process of border formation, compelling the state to exert considerable efforts to control its borders. Government efforts to control boundaries often created an equal and opposite effect among border residents, who resisted state-created boundaries through a variety of actions, including smuggling. This constant struggle between the state and smugglers played out in areas like Passamaquoddy, where the boundary line between the United

States and British North America was not yet permanently fixed, the local populace on both sides of the boundary was often sympathetic to smugglers, and state powers were diminished by the region's remoteness. Often the smugglers won these contests; the American embargo of 1807-1809 failed because of rampant smuggling at places like Passamaquoddy; the American government also failed to stem smuggling there during the War of 1812. Passamaquoddy's smugglers also successfully defied British colonial officials, most notably in 1817 and 1820 when New Brunswick attempted to halt the illicit plaster trade.

The result of these struggles were persistent efforts by American and British officials to control the region, and the rise of an ambivalence to state authority on the part of the region's inhabitants who united in defying regulations that restricted cross-border trade. This struggle was not unique to Passamaquoddy; throughout the Western world and even beyond, smugglers and governments engaged in a constant battle. In many cases, this struggle was linked both to an increasing commercial impulse related to the rise of capitalistic economic systems, and the growing needs of the state to control its borders to tax and regulate commerce. Smuggling at Passamaquoddy thus offers an insight into how border formation affects local populations.¹

The most common form of smuggling involved secretly introducing goods across a border to evade high taxes imposed by the state or other regulations. Other smugglers attempted to move goods out of a jurisdiction in violation of the law. Individuals and groups engaged in smuggling for varied reasons. Some sought quick profits, others

merely to support their families, and some because of tradition or hostility to the state apparatus. For the purposes of this dissertation, a broad definition is used: smuggling was international trade conducted by illegal means.²

The idea of illegal trade of course begs the question: who made the trade illegal? The answer to this is the state, as defined by the intellectual heirs of Max Weber, who considered the state as “ a set of organizations invested with the authority to make binding decisions for people and organizations juridically located in a particular territory and to implement those decisions using, if necessary, force.”³ This definition is the most satisfactory because it considers the means by which governments enforce their laws, and places government control within a set geographic area, or jurisdiction. But can the state expect people who live in a peripheral region with indeterminate jurisdiction to obey its laws? Are those who live at the edges of a jurisdiction equally bound by the rules the state asserts, and how is the state’s authority enforced on its periphery, or in a contested region also claimed by another power?

Passamaquoddy, a region claimed by both the British and Americans after 1783, offers an ideal terrain to explore these questions. This study examines Euro-American settlers who conducted illegal trade at Passamaquoddy despite the sometime considerable efforts of the state to halt it, even through use of force. Passamaquoddy’s inhabitants, primarily Loyalist refugees who settled in what became the British colony of New Brunswick and American settlers seeking a new start in eastern Maine, a part of Massachusetts until Maine statehood in 1820, quickly forgot their differences after the American Revolution and established an amicable relationship based on their common

North American frontier experience. These people were not extraordinary; it is their very ordinariness that makes border people important to scholars attempting to understand their relationship with the often troublesome imaginary line that divided New Brunswick from Maine. The only extraordinary aspect of these people is that they lived near a border and that the state often considered it a crime to conduct trade across that invisible line.

Recapturing the experiences of the settlers who flooded into the Passamaquoddy borderland poses some challenges. Neither American nor Canadian historiography does an adequate job of understanding North America as a whole; instead, most scholars who study the period after 1783 tend to segment their research to conform to the physical borders and national mythologies of both Canada and the United States.⁴ The exceptions are those scholars who adhere to a borderlands model that suggests that the international boundary was a “remarkably porous divide.”⁵ Given these obstacles, how is a borderlands scholar able to reconcile the historiographical differences between American and Canadian scholars that separate the interpretations of everyday life in a region that spanned the border?

One answer is to look for the experiences common to both Canada and the United States and to compare the interpretations of these events. In the case of the Passamaquoddy borderland, the two common qualities that loom largest in both national historiographies are the frontier and the legacy of the American Revolution into the early nineteenth century.

To better understand these peoples, the borderlands model as defined by Lauren McKinsey and Victor Konrad has been used: a “borderlands is a region jointly shared by two nations that houses people with common social characteristics in spite of the boundary between them.” This approach emphasizes how neighboring societies sought mutually beneficial accommodations to resolve their disputes. For McKinsey and Konrad, borderlands theory explains how different political communities blend into each other where they meet at a boundary; the product of this blending is “an area in which interaction has a tempering effect on the central tendencies of each society.”⁶ In the case of Passamaquoddy, the most obvious interaction was illegal trade, or smuggling, an interaction that certainly tempered borderland residents’ attitudes toward the state.

The intellectual framework of this study is social history, or what Georges Lefebvre referred to as “history from below.” Social history emphasizes the what, who, how, and why of historical events, with an emphasis on the who and why.⁷ Many social historians study crowd protest, attempting to give the ordinary men and women engaged in protest a face, and focus on the conflict that existed between social needs, community demands, and individual ambitions.⁸ Often these conflicting needs, demands and ambitions led to social unrest and violent collective action against state agents who too strictly applied regulations on an uncooperative populace. British scholars such as E.P. Thompson, George Rudé, Christopher Hill and their intellectual heirs, such as Peter Linebaugh and Marcus Rediker, have deeply influenced contemporary understanding of crowd protest and its relationship to market economies. This work applies some of their models to bear on the North American frontier.⁹

Illicit trade has not loomed large in recent American or Canadian historiography. In the United States it is generally most touched upon as a colonial phenomenon, part of the growing American resistance to British rule before the American Revolution.¹⁰ Geographically, chronologically, and in terms of subject, this study is akin to American historian Alan Taylor's *Libertymen and Great Proprietors*, but instead of focusing on squatters and their role on the American frontier, it compares illicit frontier commerce from both sides of the United States-Canada border.¹¹ In Canada smuggling has played an even less prominent historiographical role. Smuggling occasionally rises as a topic among historians of New France or Acadia, but among Anglophones smuggling tends to invoke memories of the rampant rum running of the 1920s and 1930s.¹² In terms of Canadian historiography, this work is most closely connected with the works of George Rawlyk, who analyzed Nova Scotia planter society before and during the American Revolution, especially in terms of how evangelical religion shaped colonial society. Even more significantly, Rawlyk was one of the few Canadian scholars willing to link Canadian history with American, avidly pursuing cross-border themes to explore transnational, North American history.¹³

In the North American context borders are strongly linked to the idea of a frontier. This study is not about the concept of the frontier in American and Canadian history; rather the term frontier here simply refers to a region experiencing the transition to permanent Euro-American settlement. The consideration of Maine as a frontier region after the American Revolution has recently acquired some historiographical importance due to the writings of Laurel Thatcher Ulrich and Alan Taylor.¹⁴ These historians, studying the life of a midwife and land squatters respectively, have made major

contributions to the profession's understanding of ordinary people in the early republic. Canadian scholars, too, have impressively analyzed the same period in the Maritimes in studies of Loyalists by Anne Gorman Condon, Neil MacKinnon and Margaret Conrad's efforts in the field of Planter Studies, which includes Native Americans (First Nations in Canada), Acadians, and the Yankees and so-called "foreign protestants" who inhabited the Maritime Provinces before 1783.¹⁵ But American historiography largely ignores Canada after 1783, with the exception of the War of 1812, and Canadian historiography has a tendency to downplay the importance of the post-Revolutionary experience in favor of the more triumphant story of Confederation in 1867. Yet both American and Canadian scholars can learn from one another; Ulrich's midwife was a Loyalist; Taylor's "Libertymen" often fled to Canada for refuge; Condon's Loyalists were virtually all Americans; and Conrad's Planters retained strong ties with New England for generations. The frontier experience was truly North American. It must be studied not as purely American or exclusively Canadian, but compared on a regional or continental basis to fully comprehend it. This study attempts to understand the frontier experience of settlers who lived on the United States-Canada border, and how the international boundary influenced their daily lives.

Historians have hotly contested the importance of the North American frontier ever since Frederick Jackson Turner proposed his frontier thesis over one hundred years ago.¹⁶ One of the most useful ideas to evolve out of the frontier debate was Herbert Eugene Bolton's "borderlands" model that emphasized frontier accommodation over conflict.¹⁷ One form of accommodation was trade, despite governmental efforts to limit,

control, or eliminate commerce between various borderlands groups. Officials usually deemed this illicit trade smuggling, and rightly perceived it as a threat in the peripheries where governmental authority was already weak.

The Passamaquoddy region offers an ideal example of borderlands smuggling in the years following the American Revolution to the 1820s. During this period, the international border running through Passamaquoddy was extremely ill-defined and subject to periodic military and diplomatic correction. By 1783, two theoretically antagonistic groups settled Passamaquoddy. Loyalist adherents to the British Crown settled the New Brunswick side of Passamaquoddy Bay, while republican Americans settled the Maine side. Despite the ideological differences of these two groups, and various laws to prohibit trade between them, Passamaquoddy residents engaged in a lively smuggling trade even when the United States and Great Britain were fighting the War of 1812. The scale and persistence of illicit trade at Passamaquoddy resulted in copious diplomatic, military, and law enforcement documentation that provides a wealth of detail concerning the dynamics of smuggling. In addition, the accommodation between ideologically opposed groups at Passamaquoddy provides an opportunity to compare the historical experience of Canada and the United States, both of which have developed an extensive frontier mythology, one based on peace, order, and good government, the other on “rugged individualism” and violence.

Professional scholars have long noted the presence of a borderlands community at Passamaquoddy. The first major monograph on the subject was Harold A. Davis’s aptly-named *An International Community on the St. Croix (1604-1930)*, published in 1950.¹⁸ Since then scholars in a variety of disciplines have written a number of articles, essay

collections, and conference papers on the “Northeast Borderlands.”¹⁹ Yet problems with the borderlands model exist as well. Some Canadian nationalists find the borderlands model threatening, and insist that locals knew who belonged on what side of the border.²⁰ Furthermore, the borderlands model is difficult to distinguish from the idea of a “frontier,” and those differences have yet to be satisfactorily settled.²¹ In addressing issues of the frontier experience and borderlands accommodation, this dissertation seeks to understand the paradox of ideological enemies engaged in illicit trade at the expense of their respective states.

But these frontier/borderlands smugglers were elusive even then; how can a scholar determine the details of smuggling centuries after the fact? Finding smugglers who do not want to be found was always a difficult task for customs officers; finding smugglers two hundred years later would seem to be an impossible task for a scholar. Yet smugglers seldom attempted to break the law on both sides of the border, and generally preferred to appear to conduct trade legally. A comparison of customs records uncovers inconsistencies that indicate smuggling. For example, American ships that cleared through customs at Halifax, Nova Scotia, during the War of 1812 clearly engaged in illicit trade with the enemy, and thus may be deemed smugglers. Legal records and sometimes even correspondence among merchants and with officials can yield information about smuggling.

The foremost source of smuggling data comes from law enforcement agencies, and above all from court records. Yet a number of concerns have recently arisen over the use of judicial and other legal archives. Some historians fear the “seductive influence of the archives” might cause historians to unwittingly falsify or distort the subject they

study; another concern is that scholars attach too much meaning to primary documents, simply because they exist.²² Others such as George Rudé fear that since officials created and controlled archives, the written record is biased against the masses, based on the presumption that those in power are inherently inimical to the interests of ordinary people.²³ Michel Foucault lamented the terseness of the official record concerning people driven to crime as having “lives of a few brief lines or pages; misfortunes and mishaps without number, all bundled together in a handful of words.”²⁴

Judicial officials certainly wielded power, and could and did abuse that power. But written records are a two-edged sword. In fact, smugglers were very adept at using the written record against officials. Sometimes smugglers were able to use their control or sympathy of lower courts to frustrate federal district or colonial vice-admiralty courts. Whenever possible, the use of court records has been checked against newspaper accounts, manuscript journals, and correspondence. Comparing Canadian versus American, and local versus higher jurisdiction court sources has also revealed a number of contradictions that assist in understanding the often complex smuggling schemes resorted to by borderland residents.

While the written record is incomplete concerning smugglers, by combining American and colonial records from New Brunswick and Nova Scotia a wealth of details emerges. American federal court records provide a detailed account of smuggling, including the names of smugglers and their place of residence, the type of materials smuggled, and the methods both smugglers and law enforcement officials employed. Depositions and affidavits, even transcriptions of verbal examinations, are sometimes available in the records of Maine’s federal district court. British colonial vice-admiralty

court records provided a less substantial picture. New Brunswick's vice-admiralty court records have not been found, but Nova Scotia's vice-admiralty court records contain substantial records concerning smuggling in the Bay of Fundy. Collectively, these records provide a sufficient body of evidence to compare with United States federal court records. A database compiled from court and other records permits the tracking of individuals who frequently crossed the border. For example, Stephen Humbert appeared in New Brunswick legislative papers as a "preventative officer" who pursued smugglers at Passamaquoddy in 1820; but American legal records revealed that federal officials accused Humbert of smuggling in 1808.

Court records certainly have pitfalls. There is the possibility that they reveal only unskilled or unlucky smugglers, and thus skew the study away from successful smugglers. But to sophisticated smugglers, who manipulated the legal system to their own ends, getting caught often presented an opportunity to legitimize the presence of their contraband goods. Smugglers often informed against themselves as a tactic to illicitly introduce goods into the United States, but such tactics were seldom required in British North America, where customs officials tended to ignore most smuggling altogether. Smugglers also frequently testified on behalf of other smugglers in court, or could be confident that a jury of their peers would simply refuse to prosecute them in American courts. Far from putting an end to smuggling, legal prosecution could be used as a means to safely introduce contraband into a forbidden market.

Because smuggling often closely resembled legal commerce, another form of legal record frequently involved smugglers: the lawsuit. Just as licit traders often sued one another, smugglers also sought redress in lower courts. Both Maine and New

Brunswick county-level court records demonstrate details of borderlands accommodation not found in American federal and British vice-admiralty court records. Of particular interest are records that indicate business transactions across the border during times when the law forbade commercial intercourse, such as during Jefferson's embargo. By cross-referencing local court records with higher courts and comparing court records across the border, a more complete picture of borderlands smuggling emerges. The judicial record is thus rich in resources for the scholar of smuggling.

Some correspondence of known smugglers survives. Sometimes found in legal files, but more often within the correspondence collections of fellow merchants. Smugglers, after all, were businessmen, and had to communicate closely with their partners. The references are often subtle, such as a request to keep someone's name out of a business transaction; but sometimes they are blatant, as when one Maine merchant wrote directly to the governor of Nova Scotia during the War of 1812 requesting permission to smuggle.²⁵

In organizing and analyzing the surprisingly large amount of information on Passamaquoddy smuggling, a topical, rather than chronological approach has been utilized. This work is ten chapters long, including six thematic chapters, three chapters of case studies, and a conclusion.

Chapter One considers smuggling as a world-wide historical phenomenon, placing Passamaquoddy's smuggling in global perspective. This chapter also considers the importance of smuggling in the debate over the transition to capitalism in Western society. This chapter also introduces Stephen Humbert, a Loyalist merchant from Saint

John, New Brunswick. A smuggler, hymn writer, and sometime customs officer, Humbert embodied most of the essential virtues and vices of merchants trading at Passamaquoddy.

The next chapter considers Passamaquoddy within the framework of borderlands theory. It establishes borderlands values as a set of pragmatic attitudes shared throughout North American frontier society. These values concentrated at the geographic limits of state authority due to the dynamic created between governments attempting to assert their sovereignty and locals with an ambivalent or ambiguous attitude toward the state, and outsiders who attempted to manipulate Passamaquoddy's ill-defined border to their own purposes. Toward that end, a fairly detailed geographical description of the region is included, as well as a consideration of the Euro-American settlers who arrived at Passamaquoddy after the American Revolution. The idea of borderlands theory is personified in the life of Lewis Frederick Delesdernier, an American customs officer who generally sympathized with smugglers.

Chapter Three considers the problems the United States government had in enforcing anti-smuggling laws at Passamaquoddy. The laws governing commercial intercourse were extremely complex, and thus are explored in some detail. Locals often resented efforts to enforce those laws, thereby creating a tension between state officials and local individuals. One byproduct of this tension was corruption among customs officials, a crime even more well concealed than smuggling. Local sympathy with smugglers, even at the official level, was a major factor in the creation of borderlands attitudes, as was antipathy towards officials who rigidly enforced commercial laws.

The fourth chapter is a comparative analysis of American federal customs

administration and the British imperial customs system. While the systems were similar in many respects, there were important differences that underscore the changes wrought by the American Revolution. Attitudes toward officeholders and using violence to pursue smugglers were markedly different in Loyalist New Brunswick than they were in republican Maine. Yet official corruption, especially in tolerating smuggling at Passamaquoddy, was a problem in British North America, just as it was in the United States. The problem was keenly felt both in New Brunswick and Nova Scotia. Smuggling scandals frequently divided the elites of both colonies, resulting in political feuds and, on one occasion, in a famous duel in Halifax. The same can be said of Maine, where the state's first governor became involved in a scandal based on his own smuggling during the War of 1812.

The fifth chapter considers the evolution of borderlands values among Passamaquoddy's Euro-American inhabitants after the American War of Independence. The local component of the borderlands dynamic reveals that despite the calamities of the American Revolution, American citizens and British subjects continued to regard one another as essentially the same people. Cross-border cooperation came easily to peoples united by language, culture and experience, especially if it meant mutual profit. Untangling these connections is a vital part of rediscovering the commonalities between Canada and the United States, thus reducing the temptation to consider each as a sealed, separate identity without influence or effect on the other.

Chapter Six considers the influence of economic adventurers and governmental enforcers in creating a borderlands dynamic. Young merchants, often outsiders, men determined to make their fortunes even if it meant defying the law, were the most

dangerous smugglers. These adventurers strongly resembled the sort of smugglers Adam Smith described in his *Wealth of Nations*.²⁶ These smugglers defied the law and created considerable disturbances within the border communities, yet locals and even customs authorities often tolerated, and even encouraged their presence. Unraveling the secrets of the adventurers and enforcers and why so many came to as remote a region as Passamaquoddy reveals that borderlands attitudes were not restricted to border regions, but merely concentrated there. Individuals disgruntled with the state, especially its commercial laws, flocked to Passamaquoddy with expectations of local sympathy and possibilities unavailable in areas with stronger government institutions. Conversely, because so many people at Passamaquoddy were unhappy with state controls, governments sent bureaucrats and military units to control their behavior.

Chapters Seven, Eight, and Nine present case studies of borderland conflicts centered around smuggling. Contemporaries described these conflicts as wars, and indeed the second was a declared war: the War of 1812. The first of these confrontations was Jefferson's embargo (1807-1809), a complete American cessation of trade that produced the "Flour War." The failure of the embargo, despite the allocation of huge resources to stop smuggling at Passamaquoddy, demonstrated not only the weakness of the fledgling American government, but also the strength of the American commercial instinct. The second conflict, the War of 1812, which is considered in Chapter Eight, unfolded at Passamaquoddy largely as a struggle over smuggling. Initially this illegal intercourse was encouraged by British colonial officials to undermine the American war effort, but New Brunswick authorities soon found that they had to contend with their own smuggling problem. Chapter Nine explores the degree to which British commercial

policy promoted smuggling after the War of 1812, especially during the “Plaster War” of 1820. Years of official laxity, combined with American encouragement, produced a border conflict that proved just as violent and ineffectual as Jefferson’s embargo. The complex interactions among the state, outsiders looking for quick profits, and locals who maintained cross-border ties weave throughout all three chapters and produced a borderland dynamic that emphasized cross-border tolerance over ideological concerns.

Chapter Ten differs from the previous ones in considering how the facts of smuggling were remembered and forgotten in the region. How did locals and others remember smuggling as a part of their past? Given the fact that smuggling was a furtive activity, pinning down its memory can be difficult, but at Passamaquoddy illicit commerce was so massive and important it could not be ignored. Analyzing the half-truths, distortions, and outright lies that borderlands residents fabricated, and comparing those myths against documented facts are an important way to evaluate the subtler dimensions of borderlands thought. It also poses a serious challenge for the historian attempting to untangle fact from fiction. This final chapter also serves as an epilogue, drawing together the study’s arguments about borderlands theory and why smuggling and other border-related crimes offer a new insight into how neighboring states interact at their boundaries. These include the ongoing nature of smuggling, which continued at Passamaquoddy into the twentieth century. All of these ideas exist on a backdrop of borderlands theory, which can be a powerful tool for breaking history out of the national boundaries that usually constrain it.

¹ For smugglers and border formation in the Pyrenees between Spain and France, see Peter Sahlins, *Boundaries: The Making of France and Spain in the Pyrenees* (Berkeley: University of California Press, 1989); for the rise of state authority and border formation, see Benedict Anderson *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1991); for a look at the complex dynamic between the state and smugglers, see Lance R. Grahn, *The Political Economy of Smuggling: Regional Informal Economies In Early Bourbon New Granada* (Boulder: Westview-Press, 1997); for commentary on the relationship between crime and border formation, see David Murray, "Criminal Boundaries: The Frontier and the Contours of Upper Canadian Justice, 1792-1840," *American Review of Canadian Studies/ Canadian Review of American Studies* 26:3 (Autumn 1996), 341-366.

² The best social analysis of smuggling remains Cal Winslow, "Sussex Smugglers" in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, eds. *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London: Allen Lane, 1975), 119-166; for a useful sociological definition of smuggling, see Clifton D. Bryant, ed., *The Encyclopedia of Criminology and Deviant Behavior*, (Philadelphia: Brunner-Routledge, 2001), s.v. "Smuggling," by Mathieu Deflem and Kelly Henry-Turner.

³ Claude Denis, "The Genesis of American Capitalism: An Historical Inquiry into State Theory," *Journal of Historical Sociology* 2:4 (December 1989), 329; quoting Dietrich Rueschemeyer and Peter B. Evans, "The State and Economic Transformation," in *Bringing the State Back In*, Peter B. Evans, Dietrich Rueschemeyer and Theda Skocpol, eds. (Cambridge: Cambridge University Press, 1985), 46, 47.

⁴ Andrew R. L. Cayton, "Comment: Writing North American History," *Journal of the Early Republic* 22:1 (Spring, 2002), 106.

⁵ Graeme Wynn, "New England's Outpost in the Nineteenth Century," in Stephen J. Hornsby, Victor A. Konrad, and James J. Herlan, *The Northeastern Borderlands: Four Centuries of Interaction* (Fredericton, NB: Acadiensis Press, 1989), 66.

⁶ Lauren McKinsey and Victor Konrad, *Borderlands Reflections: The United States and Canada* (Borderlands Monograph Series #1, Orono, ME: Canadian-American Center, 1989), 4.

⁷ Harvey J. Kaye, ed., *The Face of the Crowd: Studies in Revolution, Ideology and Popular Protest* (New York: Harvester-Wheatsheaf, 1988), 4-5, 7.

⁸ Naomi E.S. Griffiths, *The Context of Acadian History, 1686-1784* (Montreal: McGill-Queen's University Press, 1992; paperback reprint 1993), xviii, xx.

⁹ See E.P. Thompson, *The Making of the English Working Class* (New York: Pantheon Press, 1976); Harvey J. Kaye, *The Face of the Crowd: Selected Essays of George Rudé* (New York and London: Harvester-Wheatsheaf, 1988); Christopher Hill, *Liberty Against the Law: Some Seventeenth-Century Controversies* (New York: Penguin Press, 1996), Marcus Rediker and Peter Linebaugh, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000).

¹⁰ For an example, see John W. Tyler, *Smugglers and Patriots: Boston Merchants and the Advent of the American Revolution* (Boston, Northeastern University Press, 1986).

¹¹ Alan Taylor, *Liberty Men and Great Proprietors: The Revolutionary Settlement on the*

Maine Frontier, 1760-1820 (Chapel Hill, NC: University of North Carolina Press, 1990). For the sake of simplicity, the modern term "Canada" will be used interchangeably with the colonial term "British North America."

¹² For smuggling in New France, see Jean Lunn, "The Illegal Fur Trade Out of New France, 1713-1760," *Canadian Historical Association Annual Report 1939*, 61-75; for Acadian smuggling see Naomi E. S. Griffiths, *The Context of Acadian History, 1686-1784* (Montreal: McGill-Queens University Press, 1992), 25.

¹³ Rawlyk's premature death cut short his already prolific research and writing. His most influential monographs are *The Canada Fire: Radical Evangelicalism in British North America, 1775-1812* (Kingston: McGill-Queen's University Press, 1994); *Ravished by the Spirit: Religious Revivals, Baptists, and Henry Alline* (Kingston: McGill-Queen's University Press, 1984); and *Nova Scotia's Massachusetts; a Study of Massachusetts-Nova Scotia Relations 1630 to 1784* (Montreal, McGill-Queen's University Press, 1973).

¹⁴ Laurel Thatcher Ulrich, *A Midwife's Tale: the Life of Martha Ballard, Based on Her Diary, 1785-1812* (New York: Knopf, 1990); Taylor, *Liberty Men*.

¹⁵ Ann Gorman Condon, *Envy of the American States: The Loyalist Dream for New Brunswick* (Fredericton, NB: New Ireland Press, 1984); Neil MacKinnon, *This Unfriendly Soil: the Loyalist Experience in Nova Scotia, 1783-1791* (Kingston: McGill-Queen's University Press, 1986); and the four Planter Studies essay collections edited by Margaret Conrad, *Planter Links: Community and Culture in Colonial Nova Scotia* (Fredericton, NB: Acadiensis Press, 2001); *Intimate Relations: Family and Community in Planter Nova Scotia, 1759-1800* (Fredericton, NB: Acadiensis Press, 1995); *Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800* (Fredericton, NB: Acadiensis Press, 1991); and *They Planted Well: New England Planters in Maritime Canada* (Fredericton, NB: Acadiensis Press, 1988).

¹⁶ Frederick Jackson Turner, *The Frontier in American History* (New York, H. Holt and Company, 1920); for a useful analysis see Jeremy Adelman, and Stephen Aron, "From Borderlands to Borders: Empires, Nation-States, and the Peoples in Between in North American History," *American Historical Review* 104:3 (June 1999); 814-841.

¹⁷ Herbert Eugene Bolton, *The Spanish Borderlands; A Chronicle of Old Florida and the Southwest* (New Haven: Yale University Press, 1921), and Adelman and Aron, "From Borderlands to Borders," 815.

¹⁸ Harold A. Davis, *An International Community on the St. Croix (1604-1930)* (Orono, ME, University of Maine Press, 1950; reprint, 1970).

¹⁹ The University of Maine's Canadian-American Center has been especially active in promoting borderlands theory; see Stephen J. Hornsby, Victor A. Konrad, and James J. Herlan, eds. *The Northeastern Borderlands: Four Centuries of Interaction* (Fredericton, NB: Acadiensis Press, 1989); Hornsby and Reid, *New England and Atlantic Canada: Connections and Comparisons*; and the Borderlands Monograph Series.

²⁰ Phillip A. Buckner, "The Borderlands Concept: A Critical Appraisal," in Hornsby et al., *Northeastern Borderlands* (Fredericton, NB: Acadiensis Press, 1989), 152-158.

²¹ Evan Haefeli, "A Note on the Use of North American Borderlands," *American Historical Review* 104:4 (October, 1999), 1222-1223.

²² Arlette Farge, *Fragile Lives: Violence, Power and Solidarity in Eighteenth-Century Paris* (Cambridge, MA: Harvard University Press, 1993), 3.

²³ Kaye, *Face of the Crowd*, 8; for a Canadian archivist's response to such accusations, see Heather MacNeil, "Trusting Records in a Postmodern World," *Archivaria* 51 (Spring 2001), 36-47.

²⁴ Farge, *Fragile Lives*, 1, quoting Michel Foucault, "La Vie des Hommes Infâmes," *Cahiers du Chemin*, 29 (January 1977), 12.

²⁵ Memorial of Seward Porter to Admiral Sir John B. Warren and Lt. Governor Sir John C. Sherbrooke, 1813, C.O. 217/92.

²⁶ Adam Smith, *An Inquiry Into the Nature and Causes of the Wealth of Nations* (Chicago: Encyclopaedia Britannica, 1952), 47.

CHAPTER 1: THE GLOBAL CONTEXT OF SMUGGLING

Introduction

Eighteenth- and nineteenth-century accounts of smuggling often provide conflicting views on the subject. Dr. Johnson's definition of a smuggler as a "wretch who, in defiance of the laws, imports and exports goods without payment of the customs" is very typical of contemporary feelings towards those engaged in smuggling, at least among those who allied themselves with the rising authority of the nation-state.¹

Certainly smuggling threatened the standing order and undermined deference to political and social leaders. A telling example of how smuggling eroded deference is shown in the journal of Methodist missionary Joshua Marsden, who stumbled across some smugglers one night in Digby, Nova Scotia and recorded the following:

Digby is given up to smuggling, and at night, when the smugglers came on board, to carry their contraband goods ashore, we were greatly disturbed with their profane and worldly conversation; they continued to grow worse, and at last we reprovved them, but this brought upon us a flood of reproach and invective: one of them, to show his importance, quoted a scrap of latin, but upon my calmly telling him we did not deal in scraps, his fury became ungovernable; and I believe, had it not been for fear of the consequence, they would have murdered us both.²

This account is representative of how those in power reacted to smuggling. Marsden was a Methodist missionary and an outsider, and probably did not understand initially that these men working on the Sabbath were smugglers. The smugglers themselves remained anonymous, but at least one had some education, and while violence was not their first choice, they were clearly prepared to harm Marsden. This incident represents not only a chance encounter between missionary and smuggler, but also a very small part of the struggle between those in authority and common people that was unfolding in the Atlantic world throughout the eighteenth and well into the nineteenth centuries.³

Marsden defies the assumption, however, that he was a priggish upholder of the status quo. He actually came from modest origins, and had sailed before the mast as a common sailor. Nor was Marsden ashamed of his common origins; he wrote about them quite freely in his published autobiography.⁴ Marsden was rather more circumspect in his handling of the deacon who worked under him in the Saint John, New Brunswick, Methodist church, a pious Loyalist named Stephen Humbert. Marsden made no mention of the deacon in his autobiography, whom he snubbed on the grounds that Humbert engaged in the smuggling trade, thereby creating no small amount of tension within the Saint John Methodist community between the missionary and the deacon.⁵ Thus on both sides of the Bay of Fundy Marsden ran into problems with smugglers, a uniquely interesting phenomenon given the fact that Methodists were a Christian sect with specific injunctions against smuggling. Methodism's founder, John Wesley, deemed smuggling as bad as highway robbery, and discouraged his congregations in Cornwall and Dover from engaging in the practice.⁶

Methodists are an interesting group because their values were particularly well adapted to the social transformations that were creating a new liberal order in western society. Methodist emphasis on self-discipline and sobriety fit well into the rise of an industrial society. British Methodist missionaries in the West Indies played an important role in the abolition of slavery, one of the great early liberal achievements that proved the viability of social progress.⁷ Methodists also disapproved of smuggling, one of the great scourges of mercantilist commercial policy, and smuggling rapidly died away as principles of free trade came to increasingly dominate the British commercial consciousness. Methodists thus placed themselves at the heart of the great controversies and events of the early nineteenth century, not only in Canada, the United States, and Britain, but throughout the Atlantic world. Their role has not been easy to track; apparently Methodists neither supported nor undermined the status quo, and even the notable Marxist historian E.P. Thompson has accused the Methodists of robbing the proletariat of their anger against those who would be their masters.⁸ Methodists in British North America, even in the relatively isolated colony of New Brunswick, shared the same set of internal contradictions with their brethren elsewhere. Pious Methodists like Stephen Humbert engaged in the forbidden but common practice of smuggling, yet at the same time many Methodists were fierce defenders of the status quo, of which many could claim membership. Humbert's sins and crimes intertwined inextricably with his achievements and merits. Among these was the fact that he had proven his loyalty to the British crown during the American War of Independence, yet Humbert, a Loyalist refugee from New Jersey, traded both licitly and illicitly with the old American foe. How are we

to understand the seeming contradictions between his professed devotion to Methodism and the British monarchy and his sinful and illegal activities as a smuggler?

Humbert's paradoxical behavior bears examination, for it touches on some of the major themes in the early nineteenth century, especially the rise of free trade. The region surrounding the Bay of Fundy was one of the great smuggling centers of the Atlantic world in the first decades of the nineteenth century.⁹ An understanding of smuggling will help us better understand Humbert's actions, and in turn may shed some light on the commercial connections that linked Canada's Maritime Provinces to New England despite the political boundary that technically separated the two regions into separate political and economic spheres.

Understanding Smuggling

While lexicographer Samuel Johnson and other members of the privileged class denounced smuggling, other contemporary accounts leaned in the opposite direction. In addressing the new United States Congress in 1789 on the problem of smuggling, Fisher Ames stated, "The habit of smuggling pervades our country. We were taught it when it was considered rather as meritorious than criminal."¹⁰ Ames referred back to the time before the American Revolution, when British imperial attempts to curb smuggling had helped to spark the spirit of revolt. Ames addressed the fact that the Revolution was partly initiated by angry crowds engaged in direct protest against anti-smuggling policies. These actions resulted in the burning of the revenue cutter *Gaspee* and other demonstrations of popular will.¹¹

But smuggling was far more than an ideological statement, or a struggle between the haves and the have-nots. It was an activity participated in eagerly by all levels of society. Future British Prime Minister Robert Walpole himself used an admiralty barge to smuggle wine up the Thames, thereby avoiding heavy duties.¹² The political elite of both Nova Scotia and New Brunswick engaged in smuggling; accusations of smuggling resulted in a duel in Halifax in 1819 between the son of the provincial attorney general and a local merchant.¹³ Similarly, Maine's political and economic leaders actively participated in smuggling.¹⁴ Smuggling in North America was in fact "big business," as Francis Jennings has pointed out.¹⁵ Those charged with enforcing anti-smuggling laws found it a daunting task not only because of violent resistance, but also because of apathy or resistance from above.¹⁶

Sympathy for smugglers surfaces in surprising places. Adam Smith, the famed political economist and a customs officer himself, wrote extensively about smugglers in his *Wealth of Nations*, the book that forms the basis of western liberal economic thought. He insisted that smugglers were essentially honest citizens but that unjust laws "made that a crime which nature never intended to be so."¹⁷ Smith's answer—free trade—was the force that ended smuggling as a significant social and economic phenomenon. Free trade involved removing as many trade restrictions as possible, including the taxes and trading restrictions smugglers found so onerous. It should therefore be little surprise to learn that smugglers in both Britain and Passamaquoddy referred to themselves as "free traders," putting into practice the very concepts that Smith advocated, even if they were illegal.

The debate on illicit trade was not restricted to these few examples. Smuggling afflicted societies worldwide, but everywhere it had a persistent unique quality-- smuggling always involved crossing a border. The Bay of Fundy was one such border region that became notorious for smuggling after the creation of an international boundary on the region's southern edge in 1783. In the decades that followed, smuggling continued despite efforts to curb it by governmental forces on both sides of the border.

International Examples of Smuggling

An understanding of illicit trade on a global scale places smuggling in the Bay of Fundy well within the normal commercial impulse of the Atlantic world. Virtually all societies engaged in evading commercial regulations, including groups as diverse as First Nations women carrying furs into New York from New France,¹⁸ Acadians trading furs with Massachusetts Bay,¹⁹ colonial Philadelphians smuggling French molasses,²⁰ British merchants introducing textiles illicitly into New Granada,²¹ Yankee smugglers trading with South America,²² American merchants landing tobacco at night on the Irish coast,²³ Loyalists from New Brunswick and Nova Scotia bringing gypsum to eastern Maine,²⁴ and even the introduction of contraband slaves into the United States via Florida.²⁵ The scale was enormous. While economic historians John J. McCusker and Russell R. Menard have attempted to downplay smuggling as "a tiny fraction of all goods handled," other historians have vehemently asserted that smuggling was not only an enormous part of colonial trade, but also intrinsic and necessary for colonial economies.²⁶

Smuggling existed throughout the Atlantic basin, at many levels and in different societies. For the struggling poor the problem was to wrest a living, while for political leaders the problem was how to better control national wealth to strengthen the state. At first glance one might place smuggling within the tradition of proletarian struggle against the standing order as outlined by neo-Marxists such as E.P. Thompson, and more recently Peter Linebaugh and Marcus Rediker.²⁷ But while smugglers engaged in all the tumults, riots, and traditional forms of community protest that excite neo-Marxist scholars and others, these “fair traders” also seem to have collaborated with the rising middle class and actively -even enthusiastically- engaged in the new market economy. Out of this confusion one may surmise that smuggling played a significant role in the transition to a capitalist/market economy.

This struggle between smugglers and governments played out all over the globe. Smuggling had the potential to seriously undermine the authority of the state. The wildest example of this is in Qing Period China between 1521 and 1566, when smugglers defied the emperor's authority in fleets that sometimes numbered in the hundreds.²⁸ Consider also the famously violent French smuggler Louis Mandrin (1725-1775), who in the mid-eighteenth century gathered a small army that smuggled goods and persecuted customs officials until the French military finally intervened and captured him.²⁹ Even the indomitable British Admiral Horatio Nelson found himself unable to stop smuggling in Antigua in the late 1780s, one of the few defeats in his naval career.³⁰ These struggles were not necessarily class struggles, but they were clearly a struggle between the state and its inhabitants. Some of the fiercest struggles occurred in the first state to enter the market and industrial revolutions: Great Britain.

Britain, the foremost commercial nation of the eighteenth- and early nineteenth centuries, and the first to enter the industrial revolution, suffered an astonishing degree of smuggling that threatened both the government's revenues and its authority. British smugglers frequently operated in large, well-armed gangs that openly defied customs officers and even military units. Smugglers broke into customhouses, murdered informants, intimidated the legal system, bribed officials, and even rescued compatriots from London's Newgate prison. This struggle between smugglers and the government occurred not only in isolated coves in Cornwall and Sussex, but even on the docks of London, where a small army of bureaucrats and enforcement officers attempted to regulate and tax goods imported from Britain's growing empire.

Illicit trade and smuggling-inspired violence required that the Crown mount a sustained and expensive effort to suppress it, often when the government was fighting wars overseas that required the very revenue that smuggling denied. In 1767, the British Crown employed 2,687 men to stop smuggling; in 1783 it employed 4,235, and boats in proportion; yet Parliament reckoned that smugglers introduced twenty million pounds of tea and thirteen million gallons of brandy into Britain between 1780 and 1783.³¹ Parliament reported that smuggling gangs of up to seven hundred roamed the English countryside.³² By 1784 there were nine cavalry regiments and fifty-six revenue cutters in England and Scotland dedicated to suppressing smuggling, at a cost of well over a quarter million pounds.³³ They failed. Parliament responded with several investigations headed by Lord Sheffield and ever harsher laws. By 1819 the cost of the preventative service

amounted to £546,402. The cost in lives escalated as well; throughout the 1820s gun battles erupted on England's southern coast. Both smugglers and preventative officers died; the authorities hanged several prominent smugglers, and transported hundreds more to distant colonies.³⁴

Smuggling was not successfully curbed in England until the 1840s when an enormous army of coast guards, combined with lower tariffs, made smuggling difficult and unprofitable. In some ways the destruction of the smuggling trade was a triumph for those espousing Adam Smith's liberal economics, such as Sir Robert Peel, prime minister in the early 1840s. Peel found that by lowering tariffs and throwing open British ports to the world's shipping, many of the financial incentives to smuggle goods disappeared.³⁵ Yet at the same time the state had to create a massive enforcement machinery to ensure that trade was carried out legally, so that it could be taxed and regulated. Illicit trade became increasingly furtive, involving concealment and bribery in the ports rather than large gangs on the beaches.³⁶ In addition the type of smuggled commodities changed: smuggling increasingly became a matter of moving small, high-priced items rather than shiploads of bulky wool or barrels of claret. By 1857 British smuggling was a mere shadow of what it had been due to both increased state control and the effects of free trade.³⁷

What drove British smuggling? British neo-Marxists such as Cal Winslow perceive smuggling in the same light as poaching and wrecking, a 'right' common people possessed according to custom and tradition.³⁸ Ending smuggling, therefore, required a change in societal views as well, and the industrial revolution, as Hobsbawm observed, was "not merely an acceleration of economic growth, but an acceleration of growth

because of, and through, economic and social transformation."³⁹ The industrial revolution harkened in a new age that demanded rationalization, professionalization, and respect for the law. Not surprisingly Methodists, a sect particularly attuned to this new age with its emphasis on improvement, self-control, sobriety and abolition of slavery, were early opponents of smuggling as well.⁴⁰

The industrial revolution thus played an important part in ending the social economy of smuggling. The smuggler did not fit well into the scheme of modern commerce, which tended to confine international trade to fewer ports with larger and more modern facilities. But these causes were probably secondary to the rise of free trade; Britain entered into a period of unfettered trade that made most smuggling unnecessary.⁴¹ The transition from mercantilism to economic liberalism put many smugglers out of work and made them conform to new economic realities. Those who remained in the trade practiced it through bribery, subtlety, and concealing cargoes within vessels. This practice, true to the age, was dubbed "scientific smuggling."⁴²

Smuggling and the American Revolution

The American Revolution had a profound effect on North American history. Not only did it create the United States, but it also ultimately contributed to the development of Canada as a part of North America that consciously rejected revolution and American ideology. For many American historians, smuggling played a role in developing both an American identity and an American ideology. Generally these studies cast American patriots as smugglers, even revolutionary leaders such as John Hancock.⁴³

Serious colonial problems with royal customs began in 1762, when Parliament passed an act calling for renewed vigilance on the part of customs officers stationed in North America. Since American colonies had long ignored crown trade regulations, colonists saw the sudden vigilance of royal customhouse officers as a dangerous precedent.⁴⁴ In contrast, the British government saw smuggling as “a Practice carried on in contravention of many express and repeated Laws, tending not only to the Diminution and Impoverishment of the Publick Revenue, at a Time when this Nation is labouring under a heavy Debt incurred by the last war for the Protection of America; but also to expose every fair Trader to. . .even Danger of Ruin by his not being able to carry his Commodities to market on an equal footing with those who fraudulently evade the Payment of the just dues and Customs.”⁴⁵ To counter the threat of smuggling, the British government appointed a host of new customs officers, used the Royal Navy to enforce the Navigation Acts, and even tampered with the colonial vice-admiralty courts that had previously been very lenient with colonial smugglers. This latter action, especially the removal of vice-admiralty jurisdiction to Halifax, Nova Scotia, alarmed many colonial smugglers, who rightly perceived that renewed imperial vigilance would cut into their profits. Some colonists saw these actions as dangerous innovations that threatened their liberty; others were less concerned.

The northern commercial colonies were the most outspoken in their opposition to new customhouse regulations, especially Massachusetts Bay. The means used by Massachusetts varied from legal action to violence. Lawyers such as the young John Adams and James Otis successfully frustrated crown officials in court. The irritation of crown officials with Otis became so intense that a customhouse officer beat him over the

head with a cane, permanently debilitating him.⁴⁶ When legal methods ultimately failed against the determined royal government, the colonials adopted extra-legal methods. Mobs throughout New England met the use of lightly armed revenue cutters with force. Naval vessels met with yet more resistance, including the destruction of HMS *Gaspee* in Rhode Island.⁴⁷ Mobs in Massachusetts were equally adamant in obstructing royal customs officials. The most famous incident involved John Hancock's sloop *Liberty* in 1768, which directly resulted in the garrisoning of Boston with regiments of regulars. Bostonians harassed the troops constantly, resulting in the Boston massacre of 1770. Notably, the crowd had been provoking the guard posted at the customhouse.⁴⁸ One rumor circulating in Boston even asserted that customs officials fired muskets out of the second story windows of the customhouse into the crowd.⁴⁹

Maine, the third admiralty district of colonial Massachusetts, went through a very similar process of resistance to crown authority. The only customs officials in Maine were those in the port of Falmouth (later Portland). From there they sometimes ranged up the coast to suppress smuggling and enforce the Navigation Acts. Events paralleled those in Boston. Local courts supported frivolous lawsuits against customs officials, but refused legal proceedings initiated by crown collectors. In 1766, the people of Falmouth protested the Stamp Act by mobbing the customhouse, demanding the parcel of stamp paper, and burning it in the street. Later that year a mob in Falmouth rescued a cargo of smuggled West India goods seized by customs officials. The unpopularity of the crown officials in Falmouth continued to grow as their powers became more arbitrary. In one instance a crowd armed with pistols forced a customhouse officer to name an informer.⁵⁰

The most despised of Falmouth's crown officials was Comptroller of Customs John Malcom. This man had already become notorious in Rhode Island and North Carolina for his obnoxious political views and enforcement of unpopular commercial laws. Malcom proved to be just as unpopular in his native Maine as he was in other colonies. In 1773 local merchants and magistrates incited a crowd of sailors to rough-up Malcom after he seized a vessel in Wiscasset, Maine. The mob broke Malcom's sword (a token of crown authority), and tarred, feathered, and paraded him around the settlement.⁵¹ Malcom fled to Boston, where he suffered further abuse at the hands of another mob.⁵² The lesson was not lost on his fellow customs officers. In the spring of 1775, most of Falmouth's customs officials fled to the safety of HMS *Canceau*, including men like Thomas Wyer, who spent much of the war at a British outpost on Penobscot Bay in eastern Maine, and later became a merchant and local official at St. Andrews, New Brunswick, on Passamaquoddy Bay.⁵³

Boston saw the most smuggling-related violence, however. The Boston crowds identified Crown customhouse officers with royal government because they were the most obvious manifestation of British authority until the British army garrisoned the town. Some scholars have attempted to link revolutionary fervor with smuggling, but this does not seem to be a compelling argument. Yet it may be possible to link customhouse patronage with loyalism. Virtually all of Boston's customhouse officers joined the Loyalist cause in 1775 and 1776. When the British were forced to evacuate Boston in March 1776, a young Loyalist customs officer named Edward Winslow removed the royal coat of arms that hung over the entrance to Boston's customhouse. Winslow did not want the royal arms defaced by the American forces, and hoped to return them to their

rightful place someday. That dream proved unrealistic, but Winslow held onto the coat of arms and eventually hung them in the council chamber of New Brunswick, a Loyalist province created by the British for refugees like himself after the war. Winslow always hoped for a customhouse position himself, but like his dream of a Boston under royal rule, it too never came to be.⁵⁴

Could Loyalists be smugglers as well? The issue has not been addressed by American scholars who assumed that only patriots smuggled. But Falmouth and Boston Loyalists retained their old business contacts and continued to trade with their American counterparts during the war from places like Penobscot and Passamaquoddy.⁵⁵ After the war, too, Loyalists in New Brunswick and Nova Scotia continued to conduct illicit trade with Americans, even providing some American merchants with false shipping papers that allowed them access to forbidden British markets.⁵⁶ Unpopular customs officers in the Maritimes were often harassed in a manner similar to Falmouth's and Boston's before the war. Sometimes these attacks seemed to have ideological overtones, as when some "ill minded and disloyal person or persons" stole the royal coat of arms hanging over the door of the customhouse at Saint John, New Brunswick, in July 1814.⁵⁷

These attacks appear less ideological than immediate responses to unpopular taxation and the often heavy-handed methods of British crown customs officers. In addition, many Loyalists shared the same commercial values as the republican Americans, and smuggling was simply a profitable means of conducting business. Lorenzo Sabine, who had been an American customs officer at Passamaquoddy and author of a two-volume biographical dictionary of Loyalists, noted the Loyalist propensity for smuggling and its seeming contradictions with their political principles:

The Loyalists who, at the peace, removed to the present British colonies, and their children after them, smuggled almost every article of foreign origin from the frontier ports of the United States, for more than half a century, and until England relaxed her odious commercial policy. The merchant in whose counting-house I myself was bred, sold the “old Tories” and their descendants large quantities of tea, wine, spices, silks, crapes, and other articles, as part of his regular business. I have not room to relate the plans devised by sellers and buyers to elude the officers of the Crown, or the perils incurred by the latter, at times, while crossing the Bay of Fundy on their passage homeward. But I cannot forbear to remark, that, as the finding of a single box of contraband tea caused the confiscation of vessel and cargo, the smugglers kept vigilant watch with glasses, and committed the fatal herb to the sea, the instant a revenue cutter or ship of war hove in sight in a quarter to render capture probable. When a spectator of the scene, as I often was, how could I but say to myself,-- “The destruction of tea in Boston, December, 1773, in principle, how like!”⁵⁸

Loyalists were not blind followers of a royalist ideology. Canadian scholar Esther Clark Wright found “that the Loyalists were rather ordinary people subjected to an extraordinary experience.”⁵⁹ In many cases they faced the same rough frontier experience as their republican counterparts, especially in New Brunswick, where there was little British settlement before 1783.⁶⁰ One Loyalist response to New Brunswick’s primitive conditions and uncertain economic conditions after the American Revolution was smuggling, a practical commercial stratagem adopted by many of their predecessors in the Bay of Fundy region.

Smuggling in the Bay of Fundy

The Bay of Fundy, as a part of the greater Atlantic economy, conformed to certain patterns. Smuggling was no exception. Throughout the seventeenth century, trade existed between the various groups surrounding the Bay of Fundy, including Native Peoples.⁶¹

While governments may have deemed much of this trade smuggling, that term seems much too specific for a region so hotly contested, with many overlapping claims of sovereignty. Nor were commercial regulations well developed; trade restrictions, such as limiting the range of trade goods Indians received for furs, especially rum, seem to have been honored more in the breach than in practice.⁶² Furthermore, there were no real customs agents in the area; seizure of contraband was a military function, and probably cases never went to a civilian court. Archaeologists studying the remains of seventeenth-century trading posts concluded that commerce with one's potential or actual enemies was "a way of life on a frontier where opportunity took precedence over political allegiance."⁶³ Pragmatic aptly term describes the activities of the region's inhabitants, who suffered a high degree of turmoil and uncertainty in their lives.⁶⁴

During the eighteenth century, as the British exerted control over the area, smuggling developed as a means of ameliorating the harsh circumstances of life on a frontier. The Acadian people of what is now Nova Scotia technically fell under British control after the Treaty of Utrecht in 1713, yet they traded with whom they pleased.⁶⁵ French influence in the Bay of Fundy endured until British forces captured Fort Beauséjour in 1755, and New England merchants continued to trade with their French colonial neighbors despite the law. Some of these smuggling vessels were heavily armed. The Boston smuggling sloop *Nancy and Sally* carried five swivel guns and a variety of muskets and musketoons on board.⁶⁶ When a British naval vessel attempted to board the *Nancy and Sally*, the smugglers resisted with force, and killed two Royal Navy sailors. A court convicted three of the smugglers of manslaughter, branded them on their left hands

with the letter "M," and imprisoned them for three months. Upon their release, the Royal Navy promptly impressed them.⁶⁷

The New England settlers who came to the region in the mid-eighteenth century, known as Planters in Nova Scotia, also smuggled in much the same way that their Massachusetts Bay relatives did. But the scale was unremarkable, involving basic trade goods such as rum, wool cards, or a few gallons of molasses. The settlements surrounding the Bay of Fundy were too small to support a significant trade licit or otherwise.⁶⁸ Furthermore, between 1713 and 1775 the region was unified under British rule. British regional domination meant that the two local colonial entities, Massachusetts Bay and Nova Scotia, operated under similar regulations and markets. Nonetheless, British warships such as HMS *Jamaica* occasionally patrolled the Bay of Fundy in the 1760s to suppress smuggling.⁶⁹

The American Revolution changed this situation because it created new opportunities for those willing to risk crossing the border. When the United States broke with Britain, new smuggling opportunities arose as governments attempted to regulate and tax trade. American timber merchants were especially eager to sell masts to the Royal Navy in Halifax, and gladly received contraband British goods that fetched high prices in Boston.⁷⁰ The Loyalists at the British post at Penobscot actively participated in this contraband trade, as did various people at Passamaquoddy. The local American commander described Passamaquoddy as a hotbed of smuggling, and frequently reported his frustration at not being able to stop illicit trade.⁷¹ Soon after the end of the war in 1783, and largely due to the arrival of Loyalists, Britain created the new colony of New Brunswick on the northern shore of the Bay of Fundy. One of the first problems its

administrators faced was controlling smuggling, especially at Passamaquoddy, which was divided at the Treaty of Paris in 1783 by the newly created border between the United States and the remaining British North American colonies. The problem was exacerbated by the Loyalists from Penobscot, who at the end of the war removed to St. Andrews on the northeastern shore of Passamaquoddy Bay. Merchants from St. Andrews quietly continued their illegal trade with American merchants after the war.⁷² Other regions in the Maritimes suffered from an influx of contraband American goods as well, to the point where one Nova Scotia merchant complained in 1787, “that you can scarce enter a House, but you see an American package.”⁷³

Smuggling became a more important phenomenon in the region with the approach of the War of 1812, when its scope and scale became truly remarkable. Smugglers illicitly brought thousands of cattle to Nova Scotia, funneled millions of barrels of flour through the Maritimes, and secreted thousands of tons of gypsum across the border from New Brunswick into Maine. From 1806 to 1826 a roaring smuggling trade evolved, largely as a result of a struggle between American demands for free trade and British mercantilist policies that slowly eroded in the early nineteenth century. This constantly fluctuating commercial war had consequences for the entire Atlantic community, reaching from the Caribbean sugar colonies to the Newfoundland fishing industry. On an official level, this struggle evolved as a series of trade negotiations and treaties between Britain and the United States. But at the local level it often created greater incentives to smuggle because protective tariffs created greater incentives to engage in illicit cross-border trade. During this time smuggling in the Bay of Fundy closely followed the

English model of escalating violence and resistance, first on the American side through the War of 1812, and then in the Maritimes after the war.

Smuggling clearly represented a struggle over trade regulations, but what can it tell us about attitudes toward national boundaries? The immediate answer is that the borders imposed by the Treaty of Paris in 1783 were contested by the people who lived on either side of them. Benedict Anderson's contention that nations were an "imagined community" seems particularly apt here, because that imagination had limits.⁷⁴ The residents of Passamaquoddy refused to believe that their neighbors across the border were somehow different from themselves. The American citizens of Passamaquoddy must have had great difficulty in imagining that somehow the plantation owners of the South were somehow closer to themselves than the fishermen of Campobello or Grand Manan on the British North American side of the border. The first component of understanding borderlands, however refers not to a place, or a process, but to an attitude that rejected the arbitrary authority of the state. The most obvious manifestation of this disregard for governmental interference in the economy was smuggling. The more government forces attempted to halt unregulated trade, the more apparent it became to locals that the state was an unwelcome and alien force.

A measure of the importance government attached to the smuggling trade was the scale of the effort to halt it. The level of enforcement in the region, especially at Eastport, Maine, increased dramatically on the American side of the border. In 1807, the federal presence in Eastport consisted of an unarmed customs collector and perhaps half a dozen part-time assistants. By 1812, the federal government bolstered that presence with a new and more effective collector, a permanent U.S. deputy marshal, a small fortification

garrisoned by a half company of artillerists, and a revenue cutter. During the war additional troops, up to five hundred, patrolled the area to suppress smuggling. In fact the only shots discharged in anger by the cannon of Fort Sullivan at Eastport were at smugglers: the British captured the post in 1814 without a shot being fired on either side.⁷⁵ However the American forces at Passamaquoddy completely failed, in no small part because the local judicial system often favored the smugglers, as did minor customs officials and militia.⁷⁶

On the New Brunswick side of Passamaquoddy, too, officialdom mustered its strength to combat smuggling. The region's Superintendent of Trade and Fisheries operated a cutter that occasionally captured smugglers.⁷⁷ But the customs officers in both New Brunswick and Nova Scotia were pitifully weak, and often corrupt.⁷⁸ The Royal Navy sometimes interfered with smuggling, but the best tool it had to stop smuggling - impressment - was no longer in use after 1815. Nor was the authority of the Royal Navy necessarily respected; smugglers on more than one occasion rescued vessels seized by naval units.⁷⁹ The British imperial government as a whole did not seem to be interested in promoting colonial commerce over that of the United States, and the colonial governments were not capable of halting illegal commerce even when they acted in concert.

An example of this is the effort by Nova Scotia and New Brunswick officials to control the carrying trade in gypsum after the War of 1812. Gypsum, mined at the head of the Bay of Fundy, was highly desired by American farmers as a fertilizer in the Mid-Atlantic and Upper South.⁸⁰ Until the 1820s Nova Scotia was the foremost producer of gypsum in North America. Producers generally shipped it to Passamaquoddy, where

American merchants bought it in lots of twenty to sixty tons. The plan failed in part because of American diplomatic pressure, but also because smugglers at Passamaquoddy persisted in selling gypsum to the Americans.⁸¹ Despite the intentions of the provincial governments, the small farmers and coastal mariners who carried gypsum to the American lines clung to their illicit trade and rejected the centralization of commercial authority.⁸² The manner in which the gypsum smugglers rejected government regulations was not subtle: it involved kidnapping government officers, shooting at customs officials, and arming vessels with cannon and muskets. In 1820 a “plaster war” broke out between New Brunswick officials and plaster smugglers. At its height, plaster smugglers lashed together rafts of up to ten schooners and brigs for self-defense and sailed down Passamaquoddy Bay in open defiance of the provincial official appointed to regulate the plaster trade. That official was Stephen Humbert, a Methodist deacon and sometime smuggler. He proved powerless to resist such determined opposition, and could only watch as the plaster vessels made their escape.⁸³

Like the British model, smuggling in the Bay of Fundy eventually lessened through a combination of state intervention and economic liberalization. Illicit trade at Passamaquoddy diminished because it became less profitable and more risky, but it is less clear that any social transformation occurred in either northern New England or the Maritime provinces that made smuggling unacceptable. Small-scale smuggling persisted, but the new economic liberalism with its emphasis on free trade meant that the days of large-scale illicit trade ended in this region by the middle of the nineteenth century. Reciprocity, a trade policy whereby British colonies in North America could trade with the United States on virtually the same footing as American shippers, proved especially

effective in removing the incentives to smuggle. The continued development of the American customs system, and its counterparts in New Brunswick and Nova Scotia, further discouraged contraband trade at Passamaquoddy.

Despite regulations, ideology and a variety of other forces, much of the populace at Passamaquoddy refused to accept the idea that the border created in 1783 meant that people on the other side of it were “foreigners.” The state created mechanisms that attempted to separate American citizens from British subjects, but despite the law Maritimers and New Englanders mixed and seemed to feel it was their right to trade, especially at Passamaquoddy. Because the state imposed the border in the very area where governmental authority was weakest, locals could and often did choose to ignore that border.⁸⁴ Border populations could ignore the authority of distant governments with some impunity; they could also offer criminals safe haven. Passamaquoddy’s isolation, low population density, cross-border marriages and connections fostered by locals, and common frontier experiences resulted in a common rejection of commercial regulations as bothersome and unnecessary restrictions: smuggling was thus tolerated, and even received approval in border communities. Border residents even extended this acceptance of illicit trade to “adventurers,” smugglers from as far afield as New York City, Liverpool, England, or even Sweden and the Caribbean, who in turn reinforced resistance to governmental control.

The Smugglers

Passamaquoddy’s smugglers were not usually cutthroats or pirates; generally they were ordinary merchants, farmers, and sailors seeking to augment their incomes or

support their families.⁸⁵ As Adam Smith noted in his *Wealth of Nations*, it was not the actions of smugglers that made them lawbreakers, but rather the oppressive laws they evaded that made their acts criminal.⁸⁶ Legal records often named merchants as smugglers. Some engaged in the practice habitually, while others indulged only occasionally. International accounts agree that smugglers were highly individualistic. In China, the term for smuggler, literally translated, means “operating for one’s private benefit.”⁸⁷ In Europe, smugglers were part of a bandit tradition that pitted the poor against the powerful, but again, this was an individual rebellion, not part of a mass revolt.⁸⁸ In England, too, smugglers pursued a doctrine of individualism when they claimed freedom from unpopular laws.⁸⁹ While smugglers were seen as highly individualistic, popular belief often championed them as defenders of traditional community rights.⁹⁰ For this reason, public opinion often refused to associate smuggling with crime; after all, smugglers provided valuable services to the community.⁹¹ In the Maritime Provinces, like China, England, and the United States, smuggling had widespread support.⁹²

There were many reasons to smuggle: sometimes it was a carefully calculated practice, other times it happened when an unusual opportunity arose, and sometimes it happened by mistake, either feigned or actual. Several factors promoted smuggling. Political control of mercantilist economies actively attempted to deny certain goods to other states, and smugglers often stepped in to provide contraband goods despite commercial laws. In effect, the political economies artificially inflated prices by regulating or taxing foreign goods; this meant that smugglers could and did often offer goods at prices below those set by law-abiding merchants. Furthermore, banking and

financial systems were too crude to accommodate all merchants in the Atlantic world, especially given the perpetual shortage of specie; often merchants and mariners had to receive foreign goods in exchange for their own rather than cash. Mercantile culture, too, encouraged participants to “buy cheap and sell dear,” a maxim that encouraged all manner of illicit activity, such as diluting barrels of rum.⁹³ Few assumptions may be made about the general honesty of those engaged in commerce; sharp bargaining became increasingly common with the erosion of pre-market values.⁹⁴ Smuggling was simply a part of this mix for many merchants throughout the Atlantic world, especially in regions like Passamaquoddy, where the indeterminate border offered unusually good opportunities to engage in illicit trade.

Passamaquoddy’s reputation as a smuggler’s haven drew merchants such as John Clap of New York to the region. He attempted to smuggle a cargo of provisions into New Brunswick “in eight different boats, vessels, & rafts,” but American officials seized his goods and successfully prosecuted him.⁹⁵ Another example is Nathan Appleton, who during the War of 1812 smuggled British manufactured goods into the United States via St. Andrews, New Brunswick. He in turn channeled his profits into a manufacturing venture sponsored by Francis Cabot Lowell of the famous “Boston Associates” who constructed the first large textile mills in the United States.⁹⁶ The lure of profit drew adventurers to Passamaquoddy.

It is less easy to divine the reasons why common fishermen, farmers, and timbermen smuggled. Many undoubtedly engaged in it for profit like the adventurers; others wanted to support their families, or found themselves trapped in unusual circumstances. Fishermen regularly engaged in smuggling on a small scale, trading

American provisions and products like shoes to their Maritime counterparts in return for fish. This saved the American fishermen a great deal of labor, provided New Brunswick and Nova Scotia families with food and other goods at reduced prices, and had the added bonus that the practice was virtually impossible to detect.⁹⁷ American farmers frequently drove their cattle to the border to sell in British North America, even when their own government forbade it. American farmers regarded this practice as their right, even during time of war with Britain, when their cattle provided provisions for the British military. When government officials attempted to interfere, farmers fought back.⁹⁸ American timbermen, too, engaged in smuggling when their New Brunswick employers chose to pay them in goods rather than specie. When they attempted to re-cross the border into the United States, American customs authorities sometimes seized their hard-earned British goods as contraband.⁹⁹

In New Brunswick and Nova Scotia smugglers also came from all walks of life. Poor mariners and wealthy merchants alike engaged in illegal commerce. Moreover, British adventurers from afar came to the region to smuggle. One such adventurer was John Young, a Scottish merchant who ventured to Castine, Maine, to partake of the profitable trade with the enemy under the aegis of British troops it's occupation from 1814-1815. Apparently he was not a man for half measures. Not only did he buy smuggled goods from willing Americans, but he in turn avoided the five percent duty imposed by British customs officials there. Young packed contraband tobacco, soap, candles, and other American goods in barrels of codfish. His justification was of ancient vintage: "We are you know creatures of imitative habits & as all around me are smuggling I am beginning to smuggle too."¹⁰⁰ Like their American counterparts, some

Maritimes smugglers used their ill-gotten gains to fund more noble ventures. Christopher Scott, founder of the Bank of New Brunswick, made his fortune as a smuggler "on the lines," as many referred to the border.¹⁰¹ Samuel Cunard, as a young captain of his father's coasting schooner, engaged in the Passamaquoddy smuggling trade, thereby launching the career of the man who founded the most famous shipping line in history.¹⁰²

Ordinary Maritimers smuggled, too. Like their American counterparts, they participated in a pre-commercial economy that emphasized community bonds. They sought to wrest a living by farming, lumbering, or fishing, and feared taxes that had to be paid in cash.¹⁰³ Seeking out lower prices, high-quality goods, and easy profits at the expense of the government was a rational survival strategy that often gained the acceptance or at least acquiescence of entire communities. Smuggling at Passamaquoddy quickly became something of a local tradition: one New Brunswick local who lived close to the border recalled smuggling as one of the region's most important trades, "which some are in the habit of styling Contraband—but which we call free trade. Our geographical position exposes us to great temptations in this respect.--"¹⁰⁴

With the exception of John Wesley and the Methodists, and a handful of honest government officials, it is difficult to find a group that found smuggling immoral. Common people traded illegally to survive, and local traditions often condoned the practice.¹⁰⁵ Capitalists smuggled for profit, but even the smuggling adventurers often had a very strong strain of Christian morality; often the most religious merchants were the most successful businessmen.¹⁰⁶

Four out of the five Tappan brothers are a dramatic example of this phenomenon. During the War of 1812 they continued their silk importation business by smuggling

through Canada. Arthur Tappan, later a renowned Abolitionist famous for his role in the *Amistad* trial, conducted business out of Montreal for part of the war; he later introduced contraband cargoes through Castine, Maine.¹⁰⁷ His older brother John, who taught Arthur the mercantile trade, smuggled goods through Halifax and the Bay of Fundy.¹⁰⁸ Younger brother Lewis also seems to have introduced goods illegally into the United States from British North America. In 1813, he and his partner George Searle petitioned Congress for relief from the penalties incurred while importing goods into the United States through Passamaquoddy. Lewis went on to create the nation's first credit information agency, and was equally zealous as Arthur in promoting Abolitionism and other moral reforms.¹⁰⁹ The fourth brother, Charles, was involved in collusive capture schemes during the War of 1812, and admitted as much as an elderly man.¹¹⁰ The Tappans became very successful businessmen, but early in their careers they smuggled.¹¹¹ Yet at the same time they were strictly moral Christians who even forbade their clerks to attend performances at theaters. Clearly the public did not perceive smuggling as a morality issue. Even Adam Smith thought smugglers were essentially honest people forced into a life of crime by the state's commercial laws.¹¹² People who criticized smuggling tended to be those who favored government, and thus it was the state and its supporters who tended to brand smuggling as an immoral, unpatriotic, or grossly criminal act while most of the public ignored, acquiesced, or participated in illicit trade.

Conclusion

Smuggling in the Bay of Fundy was a complex phenomenon. It insinuated itself into many aspects of the region's history. But did smuggling bind the region together,

creating a "special relationship" between New England and the Maritimes? While there is ample evidence that there were cultural sympathies between New England and the Maritimes, it is also apparent that smuggling was business, conducted in line with Adam Smith's dictum that a merchant "is not necessarily the citizen of any particular country."¹¹³ More compelling is the idea that smuggling was a regional and traditional response to the centralization of commercial wealth and power.¹¹⁴ Certainly there is an element of that in the case of Passamaquoddy. But the presence of so many adventurers from distant ports indicates that smuggling was not merely a local phenomenon, but part of a larger process that encompassed the entire Atlantic basin: the transition to a market economy. Some of the great smuggling merchants invested their profits in the new commercial economy then developing. More clear is the idea that smuggling represented a challenge to government on both sides of the border. It led to disorder, loss of revenue, and higher taxes. Smugglers and government were locked in combat, and sometimes the smugglers won, as in the case of the Plaster War. Nor was this struggle confined to the Bay of Fundy: smuggling was part of a worldwide struggle that struck at state authority and required massive law enforcement efforts and social transformation to defeat.¹¹⁵ In the Bay of Fundy, where jurisdictions were unclear or underdeveloped and governmental authority weak near the international border, smuggling thrived into the nineteenth century.

In part smuggling thrived at Passamaquoddy and other coastal smuggling havens because it was more convenient to conduct illicit trade there than to obey the burdensome commercial laws imposed by the state. Another reason smuggling thrived at Passamaquoddy was because the border between two great commercial powers ran

through it. Smuggling was closely related to the border, an invisible line between the United States and British North America that profoundly shaped the daily lives of Passamaquoddy residents.

¹ John O. Coote, *The Norton Book of the Sea* (New York: W. W. Norton & Co., 1989), 332.

² Joshua Marsden, *The Narrative of a Mission to Nova Scotia, New Brunswick, and the Somers Islands* (Plymouth Dock, England: J. Johns, 1816), 56-57 [CIHM microfiche 21227].

³ Marcus Rediker and Peter Linebaugh, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000).

⁴ Joshua Marsden, *Grace Displayed: An Interesting Narrative of the Life, Conversion, Christian Experience, Ministry and Missionary Labors of Joshua Marsden* (New York, the author, 1813) [CIHM microfiche 48054].

⁵ Stephen Humbert, *The Rise and Progress of Methodism in the Province of New Brunswick, from its Commencement until About the Year 1805* (Saint John, New Brunswick: L.W. Durant, 1836), 35-36 [CIHM 57341].

⁶ Christopher Hill, *Liberty Against the Law: Some Seventeenth-Century Controversies* (New York: Penguin Press, 1996), 113; David Phillipson, *Smuggling: A History 1700-1970* (Newton Abbot: David & Charles, 1973), 92-93; Geoffrey Morley, *The Smuggling War: The Government's Fight Against Smuggling in the 18th and 19th Centuries* (Stroud, UK: Alan Sutton Publishing, 1994), 10.

⁷ Emilia Viotti da Costa, *Crowns of Glory, Tears of Blood: The Demerara Slave Rebellion of 1823* (New York: Oxford University Press, 1994), 7-15.

⁸ E.P. Thompson, *The Making of the English Working Class* (New York: Pantheon Press, 1976), 389.

⁹ Especially during Jefferson's embargo of 1807-1809, and the War of 1812, Passamaquoddy, American officials complained of Passamaquoddy smuggling, as did British colonial and imperial officials before 1807 and after the war ended in 1815. See

¹⁰ *Annals* I, 299 (May 9, 1789) quoted in Leonard D. White, *The Federalists: An Administrative History* (New York: The Macmillan Company, 1956), 460.

¹¹ For the burning of the *Gaspee*, see Neil R. Strout, *The Royal Navy in America, 1760-1775* (Annapolis MD: Naval Institute Press, 1973), 141-143.

¹² Hill, *Liberty Against the Law*, 113.

¹³ Brian Cuthbertson, *The Old Attorney-General: A Biography of Richard John Uniacke* (Halifax: Nimbus Publishing Limited, 1980), 76-77.

¹⁴ Alan Taylor, "The Smuggling Career of William King," *Maine Historical Society Quarterly*, 17 (Summer 1977), 19-38.

¹⁵ Francis Jennings, *The Creation of America: Through Revolution to Empire* (Cambridge: Cambridge University Press, 2000), 134.

¹⁶ Hill, *Liberty Against the Law*, 112.

- ¹⁷ Adam Smith, *An Inquiry Into the Nature and Causes of the Wealth of Nations* (Chicago: Encyclopaedia Britannica, 1952), 397.
- ¹⁸ Jean Lunn, "The Illegal Fur Trade Out of New France, 1713-1760," *Canadian Historical Association Annual Report 1939*, 61-75.
- ¹⁹ Naomi Griffiths, "The Golden Age: Acadian Life, 1713-1748," *Social History/Histoire Social* 17:33 (1984): 21-34.
- ²⁰ Victor L. Johnson, "Fair Traders and Smugglers in Philadelphia, 1754-1763," *Pennsylvania Magazine of History and Biography* 83:2 (1959), 125-149.
- ²¹ Lance R. Grahn, 1997. *The Political Economy of Smuggling: Regional Informal Economies In Early Bourbon New Granada*. (Boulder: Westview-Press, 1997).
- ²² Jerry W. Cooney, "'Doing Business in the Smuggling Way': Yankee Contraband in the Rio de la Plata," *American Neptune* 47:3 (1987): 162-168.
- ²³ James Fenimore Cooper, *Ned Myers; or A Life Before the Mast* (New York: Stringer and Townsend, 1854), 123.
- ²⁴ Gerald S. Graham, "The Gypsum Trade of the Maritime Provinces: Its Relation to American Diplomacy and Agriculture in the Early Nineteenth Century," *Agricultural History*, 12 (April 1938): 209-223.
- ²⁵ Frances Stafford, "Illegal Importations: Enforcement of the Slave Trade Laws Along the Florida Coast, 1810-1828," *Florida Historical Quarterly* 46:2 (1967), 124-133.
- ²⁶ Jennings, *Creation of America*, 80, quoting John J. McCusker and Russell R. Menard, *The Economy of British North America, 1607-1789*, (Chapel Hill: University of North Carolina Press, 1991), 77.
- ²⁷ See E.P. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past and Present*, 50 (1971), and Linebaugh and Rediker, *Many-Headed Hydra*.
- ²⁸ Gang Deng, *Chinese Maritime Activities and Socioeconomic Development, c. 2100 B.C. -1900 A.D.* (Westport, CT: Greenwood Press, 1997), 88-93.
- ²⁹ Eric Hobsbawm, *Bandits* (London: Delacorte Press, 1969), 47; and Louis Mandrin's own memoirs, *Authentic Memoirs of the Remarkable Life of Mandrin, Captain-General of the French Smugglers* (London: M. Cooper, 1755).
- ³⁰ Horatio Nelson, "Captain Nelson's Narrative of His Proceedings in Support of the Navigation Act for the Suppression of Illicit Traffic in the West Indies," in Nicholas Harris Nicolas, *Dispatches and Letters of Vice Admiral Lord Viscount Nelson* (London: Henry Colburn, Publisher, 1845), 171-189.
- ³¹ Parliament, *First Report from the Committee Appointed to Enquire into the Illicit Practices Used in Defrauding the Revenue* (London, 1783), 6-7.
- ³² Neville Williams, *Contraband Cargoes: Seven Centuries of Smuggling* (Hamden, CT: Shoe String Press, 1961), 147.
- ³³ Total of £235,988. £15,788 for the cavalry regiments; see Williams, *Contraband Cargoes*, 151; £220,220 for the customs establishment; see Parliament, *First Report*, 7.
- ³⁴ Williams, *Contraband Cargoes*, 204-219.
- ³⁵ Morley, *Smuggling War*, 158-159.
- ³⁶ Williams, *Contraband Cargoes*, 180-187.
- ³⁷ Williams, *Contraband Cargoes*, 204.

- ³⁸ Cal Winslow, "Sussex Smugglers" in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, eds. *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London: Allen Lane, 1975), 149.
- ³⁹ Williams, *Contraband Cargoes*, 206.
- ⁴⁰ Thompson, *Making of the English Working Class* 355; Hill, *Liberty Against the Law*, 113.
- ⁴¹ Phillipson, *Smuggling*, 105.
- ⁴² F.F. Nicholls, *Honest Thieves: The Violent Heyday of English Smuggling* (London: Heinemann, 1973), 217; Morley, *Smuggling War*, 125-162.
- ⁴³ John W. Tyler, *Smugglers and Patriots: Boston Merchants and the Advent of the American Revolution* (Boston: Northeastern University Press, 1986).
- ⁴⁴ See Lawrence Henry Gipson, *The Coming of the Revolution, 1763-1775* (New York: Harper & Row, 1954; reprint, New York: Harper & Row, Publishers, 1962), chapter three, "Writs of Assistance," 28-39, passim.
- ⁴⁵ Earl of Egremont to American colonial governors, July 9, 1763, quoted in Gipson, *Coming of the Revolution*, 61.
- ⁴⁶ Hiller B. Zobel, *The Boston Massacre* (New York: W.W. Norton, 1971), 147-149.
- ⁴⁷ Zobel, *Boston Massacre*, 208; Jennings, *Creation of America*, 81.
- ⁴⁸ Earl of Egremont to American governors July 9, 1763, Shelburne Papers 53: 1-7, quoted in Gipson, *Coming of the Revolution*, 201.
- ⁴⁹ See Paul Revere's famous print of the Boston Massacre. The British troops are shown in front of the customs house, which is located in "Butcher's Hall." Peeking out of a window in that building is a musket that has just discharged.
- ⁵⁰ James S. Leamon, *Revolution Downeast: The War for American Independence in Maine* (Amherst, MA: University of Massachusetts Press, 1993), 43.
- ⁵¹ Leamon, *Revolution Downeast*, 49.
- ⁵² For further information on Malcom, see Frank W. Hersey, "Tar and Feathers: the Adventures of Captain John Malcom," *Proceedings of the Colonial Society of Massachusetts* 34 (April, 1941): 429-473.
- ⁵³ Leamon, *Revolution Downeast*, 65; Lorenzo Sabine, *Biographical Sketches of Loyalists of the American Revolution* (Boston: Little, Brown and Company, 1864), 462.
- ⁵⁴ W.O. Raymond, *Winslow Papers, A.D. 1776-1826* (Saint John, NB: Sun Printing Company, 1901), 502-503.
- ⁵⁵ Leamon, *Revolution Downeast*, 138-140; Robert Wesley Sloan, "Loyalists in Eastern Maine During the American Revolution," Ph.D. dissertation, Michigan State University, 1971, 91.
- ⁵⁶ Graham, *Sea Power*, 159.
- ⁵⁷ "Ten Dollars Reward," *New Brunswick Courier* (Saint John, NB), July 22, 1814.
- ⁵⁸ Sabine, *Biographical Sketches*, 13.
- ⁵⁹ D.G. Bell, *Early Loyalist Saint John: The Origins of New Brunswick Politics, 1783-1786* (Fredericton, NB: New Ireland Press, 1983), viii.
- ⁶⁰ Esther Clark Wright, *The Loyalists of New Brunswick* (Hantsport, NS: Lancelot Press, 1955; 4th ed., 1981), 217.

- ⁶¹ Bruce J. Bourque and Ruth H. Whitehead, "Trade and Alliances in the Contact Period," in Emerson Baker, ed., *American Beginnings: Exploration, Culture, and Cartography in the Land of Norumbega* (Lincoln, NB: University of Nebraska Press, 1994), 131-147.
- ⁶² For an example of alcohol abuse among Native peoples, see Robert H. Lord, John E. Sexton, and Edward T. Harrington, *History of the Archdiocese of Boston, in the Various Stages of its Development, 1604 to 1943* (New York: Sheed and Ward, 1942), 589.
- ⁶³ Alaric Faulkner and Gretchen Fearon Faulkner, *The French at Pentagoet, 1635-1674: An Archaeological Portrait of the Acadian Frontier* (Augusta, ME and Fredericton, NB: The Maine Historic Preservation Commission and the New Brunswick Museum, 1987), 28, 168.
- ⁶⁴ John G. Reid, "An International Region of the Northeast: Rise and Decline, 1635-1762," in S. Hornsby, Victor A. Konrad, and James J. Herlan, eds. *The Northeastern Borderlands: Four Centuries of Interaction* (Fredericton, NB: Acadiensis Press, 1989), 15.
- ⁶⁵ Reid, "International Region of the Northeast," 17.
- ⁶⁶ Hugh F. Bell, "A Melancholy Affair"—James Otis and the Pirates," *American Neptune* 31:1 (1971), 23.
- ⁶⁷ Bell, "Melancholy Affair," 35-37.
- ⁶⁸ J.M. Bumsted, "1763-1783: Resettlement and Rebellion," in Phillip A. Buckner and John G. Reid, eds., *The Atlantic Region to Confederation: A History* (Toronto: University of Toronto Press, 1998), 162-163.
- ⁶⁹ Henry St. John to Capt. Gidoin, July 20, 1766, United States Naval Academy Manuscript Collection, Annapolis, MD.
- ⁷⁰ Leamon, *Revolution Downeast*, 178.
- ⁷¹ Leamon, *Revolution Downeast*, 138-139.
- ⁷² Nason, "Meritorious but Distressed Individuals," 143-144.
- ⁷³ Lodge and Armstrong to the Board of Trade, September 9, 1787, B.T.6/59, quoted in Gerald S. Graham, *Sea Power and British North America, 1783-1820: A Study in British Colonial Policy* (Cambridge: Harvard University Press, 1941), 154-155.
- ⁷⁴ Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (Revised edition, London: Verso, 1991).
- ⁷⁵ In two incidents the cannon of Fort Sullivan fired on smugglers. The first was on November 7, 1813 (see RG 21, *United States v. the Sloop Venture*), the second in April, 1814 (See David Zimmerman, *Coastal Fort: A History of Fort Sullivan, Eastport, Maine* (Eastport, ME: Border Historical Society, 1984), 38). Sentries, however, frequently fired their muskets at smugglers in this period.
- ⁷⁶ Alan Taylor, "Centers and Peripheries: Locating Maine's History" *Maine History* 39:1 (Spring 2000), 5-8; for an analysis of how juries aided smugglers, see Douglas Lamar Jones, "'The Caprice of Juries': The Enforcement of the Jeffersonian Embargo in Massachusetts," *American Legal History*, 24 (1980): 307-330.
- ⁷⁷ J.C. Arnell, "The Superintendent of Trade and Fisheries for Nova Scotia and the Armed Vessels *Union* and *Hunter*," *Mariner's Mirror* 55:4 (November 1970), 395-410.
- ⁷⁸ Dave McIntosh, *The Collectors: A History of Canadian Customs and Excise* (Toronto: NC Press Limited, 1984), 235.

⁷⁹ Stephen Humbert to Lt. Gov. George S. Smyth, August 18, 1820, Provincial Archives of New Brunswick RS 24, Provincial Archives, Fredericton, New Brunswick [hereafter as RS 24].

⁸⁰ Gerald S. Graham, "The Gypsum Trade of the Maritime Provinces: Its Relation to American Diplomacy and Agriculture in the Early Nineteenth Century," *Agricultural History* 12:2 (April, 1938), 209-223.

⁸¹ Graham, "Gypsum Trade," 221.

⁸² J.S. MacNutt, *New Brunswick: A History, 1784-1867* (Toronto: Macmillan, 1963; paperback reprint, 1984), 173-176.

⁸³ Humbert to Smyth, August 18, 1820, PANB RS 24. See Chapter 10 for a detailed account of the Plaster War.

⁸⁴ See David McCrone, *The Sociology of Nationalism: Tomorrow's Ancestors* (London and New York: Routledge, 1998), 86, for a consideration of the idea that the state creates the nation.

⁸⁵ See Graham, *Sea Power* 153, 155. British smugglers, too, defended themselves as honest citizens. See John Rattenbury, *Memoirs of a Smuggler* (Sidmouth, England: J. Harvey, 1837). Rattenbury, the self-proclaimed "Rob Roy of the West," held sympathetic view of smugglers such as himself as ordinary fishermen and sailors.

⁸⁶ Smith, *Wealth of Nations*, 362.

⁸⁷ Gang Den, *Chinese Maritime Activities*, 88.

⁸⁸ Hobsbawm, *Bandits*, 30.

⁸⁹ Hill, *Liberty Before the Law*, 110.

⁹⁰ Hill, *Liberty Before the Law*, 111.

⁹¹ Hobsbawm, *Bandits*, 13; Hill, *Liberty Before the Law*, 110.

⁹² Graham, *Sea Power*, 174.

⁹³ "The Preacher," *New Brunswick Royal Gazette* (Saint John, NB), January 27, 1801, exhibits some of the animosity frontier people had toward merchants. Notably, this article first appeared in the Castine, Maine, *Castine Journal* before being republished in New Brunswick.

⁹⁴ Sellers, *Market Revolution*, 19.

⁹⁵ *United States v. John Clap of New York*, "Final Record Book U.S. District Court, Maine," National Archives RG 21, District Court Records, Maine District, National Archives and Records Administration, Waltham, Massachusetts [hereafter as RG 21].

⁹⁶ Frances W. Gregory, *Nathan Appleton: Merchant and Entrepreneur, 1779-1861* (Charlottesville, VA: University Press of Virginia, 1975), 87-106, passim.

⁹⁷ Graham, *Sea Power*, 155.

⁹⁸ *New England Palladium* (Boston, MA), February 28, 1809.

⁹⁹ See deposition of John W. Bradley, *U.S. v. A Quantity English Goods*, December term, 1812, RG 21/MeDC.

¹⁰⁰ John Young to William Young, February 6, 1815 in D.C. Harvey, "Pre-Agricola John Young, or a Compact Family in Search of Fortune" *Collections of the Nova Scotia Historical Society* 32 (1959), 135.

¹⁰¹ David S. Macmillan, "Christopher Scott: Smuggler, Privateer and Financier," *Canadian Banker* 78:3 (1971), 23-26.

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- ¹⁰² “Sir Samuel Cunard,” *Dictionary of Canadian Biography* IX, 173.
- ¹⁰³ Sellers, *Market Revolution*, 14-15, 73.
- ¹⁰⁴ Patrick Clinch to John Saunders, September 4, 1835, Ms. in “Edward Winslow Papers,” Special Collections, Harriet Irving Library, University of New Brunswick Fredericton, New Brunswick.
- ¹⁰⁵ Winslow, “Sussex Smugglers,” 149; Hill, *Liberty Against the Law*, 111; Graham, *Sea Power*, 153.
- ¹⁰⁶ Sellers, *Market Revolution*, 212.
- ¹⁰⁷ *U.S. v. 16 Bales Merchandise*, February term, 1815, RG21/MeDC.
- ¹⁰⁸ Affidavit of John Crumby, January 2, 1815, C.O. 217/96.
- ¹⁰⁹ *House Journal*, January 12, 1813. Lewis Tappan’s company survives today as Dun & Bradstreet.
- ¹¹⁰ See Charles Tappan’s letter to Capt. George H. Preble, reproduced in “Smuggling in Maine During the War of 1812,” *Bangor Historical Magazine*, 3:11 (May, 1888); *U.S. v. the sloop “Traveller,”* October Term, 1813, RG21/MeDC.
- ¹¹¹ Appleby, *Inheriting the Revolution*, 251.
- ¹¹² Smith, *Wealth of Nations*, 362.
- ¹¹³ Smith, *Wealth of Nations*, 180.
- ¹¹⁴ Winslow, “Sussex Smugglers,” 159.

CHAPTER 2: PASSAMAQUODDY AS BORDERLAND

Introduction

Lewis Frederick Delesdernier had delayed his report to Secretary of the Treasury Alexander Hamilton as long as possible. Delesdernier, the United States Customs Collector for the District of Passamaquoddy, belatedly started his report to Hamilton in October, 1789. Hamilton demanded that the customs collectors write a detailed report outlining the boundaries and economic activities of each customs district. Delesdernier set out to complete this task, but Passamaquoddy was a remote and recently settled coastal region on the border between Maine and New Brunswick, with a scattered population and no roads. It proved difficult to write, in no small part because Delesdernier's district was uniquely troubled by the conflicting claims of Britain and the United States to sovereignty over the region's several islands. In point of fact, Delesdernier kept the United States customhouse on Frederick Isle, a tiny island repeatedly claimed by New Brunswick.

Another of Delesdernier's difficulties was determining exactly what Passamaquoddy was; the word meant different things to different peoples. The word itself is Native American, and translates roughly as "place where the Pollock are," or

“place where the Pollock leap entirely out of the water,” a reference to the area’s bountiful fishing grounds.¹ Euro-Americans generally referred to the indigenous peoples who hunted and fished local waters as the Passamaquoddy tribe. The United States Congress picked up the term in 1789 when naming customs districts, thus making Passamaquoddy a distinct administrative term. But the most common use of the word Passamaquoddy was imprecise, denoting the lands surrounding the bay and its numerous islands. The eastern shore of the bay was generally conceded to be British-held territory after 1783, and the western side American; but both governments claimed jurisdiction over the islands in the bay.² The term Passamaquoddy had many meanings; it was a fishing ground, a body of water, a nation, an administrative unit, and a border region. Often locals shortened the term to ‘Quoddy.

Passamaquoddy’s location on the border between the United States and the British colony of New Brunswick complicated Delesdernier’s duties in several ways. The 1783 Treaty of Paris that established boundaries between the remaining British possessions in North America and the newly created United States did so in only vague terms, and the new nation and colonial power disagreed on the exact location of the border line (see Map 2.1).³ Conflicting claims on both sides meant that local officials could not agree where the border was, resulting in legal tangles when law officers attempted to impose their authority. Delesdernier’s experience of this confusion was direct; in December, 1788, armed New Brunswick officials landed on the shore beneath his own home and claimed jurisdiction over the island he lived on. Delesdernier defended his house with an ax, thereby protecting hearth and home as well as the sovereignty of the United States.⁴

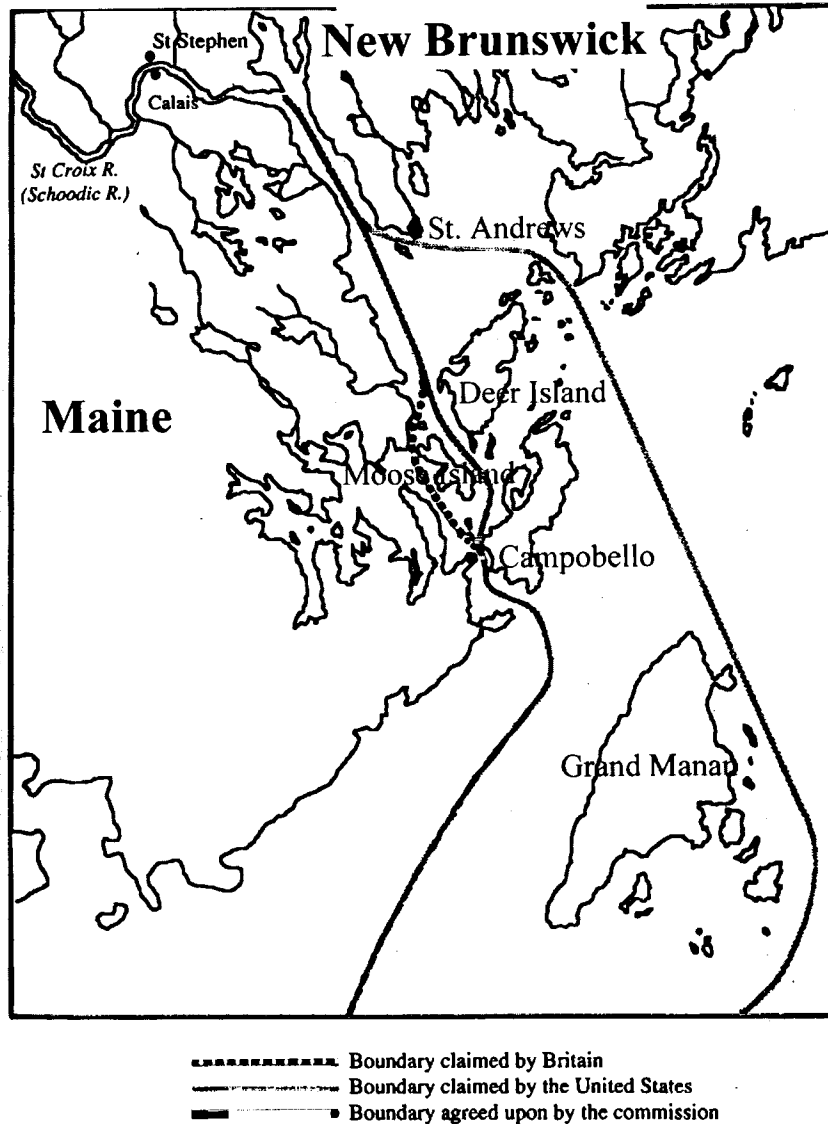


Figure 2.1: Conflicting Boundary Claims at Passamaquoddy, c. 1818
Source: Carrol, *A Good and Wise Measure*, 45.

Delesdernier sought a solution to the problem of jurisdiction, and in his report to Hamilton requested that he look into the matter. In the mid 1790s the American and British governments created a commission to establish a stable border.⁵ But the presence of a border or line that allegedly separated American citizen from British subject did not mean that people respected the various laws designed to keep the jurisdictions distinct. Delesdernier was deeply troubled by the behavior of the people who lived near the border. As a customs officer, he was essentially a tax collector, levying tariffs on imported goods, regulating shipping, and prosecuting those he caught attempting to evade federal commercial laws. Because Delesdernier could not discern the limits of his authority until a definite border was established, his efforts to impose federal laws were of little avail, especially in attempting to halt illegal commerce. The most troublesome spot for Delesdernier was Moose Island. He described the inhabitants of this island as “acting in a kind of neutrality (if the expression may be admitted).” Delesdernier’s apology for the term neutrality is in itself revealing. The collector seemed to feel that this behavior was unusual - even embarrassing- to report to the federal government in distant New York City.⁶

Delesdernier was not the only government official who was troubled by the seeming lawlessness of the Passamaquoddy region. George Leonard, Superintendent of Trade and Fisheries in New Brunswick and Nova Scotia, laid an especially harsh judgment on the people of Passamaquoddy. Leonard stated that on top of the smuggling activity at Passamaquoddy, “These Islands are the asylum of deserters from the British Navy and Army, criminals and absconding debtors from Nova Scotia and New Brunswick.”⁷ Notably, Leonard was a Crown officer whose position largely entailed

pursuing smugglers; he was also among the most zealous of New Brunswick's Loyalist elite, and thus was predisposed to criticize the inhabitants of a region that had been especially vexatious to him.⁸ He was not alone; an American observer suggested in 1802 that the islands of Passamaquoddy were so troublesome and crime-ridden that they were best given to the British.⁹ As early as 1791, a Scottish traveler stated Moose Island was "inhabited by Yanky smugglers, that carry on a contraband traffic with the colonies on each side."¹⁰ Even President Thomas Jefferson referred to the region's inhabitants as the "rascals of Passamaquoddy."¹¹ External observers, especially agents of state authority, agreed that crime was endemic at 'Quoddy, and that smuggling was the most common of these crimes.

Border-related crime, and above all smuggling, united Passamaquoddy's population despite the ideological differences that separated Maine's republican settlers from New Brunswick's Loyalist refugees. Even during the War of 1812, when Britain and the United States were at war, British subjects and American citizens mingled on the islands of Passamaquoddy Bay to conduct a lively illicit trade. The international boundary that ran through Passamaquoddy was much more than a dividing line; it was an interface between two political entities where people mixed and traded, resulting in a curious overlapping zone where state authority held little power. The border was the central fact of life for Passamaquoddy's residents, who manipulated it to their own ends in a way the state often deemed illegal. Understanding the dynamic between crime and the border requires a grasp of the region's geography, knowledge of the peoples who

settled Passamaquoddy, especially those arriving after the American War of Independence, and an understanding of how the region's population coped with the international boundary.

Geography of a Smuggler's Haven

Passamaquoddy lent itself to smuggling. The border was not only vague, but the region itself was remote from governmental authority; even the weather conspired against the law. Until 1806, there was no road or even path connecting the American settlers to the rest of Maine's settlements. Beaches often served as footpaths, but the preferred mode of transportation was by boat.¹² On the New Brunswick side, too, no road connected the Loyalist settlements to the rest of the colony until about 1808.¹³ Europeans and Americans traveled to and from Passamaquoddy by sea for decades after its settlement. The geography of Passamaquoddy favored smugglers in several ways. First, the cultural geography imposed by Europeans took decades to sort out; the border remained hard to place, and both the United States and Britain had conflicting claims of sovereignty, especially over the region's many islands. The United States laid claim to several islands based on the fact that there was no navigable water between them and the United States mainland; in effect it claimed all the islands west and south of the main shipping channel.¹⁴ The British, however, claimed all of the islands in Passamaquoddy Bay. Smugglers utilized these conflicting claims to their own ends. The marine geography of Passamaquoddy, especially as it related to navigation, was almost as important for smugglers as it was to law officials.

To understand that geography one must see the region through the eyes of a mariner. Sailors approaching Passamaquoddy had several concerns. The average tidal range at Quoddy is from eighteen to twenty feet; during the monthly spring tides the tidal difference increased to twenty-seven feet.¹⁵ The tides did not merely rise and fall; the greater the tides, the greater the currents associated with them. Twice every day a staggering seventy billion cubic feet of water entered and exited Passamaquoddy Bay, creating rapid currents, eddies, and even whirlpools. Furthermore, these waters were cold. In warmer months, the combination of warm air and cold ocean waters resulted in thick fogs that reduced visibility to a few feet; those fogs could last weeks. The combination of currents and fog was particularly dangerous to sailing vessels. The perils were many: currents might sweep even large ships onto ledges, or cliffs; currents could spill passengers from smaller boats into chill waters; fogs hid reefs and other vessels; and the combination of the two compounded these problems. To overcome these dangers the New Brunswick provincial government authorized aids to navigation and licensed pilots, while the American federal government constructed a lighthouse on West Quoddy Head in 1808. These efforts helped, but ships continued to wreck. Even the aid of a pilot might not help. For example, a New Brunswick court stripped a pilot of his license for his improper conduct that led to the loss of the mast ship *Britannia* near Campobello in 1798.¹⁶

Grand Manan Island dominated the approaches to Passamaquoddy and proved a formidable obstacle to mariners. The island is cliff-bound on its western and northern sides, with numerous shoals, rocks, and rips on the eastern side. Grand Harbor, the best port on the island, offered shelter only for smaller vessels such as those used by the

island's fishermen.¹⁷ Contrary winds, or lack of wind, left sailing vessels at the mercy of the tides, inexorably drawing the vessels onto the ledges and rocks that surrounded the island.¹⁸ Many ships failed to weather Grand Manan and wrecked on its rocky shores.¹⁹ Ideally mariners left Grand Manan to the east as they approached Passamaquoddy.

If a shipmaster wanted to enter Passamaquoddy, he had several choices. A prudent mariner picked up a pilot with local knowledge to guide him through the treacherous channels. A more daring captain might trust the printed sailing directions for the area, such as Edmund Blunt's *The American Coast Pilot*, which was available in annual editions from the 1790s.²⁰ Few had access to nautical charts. The cautious mariner, on enquiry, discovered there were three channels into Passamaquoddy: Western Passage, Head Harbor Passage (often referred to as the Ship Channel), and Letite Passage. The Western Passage was a shallow channel between West Quoddy Head on the American mainland and Campobello Island in New Brunswick that narrowed to perhaps two hundred feet. Currents, a crooked channel, and shoals dictated that only smaller craft use this entry. Sometimes smuggling craft used this entry to elude pursuing customs craft. At the eastern end of Campobello lay the main channel, which while full of tiderips and boils, was a wide and tremendously deep passage that even the largest sailing vessels could enter. The harbor that lay between Moose Island and Campobello however was extremely deep and sheltered. Blunt's *American Coast Pilot* described it as "sufficient for 100 sail of the line to lie in."²¹ The narrow Letite Passage on the eastern end of Deer Island was generally too dangerous for sail driven or oar propelled vessels to navigate; even modern cruising guides note that its currents run at six to eight knots, with eddies, boils, and numerous rocks and ledges.²² On one occasion a New Brunswick

preventative officer used this channel to escape a wrathful assembly of plaster smugglers.²³ Most ships used Head Harbour Passage; locals might on occasion use the other channels, but they were risky choices.

Campobello offered sailors a sheltered anchorage surrounded by islands, some American-held and some British. Most of the islands fell within the British jurisdiction, but the American government claimed some as well, especially Moose, Dudley, and Frederick islands. Campobello, claimed by the British, was the largest island in the bay. Its seven and a half mile length formed a barrier between Passamaquoddy Bay and the Bay of Fundy. Campobello had several anchorages, the most important of which was Broad Cove. Campobello's handful of settlers rented their land from the island's resident proprietor, a Welsh eccentric named David Owen.²⁴ In 1803, about 245 people of all ages lived on Campobello. Campobello's populace were mostly fishermen, who operated a few dozen open fishing boats and a handful of small trading schooners.²⁵ Campobello was ideally situated for smuggling; its proximity to both the American mainland and American-held Moose Island, and its gentle cobble beaches and anchorages provided smugglers with a base to quickly introduce contraband into the United States and vice versa.

Deer Island, on the British side of the border, was the second largest island in the bay. In 1803, about one hundred and seventeen people, mostly fishermen and their families, populated its shores. Despite the fierce currents between Deer Island and the American-held islands, it was a smuggler's haven as well. On still nights people on American-held Moose Island could hear smugglers loading and unloading boats on Deer Island.

Smallest of the three major islands was Moose Island, settled mostly by Americans, but claimed by New Brunswick until 1818. The British claim to the island was sufficiently strong for the British to occupy and garrison Moose Island in 1814, during the War of 1812. The British retained possession of the island until 1818, when international arbitration restored it to American control.²⁶ Moose Island was the most populous of the islands, with a large settlement incorporated by the Commonwealth of Massachusetts as Eastport in 1798. This community grew steadily, 244 in 1790, to 562 in 1800, over 1500 in 1810, and almost 2,000 in 1820, making it the largest in the region.²⁷ Although a fishing community, it increasingly became a commercial center and notorious smugglers' den.²⁸

A mariner sailing through the Bay would also have noted the numerous smaller islands that dotted Passamaquoddy Bay. The most important of these was Indian Island, which despite its tiny size had warehouses, piers, stores, and periodically a customhouse operated by New Brunswick authorities.²⁹ American authorities claimed jurisdiction over Dudley and Frederick Isles, both of which were located between Moose Island and the Western Passage. New Brunswick officials claimed sovereignty over these islands until after the War of 1812, too, leaving them in a sort of legal limbo. For several years Delesdernier established these islands as American territory by keeping his customs office there. Numerous other smaller islands dotted the bay as well, many of them inhabited by fishermen and merchants who sought to be on the water. Most notorious of these was Green Island, better known as "Pope's Folly." This island, claimed by both

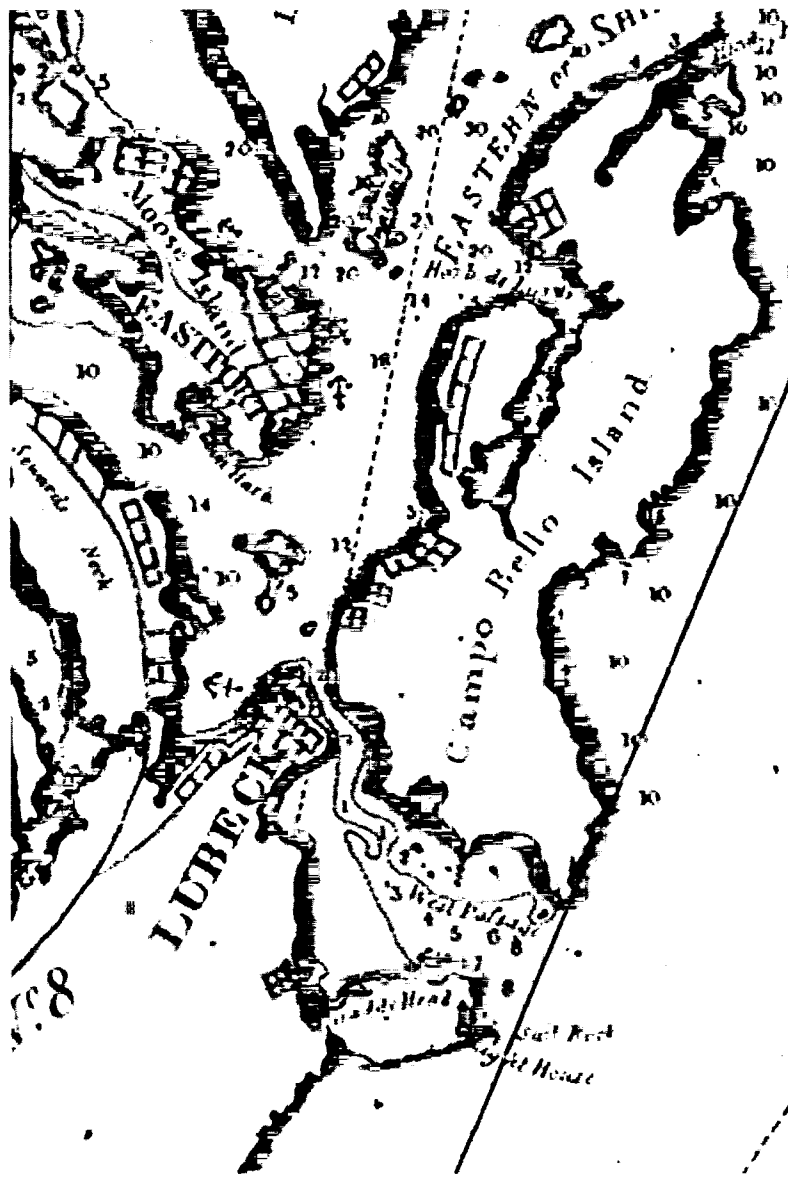


Figure 2.3: Detail of Benjamin Jones's 1819 map.

American and British authorities, was scarcely more than a rock. Despite its tiny size an American smuggling merchant named Pope built a wharf and store on the island around 1807.³⁰

Continuing up Passamaquoddy Bay, mariners faced another challenge. One by-product of the tidal currents is “Old Sow,” the world’s largest regularly occurring whirlpool. The unusual name is attributed to the strange noises that emit from the whirlpool, an odd combination of grunts and roaring. Old Sow sits astride the present border, between Moose Island in the United States and Deer Island in Canada, in the main shipping channel to Passamaquoddy Bay proper. A current of three knots is typical in the area, but near Old Sow the current can exceed seven knots. Associated eddies and countercurrents further complicate navigation.³¹ In an age when motors were unknown, Old Sow’s currents provided a serious navigational challenge that required prudence, patience, and local knowledge to overcome. People periodically perished in Old Sow; a New Brunswick paper noted in 1817 the deaths of five men whose boat “was caught in a whirlpool near Dog Island while leaving Moose Island.”³²

Passamaquoddy Bay proper lay north of Old Sow. While there were still fierce currents there, there was often less fog.³³ In 1784, Loyalists founded a substantial port community known as St. Andrews on the northern end of the bay. St. Andrews was the principal Loyalist community in Passamaquoddy, and besides serving as a commercial center it was also the shire town of Charlotte County.³⁴ The county’s jurisdiction included the islands of the bay, Grand Manan, and the entire western shore of Passamaquoddy Bay and the St. Croix River. Like Eastport, St. Andrews was a notorious smuggling port.³⁵

On the American shore opposite St. Andrews a small American settlement called Robbinston developed. John Brewer, the local postmaster, militia officer and innkeeper who also engaged in shipbuilding and the timber trade led this community in the early nineteenth century. Typical of local refusal to let the boundary interfere with their livelihoods, Brewer married the daughter of Nehemiah Marks, a prominent Loyalist who helped found St. Stephen, New Brunswick. This action, combined with his close dealings with New Brunswick merchants and his occasional smuggling ventures, ensured the enmity of some Americans who viewed him as a traitor, both to the United States and the Commonwealth of Massachusetts.³⁶ Nonetheless, Brewer rose to local prominence, became a brigadier general in the Massachusetts militia, and on occasion took it upon himself to defend American soil from encroaching British army officers, whom he verbally chastised.³⁷

The St. Croix River - often known as the Schoodic - is nearly a mile wide at its mouth; it flows into the northwest corner of the bay between St. Andrews and Robbinston. The border now runs down the middle of the channel, but for years after the American Revolution both American and New Brunswick officials debated which river was the 'true' St. Croix. The Americans claimed it lay east of the Schoodic, while British colonial officials claimed it lay to the west. The dispute was finally resolved in the mid-1790s by Loyalist Robert Pagan of St. Andrews, who uncovered the remains of an old French fortification dating to the early seventeenth century on an island mid-stream in the St. Croix. The ruins proved that the St. Croix was the border as intended by the 1783 Treaty of Paris.³⁸

The St. Croix's head of navigation lay about ten miles upstream from its mouth; settlements formed there on both banks. On the American side lay Calais, and on the eastern bank lay St. Stephen, New Brunswick, barely a hundred yards away. Shipping could not go beyond this point, but smaller craft navigated the St. Croix, and rafts of timber floated down from the forests upstream to the sawmills at the falls that lay between the two communities.³⁹ Here, too, the border proved awkward. For example, the New Brunswick assembly refused to grant a license to operate a ferry from St. Stephen to Calais because it lacked the powers to permit an international voyage.⁴⁰

Fog was a constant concern to mariners in this region. Combined with currents, it completely disoriented sailors. Fog hindered all mariners, but state agents seemed to find it more frustrating than the smugglers. For example, the captain of an American gunboat complained of the fog in a letter to the secretary of the navy:

In consequence of the extraordinary fogs, which have completely enclosed us since our arrival in these boats, it is, at times, utterly impossible to designate the exact boundary line of the United States. I have been extremely particular in my orders to the officers of the guard, relative to encroachments on the dominions of Gt. Britain, but yet it frequently happens that when one imagines himself within a few yards of shore, he may, in consequence of the tides and eddies, which run with remarkable velocity and from every point of the compass, be some miles out. About three weeks since, a boat was sent from No. 42, with orders to return in fifteen minutes, and altho' the officer of the boat exerted utmost of his abilities to obey his instructions, he was nearly sixteen hours absent, before he was able to find his vessel.⁴¹

The elements truly seemed to favor the smugglers at Passamaquoddy. At the very least, Passamaquoddy's environment made patrolling the border difficult. But the region's inhabitants, who had their own ideas about the border, made state control of the Passamaquoddy border a farce.

The People of Passamaquoddy

The same pilot who guided mariners into Passamaquoddy probably had to inform shipmasters where the border lay and which lands fell under British or American jurisdiction. Having arrived at Passamaquoddy, there were precious few clues for the mariner to discern which settlements were inhabited by American citizens or those by British subjects. The vernacular architecture was identical and the people themselves, with the exception of the Indians, were very alike.⁴² The only clear indicators were the flags that flew above fortifications in Eastport and St. Andrews.

Although it was not always obvious to visitors, several groups - divided by race and ideology - occupied the Passamaquoddy landscape. The first was the Passamaquoddy Nation, the original inhabitants of the region. The second were British colonists who arrived before 1775. The Loyalists, the largest group of settlers, arrived very suddenly in large groups in 1783 and 1784. On the American side of the border a steady trickle of fishermen, timbermen, merchants, farmers, and a few artisans slowly developed a community of Moose Island and along the west shore of the St. Croix. Each of these groups had a different relationship with the border that encouraged cooperation rather than conflict with others.

The most isolated of these societies was the Passamaquoddy Nation, separated by race, religion and language from neighboring Euro-American newcomers. Numbering in the several hundreds, the Passamaquoddy maintained their traditional lifestyle as best they could in the face of white invasion and pressures for assimilation. This traditional lifestyle included hunting in the region's forests and fishing the ocean waters. The Passamaquoddy were in many ways a marine people; observers noted their abilities to navigate the area's rough waters, especially when hunting porpoise.⁴³ The border constructed in the Peace of 1783 bisected the Passamaquoddy homeland. The Passamaquoddy suffered directly from the 1783 Treaty of Paris in that Loyalist settlers displaced the native community, causing conflict - but not bloodshed - between the Indians and British colonists. These troubles peaked in 1784, when the Passamaquoddy captured and held a Loyalist surveyor encroaching on their lands. The surveyor soon escaped, and the tensions eased when John Allan interceded.⁴⁴ Jay's Treaty of 1796 recognized the right of Native Americans to cross the border unhindered, including the Passamaquoddy. But that border also offered no protection to the Passamaquoddy; whites on both sides plundered valuable timber from Indian lands.⁴⁵ Correctly perceiving their perilous situation on a border between aggressive Loyalist and American settlers, the Passamaquoddy pursued a cautious diplomacy with both New Brunswick and Massachusetts officials, utilizing their border position to play one side off the other. The result was that whites perceived the Passamaquoddy as essentially neutral, and therefore worth courting on occasion. For example, both sides sought Indian depositions in the 1790s when a commission met to determine the location of the St. Croix River.⁴⁶ By staying aloof and neutral, the Passamaquoddy seem to have steered clear of smuggling.

However, there is some evidence that they may have sold canoes to smugglers, or even acted as guides to smugglers who used Indian trails and canoe routes to bring smuggled goods away from Passamaquoddy during the War of 1812.⁴⁷

The Passamaquoddy were a constant presence in the region, but remained outsiders largely shunned by white settlers. Euro-American observers often noted Indian activities as indicative of the region's exotic nature.⁴⁸ During the Revolution, the Passamaquoddy for the most part supported the revolutionary cause, and were arguably the crucial factor in making eastern Maine American territory.⁴⁹ The American veterans who fought alongside the Passamaquoddy, especially John Allan and Louis Delesdernier, acted as their advocates after the war. But this friendship seems to have been with a few white leaders such as Allan, or David Owen of Campobello, local patriarchs who seemed to acquire prestige from their contact with the Indians. Other borderland residents had more difficulty. Moose Island merchant Nathaniel Goddard recorded several scuffles with Indians who came to his store, but it remains unknown how common this experience was.⁵⁰ These sort of misunderstandings between white merchants and the Indians were largely a function of the increasing marginalization of the Passamaquoddy. Because the Indians were increasingly viewed as outsiders even in their ancestral homeland, they were excluded from the "in group economic morality" and treated less charitably in business dealings.⁵¹ Their exclusion was based on several factors, the most obvious being race and culture.

Very few Passamaquoddy could speak English, a fact that shielded them from Protestant missionaries and other interlopers.⁵² Even fewer settlers could speak Passamaquoddy, and the language used to communicate was probably French.

The poor communication and lack of understanding of the Passamaquoddy resulted in a degree of fear on both sides of the border. When the War of 1812 broke out, local leaders on both sides of the border hastened to meet with and pacify the Passamaquoddy Nation with gifts, although the Passamaquoddy could muster only about sixty men capable of waging war.⁵³ The Passamaquoddy, too, reacted to news of the war with fear. Many families fled to the woods, and the Passamaquoddy convened a number of meetings with other native groups to discuss the war and how they should react to it.⁵⁴

Most Passamaquoddies adhered to the Catholic faith brought to them by French missionaries in the early seventeenth century. This, too, set them apart from early white settlers, most of whom were Protestant. Religion was very important to the Passamaquoddy, and they insisted on and received from Congregationalist Massachusetts both a Catholic chapel on Pleasant Point and the services of a priest, all paid for by the Massachusetts General Court.⁵⁵ The priest for much of the period was Father Romagné, a refugee from the French Revolution. One of his many strengths was his ability to speak French, English, and the Passamaquoddy tongue as well.⁵⁶ Romagné reported the presence of a few Catholics among the settlers, too, notably the crypto-Catholic Dunn family of St. Andrews. The Dunns were an influential family of office holders in Charlotte County. Their secret adherence to Catholicism is especially interesting because British office holders were required to deny the authority of the Pope.⁵⁷

If the Passamaquoddy people were distinct and separate from the people who arrived later in the region, they were also the reason the first English-speaking settlers came to the region. Fur traders were the earliest settlers; they came to trade manufactured goods for Indian furs. Fishermen followed the traders, lured by the

bountiful fisheries. The most significant settlement emerged on Campobello. The wealthy Owen family from Wales received this island as a land grant, and by the early 1770s attempted to create a farming community named "New Warrington." Many of these early settlers were English, Irish, Welsh, and Scottish; others were Yankees from New England.⁵⁸ During the Revolution some sided with the British, others with the Americans, and some remained neutral or left. Moreover, some of these early settlers were willing to play off one side against the other by engaging in smuggling. As early as 1778, Passamaquoddy became known as an unstable border region, the refuge of smugglers, deserters, and bandits. Both British and American forces kidnapped and otherwise harassed locals.⁵⁹ John Allan, the local American commander, deemed the region "a nest of Villany."⁶⁰ A few early settlers remained at Passamaquoddy after the War of Independence, but their sparse numbers were quickly subsumed by the arrival of the Loyalist refugees and American settlers, many of whom were veterans of the American War of Independence.

New Brunswick's Loyalists were refugees from the American War of Independence, a diverse group including Germans, Scots, Irish, blacks, southerners, Quakers, New Englanders, New Yorkers, and others. Many were former members of the British military; others were civilians who sought refuge in British-held garrisons at New York or Castine, Maine, until the end of the war.⁶¹ The Loyalists arrived en masse at Passamaquoddy in late 1783, and several thousand settled on the eastern shore of Passamaquoddy the following year. Many were members of the "Penobscot Association," both civilian and veteran Loyalists who had collected in eastern Maine during the latter phase of the war.⁶² St. Andrews was the main settlement, planned on a

rigid grid system by military engineers as a commercial center and regional port.⁶³

Within a few years it became the shire town of newly-created Charlotte County within the British colony of New Brunswick, which the imperial government had agreed to split off from Nova Scotia to create a new Loyalist province.⁶⁴

The post-Revolutionary settlers on the American side arrived more slowly. A few veterans, such as Allan and Delesdernier, settled at Passamaquoddy immediately after the war. In the 1780s fishermen from Cape Ann and other Massachusetts fishing communities began to settle on Moose Island, squatting on the land without any legal title. Along the shores of the bay and up the west bank of the St. Croix small communities began to develop by 1790, mostly focused on the timber trade. Both timbermen and fishermen farmed on the side because the region's soil was thin and seldom productive enough to support large pioneer families through agriculture alone. Development was slow until 1808, when Jefferson's Embargo created a set of conditions highly conducive to a profitable illicit trade with the British colonies across the border.⁶⁵

Canadian scholars have long battled a myth promoted by groups such as the United Empire Loyalists that emphasized the social superiority of Loyalists as the source of that nation's much vaunted "peace, order and good government."⁶⁶ A local history of St. Andrews, New Brunswick, entitled *The Diverting History of a Loyalist Town*, reinforced this idea by portraying the community's leaders as elegant gentlemen who bowed to each other across muddy streets, and only reluctantly put away their silks and broadcloths for the frontiersman's buckskin.⁶⁷ Since the 1950s, Canadian scholars such as Esther Clark Wright have struggled to abolish the myth of Loyalists as wealthy patricians, venal office holders, arrogant military officers, or vile traitors such as

Benedict Arnold.⁶⁸ Wright instead emphasized the rough frontier nature of Loyalists settlements in New Brunswick, and not only found Loyalists ordinary people, but that they were often far from industrious and sober.⁶⁹ Canadian legal historian David Bell built on Clark's work by exploring the tumultuous political history of early New Brunswick, and concluded that many Loyalists had democratic expectations greatly at odds with their leaders' aristocratic fantasies. The source of these democratic leanings was the American colonial political culture they experienced before the Revolution.⁷⁰

The Loyalist experience at Passamaquoddy was thus a typical North American confrontation between settlers and what they deemed a wilderness. The basic impulse was for survival by creating, maintaining and reproducing a largely subsistence economy through resource extraction and agriculture. Merchants may have sought profit, but hard money was extremely scarce.⁷¹ Instead, settlers engaged in a pre-market economy in which they constantly exchanged labor and commodities with one another, a system that encouraged a rough sort of egalitarianism. The two great fears among such pre-market peoples were debt and taxes, both of which required scarce hard cash.⁷²

The harshness of the conditions at Passamaquoddy and the identical nature of the extraction economy tended to suppress the differences between the peoples on both sides of the border. Passamaquoddy and white, loyalist and republican, all found accommodation more advantageous than confrontation. Trade was the obvious manifestation of this accommodation, the most remarkable example of this being Benedict Arnold's occasional business trips to Passamaquoddy in the early 1790s. Arnold's presence drew a variety of reactions from the American population. One soldier who had fought under Arnold in the Continental Army burst into tears of anguish when

he saw his old commander near Campobello. Others reacted more negatively, especially those who had suffered in his raid on New London, Connecticut, after he joined the British side.⁷³ Family ties stretched across the border, too, among all groups in the region, including the Fundy shore of Nova Scotia.⁷⁴ Harder to trace, but nonetheless important, were the cross-border friendships among the mercantile leadership that evolved out of and expedited commercial relationships, transactions that built cross-border trust. However, the creation of Masonic lodges and churches with transnational memberships in the nineteenth century indicates that there was a genuine feeling of community that spanned the border.⁷⁵

Strangers to the region reported no difference in the appearance of Passamaquoddy's white population; they dressed alike, spoke alike, ate alike, and worked alike. The fisherman on Campobello sat down to a noontime dinner of milk and potatoes much like that of his American counterpart on Moose Island, and lived in a very modest log home until a better structure could be built.⁷⁶ The similarity created considerable official confusion about who belonged on what side of the border. Laborers moved freely back and forth across the border, including woodsmen, fishermen, sailors, and shipbuilders. Americans served in New Brunswick's militia; British subjects held commissions in the Massachusetts militia in Eastport. This confusion seems to have been especially marked among the so-called "late Loyalists" who arrived in New Brunswick from the United States after 1784. An American citizen named Joseph Porter served as a Charlotte County representative to New Brunswick's legislative assembly; late Loyalist William Vance moved from that same county into Washington County and served as a representative in the Maine state legislature after 1820.⁷⁷

Passamaquoddy developed as one region after 1783, divided by a border that enriched and complicated the lives of its residents even as they seemingly ignored it entirely. This experience was not unusual in North American societies in the early nineteenth century. American settlers in the West, late Loyalists in Upper Canada, Tejanos in Texas, and Native Americans everywhere all developed modes of localized accommodation in the name of making life easier or safer. Nor was this experience restricted to areas of North America settled by Euro-Americans; a similar situation developed in the Pyrenees between Spain and France.⁷⁸

Borderlands Theory

For generations, United States historians, operating in the shadow of Frederick Jackson Turner's "Frontier Thesis," emphasized the importance of a violent democratic frontier that insistently pushed westward, inevitably enriching the English-speaking peoples who conquered North America.⁷⁹ But Turner's thesis has some distinct problems, especially when taken out of the United States. In Canada, for example, French-speaking peoples were the first Euro-Americans to settle the West, and did so with relatively little violence, mixing easily with the Indians.⁸⁰ Loyalists, a diverse group that according to Canadian historical myth rejected the violent egalitarian democracy promoted by the American Revolution, founded two of Canada's provinces, yet despite their pioneering experiences did not become notably democratic.⁸¹ Furthermore, Canadian historical traditions have long emphasized the peacefulness of the Canadian experience when compared to the American.⁸² Many Canadian scholars have rejected Turner's thesis because it represents a sort of American scholarly imperialism that

clashes with Canada's own historiographical traditions.⁸³ Even in the United States, the Frontier Thesis has encountered problems; the American Southwest, for example, had a Spanish-speaking population of Euro-Americans hundreds of years before English-speaking invaders arrived, bringing into doubt Turner's idea of a great sweep of advancing civilization from east to west. Even Turner himself had to make exceptions for certain groups of Americans, such as fishermen, who did not go west, but often north towards Canada; many of the American inhabitants of Passamaquoddy were just such settlers.⁸⁴

Despite these problems, Turner's shadow is a long one, and continues to heavily influence American historical thought. Bernard Bailyn in particular has picked up on Turner's idea of the North American frontier as a violent place, "a ragged outer margin of a central world, a regressive, backward-looking diminishment of metropolitan accomplishment," where "overt violations of civil order" could be expected.⁸⁵ Given the massive violence and violations of civil order at colonial metropolises such as Paris and London in the eighteenth and early nineteenth centuries, Bailyn's assumptions about an extraordinarily violent periphery of Euro-American settlement in the New World seem flawed.⁸⁶ One need only consider the massive violence associated with English smuggling, which occurred at the core of Bailyn's "metropolitan accomplishment" to realize that it was at least as violent as the "ragged outer margin of a central world, a regressive, backward-looking diminishment of metropolitan accomplishment."⁸⁷

A more useful model of inquiry is the "Borderlands model," originally developed by Herbert Eugene Bolton, an historian of New Spain and a contemporary of Turner. Bolton emphasized the accommodations made between invaders and indigenous

peoples.⁸⁸ Furthermore, Bolton argued that borderlands always needed to be considered with reference to metropolitan agendas.⁸⁹ This borderlands model remains strongly linked with the American Southwest, but increasingly historians of northern North America have usefully applied it to the interaction between regions in what is now Canada and the United States.⁹⁰

Canadian scholars have uncovered considerable evidence of regional ties across the United States-Canada border that continued to link the American northeast with the Canadian Maritimes, even after the 1783 Treaty of Paris. For example, Reginald C. Stuart recognized that New Englanders viewed the Maritime Provinces as an extension of their own commercial enterprises through the War of 1812.⁹¹ George Rawlyk and Neil MacKinnon have explored the enduring connections between Maritimes Loyalists and republican New England after the American Revolution.⁹² Graeme Wynne has stated that “the boundary established by the continental division of 1783 was a remarkably porous divide,” and that ethnic ties bound Nova Scotia and New Brunswick to the American northeast in a “greater New England of experience.”⁹³ Despite these scholarly works, there is a lingering nationalist resistance among some scholars about Borderlands thought as applied to the Northeast, notably illustrated in the work of historian Phillip Buckner.⁹⁴ However, Bolton’s emphasis on borderlands interaction with the metropolis meshes neatly with Canadian historiography, which has generally emphasized the importance of imperial centers.⁹⁵

Defining the composition of a borderland remains a challenge however. Jeremy Adelman and Stephen Aron have created a borderlands model as “the contested boundaries between colonial domains,” and places where accommodation played an

unusually strong part in the decisions people made.⁹⁶ Yet Adelman and Aron's views seem too confined to a spatial analysis of a borderland as a region that developed from a violent frontier to an accommodating borderland to a rigidly divided "bordered land."⁹⁷ A more applicable interpretation of borderlands theory is to see it as a set of values and attitudes based on very pragmatic principles of self-help. In considering Passamaquoddy, the most useful definition of a borderlands may be Lauren McKinsey and Victor Konrad's: a "borderlands is a region jointly shared by two nations that houses people with common social characteristics in spite of the boundary between them." For McKinsey and Konrad, borderlands theory explains how different political communities blend into each other, especially in economic terms, where they meet at a boundary. The product of this blending is "an area in which interaction has a tempering effect on the central tendencies of each society."⁹⁸

Smuggling, the activity for which Passamaquoddy was most famous, acted as one of the most important interactions that tempered the "central tendencies" of both British colonists and American citizens. Smugglers resisted state-imposed commercial restrictions and taxation, usually in a peaceful manner, but occasionally utilizing violent crowd protest to achieve their ends. But the smugglers who operated at Passamaquoddy were not solely locals; many were from far away, suggesting that the borderlands dynamic was not just a border phenomenon, but a commonly held set of beliefs that were concentrated in border areas.

Exploring the cross-border interactions and their "tempering effects" is a complex process, in no small part because borderlands residents often concealed their actions and thoughts. In a borderland, even representatives of the state engaged in misleading their

superiors. To outsiders, such officials appeared almost hypocritical in their enforcement of regulations that they themselves broke or bent. But to locals, the understanding manner in which customs officers and others turned a blind eye to illicit trade was a positive good. To better understand the subtleties of borderlands attitudes, the circumstances of individuals who lived there deserve closer attention.

Lewis Frederick Delesdernier: Model of a Borderlands Resident

Lewis Frederick Delesdernier, the American customs collector at Passamaquoddy, is an example of the seemingly contradictory forces at work within a borderlands society. An analysis of his life as a borderland resident reveals the contradictory stresses created by official demands and local needs.

Born in Nova Scotia to Swiss parents, so-called “foreign Protestants,” young Delesdernier responded to the American Revolution by joining pro-American forces in an attempt to seize the colony from British control.⁹⁹ The effort failed, and Delesdernier was among the number of Nova Scotia refugees who spent the remainder of the war in Machias, Maine. At Machias, Delesdernier served as an aide to Colonel John Allan - a fellow refugee from Nova Scotia - and sometimes as commander of a company of Indians who served under Allan. Delesdernier either learned the local Indian language or communicated to them in French, the language used in his parent’s home. Throughout his life he served as an interpreter between locals and the Passamaquoddy. At Machias Delesdernier met a fellow Swiss, a young Genevan nobleman named Albert Gallatin who had come to the region specifically to see Indians. The two became friends, and this chance meeting served Delesdernier well for many years.¹⁰⁰

After the American Revolution, Delesdernier moved with his former commander to the shores of Passamaquoddy Bay. Each occupied an island adjacent to Campobello in order to assert the sovereignty of Massachusetts as far east as possible.¹⁰¹ In so doing, they guaranteed a degree of friction with neighboring Loyalists because New Brunswick claimed sovereignty over all the islands in Passamaquoddy Bay.

After 1786 the state of Massachusetts appointed Delesdernier as the local “naval officer,” a position that required him to tax and regulate shipping. Delesdernier garnered other positions as well; he served as the first postmaster for the area, acted as a justice of the peace, and served briefly as a deputy sheriff. After the Constitution took force in the United States in 1789, the federal government made Delesdernier’s state-appointed position as naval officer into a federal one with the title “customs collector,” an office he held until 1809. His resolve as an American customs officer was soon tested. A Campobello, New Brunswick, woman named Ann Storrow fled her overbearing landlord, to whom she and her absent husband were in debt, and sought refuge at the home of Delesdernier on nearby Frederick Isle. The landlord was none other than David Owen, the temperamental proprietor of Campobello, who also claimed Delesdernier was squatting on his property. Owen sought to recover debts from Storrow, establish his claim to the island, and reinforce New Brunswick’s claim to all the islands of Passamaquoddy all in one blow. In his capacity as justice, Owen summoned the Charlotte County sheriff to assist him in arresting Storrow. Sheriff John Dunn and a posse duly arrived with Owen on Frederick Island, and demanded Delesdernier surrender her. Delesdernier refused, apparently brandishing an ax. Owen then ordered Dunn to break down Delesdernier’s front door. The sheriff, doubting whether the island was

within his jurisdiction, refused. The posse balked too, because its members also questioned the legality of these measures.¹⁰² Frustrated by Dunn and the posse, Owen agreed to leave, but only after seizing Storrow's cow and carrying it back to Campobello, muttering that it was Storrow's "damnable tongue that had provoked him to commit this outrage." Storrow was a hard woman to silence: she swore out a complaint against Owen in the Charlotte County courts, "more to vex Owen, than from the idea of getting any redress," and even publicized the matter in the United States. Delesdernier, too, swore out a complaint against Owen.¹⁰³

The Storrow incident revealed several facets of borderlands life. First, the uncertain boundary line between the United States and New Brunswick made a very ordinary incident an international matter. Second, the incident involved little actual violence, but a great deal of bluff and bluster. Third, although the men involved in this incident differed greatly in their politics, in a very short time they would be acting in concert. In 1805, Delesdernier traveled to Saint John, New Brunswick, to testify on the behalf of Dunn on charges of complicity in smuggling. Even more startling, David Owen presided over Delesdernier's second marriage in 1815.¹⁰⁴ Conflict between republicans and Loyalists was not inevitable; they could live side by side and even become friends despite ideological differences.

As local American shipping increased, however, Delesdernier's position as collector became both more demanding, increasingly engaging him in border conflicts.¹⁰⁵ In 1802 the American Congress permitted foreign vessels to land goods at Passamaquoddy, thus opening international trade, even from nearby New Brunswick. In 1805 Delesdernier moved his office to the rapidly growing town of Eastport on Moose

Island, establishing his offices close to the increasingly busy wharves of that community. The plaster trade grew during these years, with Nova Scotia and New Brunswick vessels bringing their cargoes to Passamaquoddy to sell to American merchants and traders. The trade was profitable to both sides, and as a community leader Delesdernier did his best to promote the trade by bending, and even breaking, the federal laws he was supposed to enforce.

Delesdernier's mode of accommodation permitted British ships to anchor alongside American vessels and transship their cargoes of plaster directly into American holds. This saved the labor of depositing the cargo on either the American shore or wharves, and then reloading the plaster onto an American vessel. But it also violated the principle that foreign cargoes come under customhouse scrutiny, whether they be in-bound or out-bound.¹⁰⁶ But plaster entered the United States duty free, so Delesdernier did not defraud the United States government in so doing. However, Delesdernier clearly broke American commercial regulations when he permitted American coasting vessels perform "international" voyages, even if that voyage consisted of a few hundred yards across the harbor into British waters, and there exchange cargoes of American produce, especially flour, for foreign cargoes.¹⁰⁷

A few British colonial officials railed against the practice, which defrauded New Brunswick and Nova Scotia customs duties far more than American. George Leonard, a doctrinaire Loyalist and rigid enforcer of colonial trade regulations, often complained against the plaster trade, and eventually took drastic measures against it.¹⁰⁸ The British admiral in command of the Halifax station reported that Delesdernier "appears to be an agent for smuggling teas and East India goods into our colonies."¹⁰⁹ But Delesdernier

was not acting alone; in fact he was acting in concert with John Dunn, the Loyalist sheriff who had refused to break down his door in 1790. As the presiding customs officers in the region, Dunn and Delesdernier worked out a compromise whereby they deemed a portion of the harbor between Campobello, New Brunswick, and Moose Island, Maine, as “neutral waters.” Notably, this was a purely local arrangement by the two officials, one that caused considerable diplomatic difficulty in what is known as the *Falmouth* incident.¹¹⁰

Further diplomatic problems between the United States and Great Britain, such as Jefferson’s Embargo from December, 1807 to March, 1809, revealed the problems of attempting to accommodate traders at the borderline. The embargo called for a complete cessation of commerce with British North America, a virtually impossible task. Nonetheless, Delesdernier took on the onerous duties of sealing the border, an act that angered the various smugglers gathered at Passamaquoddy. Indeed, they threatened to burn the collector’s home.¹¹¹ The collector faced smugglers from as far away as New York, so-called “adventurers” unrestrained by local ties and anxious to make a profit no matter what the risks. Federal authorities sent revenue cutters, soldiers, and naval vessels to support Delesdernier, who does appear to have made an honest effort to obey his superiors. Ultimately, however it was not the strangers who undermined the collector; his neighbors and acquaintances betrayed him by breaking open a government warehouse and smuggling goods across the border in the customhouse boat.¹¹² Federal authorities blamed Delesdernier, removed him from his position as collector in 1811, and brought a civil action against him. Locals reacted to Delesdernier’s removal by promptly electing him as Eastport’s representative to the Massachusetts legislature.¹¹³

During the War of 1812, Delesdernier again took a lead in promoting cross-border harmony when he assumed leadership of Eastport's committee of safety. This organization, hastily brought together the day following the news that the United States had declared war on Britain, actively communicated with New Brunswick officials and residents to ensure the conflict did not devolve into the sort of petty raiding and kidnapping the region experienced during the War of Independence.¹¹⁴ The committee went so far as to communicate their peaceful intentions to New Brunswick's lieutenant governor. Delesdernier also resumed his old duties as a translator between the Passamaquoddy and the American military. He helped to assure Indian neutrality for the duration of the conflict.¹¹⁵ Delesdernier may have possessed at least ambivalent feelings toward the American federal government by this time; occasionally he still worked as a subordinate officer at the customhouse, but by late in the war the federal government arrested Delesdernier for debt related to his removal from office. During his absence in Machias jail, his wife died and the British military occupied Eastport, two blows that must have grieved the old veteran mightily. At least he had the knowledge that his son, captured by the British and sent to Halifax, was relatively safe thanks to the intercession of Delesdernier's cousin by marriage, John Uniacke, the attorney-general for Nova Scotia.¹¹⁶

In later life Delesdernier faded from the public eye, with one exception. He remarried in 1815. Living in British-occupied territory, the couple appeared before David Owen and had the justice marry them, despite the fact that his new wife does not seem to have gained a divorce from her former husband.¹¹⁷ When eastern Washington County returned to American control after the war, Massachusetts authorities deemed the

union illegal because they did not recognize the authority of a New Brunswick justice to marry two Americans; undeterred, the couple married again. Sometime in the 1830s, Delesdernier died after a long period of disease and mental illness, financially broken and apparently alone.¹¹⁸

Delesdernier's life and the border were woven together in a sometimes surprising fashion. Like his neighbors on both sides of the boundary, Delesdernier struggled to match official expectations, actual and imagined, with the realities of frontier life at Passamaquoddy. In the eyes of the federal government, Delesdernier failed; but locally he remained popular even after his removal from office, and his memory remains strong in local histories published since his death.

Conclusion

Defining Passamaquoddy as a borderland improves our understanding of how and why the region's residents, divided by a political boundary after 1783, continued to interact despite their ideological differences. The common history of all the groups who lived at Passamaquoddy was one of sporadic violence and dislocation during the American Revolution, a pattern revealed in the life of Lewis Delesdernier. After the peace of 1783, these groups, united by a common geography, sought to create a more stable, peaceful community despite the boundary line that theoretically divided Loyalists from republicans. The goal of harmony was pragmatic, a set of attitudes that encouraged cross-border cooperation for the mutual benefit of the communities surrounding Passamaquoddy Bay. In pursuing this goal, the borderlands peoples defied, twisted or broke with the policies of their respective political institutions. Borderlands officials

created their own rules, and borderlands peoples pursued their livelihoods even when it broke with the commercial regulations of distant central governments, often by smuggling or acquiescing to illicit trade. The borderlands experience was thus a dynamic between officialdom and pragmatism, and a set of attitudes held by various peoples who lived in proximity to the boundary between the United States and British North America. In times of crisis, such as Jefferson's Embargo or the War of 1812, outsiders often flocked to Passamaquoddy for their own reasons, an unofficial recognition that borderlands attitudes were not limited to the border area, but were commonly-held beliefs throughout North American society. The origin of borderlands attitudes was located in the interaction between officialdom, locals, and strangers.

¹ Fannie H. Eckstorm, *Indian Place Names of the Penobscot Valley and the Maine Coast* (Orono, ME: University of Maine Studies, 2nd Series, No. 55, 1941), 227; William B. Hamilton, *Place Names of Atlantic Canada* (Toronto: University of Toronto Press, 1996), 116.

² For the diplomatic correspondence concerning the islands of Passamaquoddy Bay, see John Bassett Moore, ed., *Arbitration of the Title to Islands in Passamaquoddy Bay and the Bay of Fundy: Mixed Commission Under Article IV of the Treaty between Great Britain and the United States of Dec. 24, 1814* (New York: Oxford University Press, 1933). The most recent account of the border's creation is Francis M. Carroll, *A Good and Wise Measure: the Search for the Canadian-American Boundary, 1783-1842* (Toronto: University of Toronto Press, 2001); a detailed look at the process of border formation at Passamaquoddy is provided in David Demeritt, "Representing the 'True' St. Croix: Knowledge and Power in the Partition of the Northeast," *William and Mary Quarterly*, 3rd Series, 54:3 (July 1997), 515-548.

³ Demeritt, "Representing the True St. Croix," 535.

⁴ *Cumberland Gazette* (Falmouth, ME), March 20, 1789; Alden Nowlan, *Campobello: The Outer Island* (Toronto: Clarke, Irwin, & Company Limited, 1975), 53-54.

⁵ Carroll, *A Good and Wise Measure*, 13-19.

⁶ Lewis Frederick Delesdernier, "Description and Representation of the present situation of the District of Passamaquoddy," October 1, 1789, Ms., "Oliver Wolcott, Jr. Papers," Connecticut Historical Society, Hartford, CT. My thanks to Barbara Lindsey for helping locate this manuscript.

⁷ George Leonard to Anthony Merry, August 20, 1806, in W.O. Raymond, ed., *Winslow Papers* (Saint John, NB: Sun Printing Co., 1901), 557.

⁸ "George Leonard," *Dictionary of Canadian Biography*, VI: 394-396.

- ⁹ “Charles Turner’s Journal of His 1802 Trip to New Brunswick,” in G.O. Bent, “New Brunswick in 1802,” *Acadiensis* 7:2 (April, 1907), 129.
- ¹⁰ Patrick Campbell, *Travels in the Interior Inhabited Parts of North America in the Years 1791 and 1792* (Toronto: The Champlain Society, 1937), 285.
- ¹¹ Thomas Jefferson to Albert Gallatin, May 20, 1808, *Microfilm Edition of the Papers of Albert Gallatin* (Philadelphia: Rhistoric Publications, 1969) [hereafter as PAG].
- ¹² Jonathan D. Weston, “A History of Eastport and Vicinity,” in William Henry Kilby, ed., *Eastport and Passamaquoddy: A Collection of Historical and Biographical Sketches* (Eastport, ME: Edward E. Shead & Company, 1888), 66-67.
- ¹³ Rev. Charles M. Smith, “Piskahegan and its Roads (Part 2),” *Saint Croix Courier* (St. Stephen, NB), October 24, 1974.
- ¹⁴ Moore, *Arbitration of the Title*, 52.
- ¹⁵ Hank and Jan Taft, *A Cruising Guide to the Maine Coast* (Camden, ME: International Marine, 1988; second edition, 1991), 350, 333.
- ¹⁶ *St. John Gazette*, June 22, September 11, and November 16, 1798.
- ¹⁷ Howard Temperly, ed., *Lieutenant Colonel Joseph Gubbins: New Brunswick Journals of 1811 & 1813* (Fredericton, NB: Kings Landing Corporation, 1980), 58.
- ¹⁸ See “Wrecks,” *New Brunswick Courier* (Saint John, NB), January 28, 1815.
- ¹⁹ See Notary Public Records, “Ward Chipman Papers,” New Brunswick Museum, Saint John, NB, for detailed accounts of several shipwrecks in the Passamaquoddy region. This notebook book, first kept by Ward Chipman, later by his son Ward Chipman, Jr., is a fascinating collection of sworn statements made by mariners involved in shipwrecks or other loss of vessels, presumably for insurance purposes.
- ²⁰ See Edmund M. Blunt, *The American Coast Pilot* (Ninth edition; New York: Edmund M. Blunt, 1817), 105-106, for an example.
- ²¹ Blunt, *American Coast Pilot*, 105.
- ²² Taft, *Cruising Guide*, 357.
- ²³ Stephen Humbert to Thomas Wetmore, May 26, 1820, PANB RS 24: S29-Z6, “Legislative Assembly, Sessional Records.”
- ²⁴ W. Stewart MacNutt, *New Brunswick: A History: 1784-1867* (Toronto: Macmillan of Canada, 1963), 85, 138.
- ²⁵ Raymond, *Winslow Papers*, 488-491.
- ²⁶ The best account of Moose Island’s occupation remains Lorenzo Sabine’s “Four Years Under Martial Law,” in William H. Kilby, ed., *Eastport and Passamaquoddy: A Collection of Historical and Biographical Sketches* (Eastport, ME: Edward E. Shead & Company, 1888), 175-219. See also Harold A. Davis, *An International Community on the St. Croix (1604-1930)* (Orono, ME: Maine Studies No. 64, University of Maine at Orono, 1950; reprint, 1974), 109-113.
- ²⁷ Davis, *International Community*, 309.
- ²⁸ Davis, *International Community*, 91-92; 107-110.
- ²⁹ J.G. Lorimer, *History of the Islands & Islets in the Bay of Fundy* (St. Stephen, NB: Saint Croix Courier, 1876), 77-78.
- ³⁰ David Owen to Francis James Jackson, September 27, 1809, “New Brunswick ‘A’” vol. 21, NAC.
- ³¹ Taft, *Cruising Guide*, 356.

³² *City Gazette* (Saint John, NB), December 31, 1817.

³³ Taft, *Cruising Guide*, 359.

³⁴ Davis, *International Community*, 50-61.

³⁵ Davis, *International Community*, 94.

³⁶ For accusations of treason, see Aaron Rogers to William King, September 13, 1812, "William King Papers," Maine Historical Society, Portland, ME; and John Brewer to James Sullivan, November 25, 1796, "Northeast Boundary Papers," Massachusetts Historical Society, Boston, MA. Sullivan, the future governor of Massachusetts, served on the 1796 boundary commission. While passing Brewer's house, he allegedly observed to Ward Chipman that Brewer was providing information to the British, and was therefore "an Enemy to the Commonwealth of Massachusetts where he resided and acted as a publick magistrate."

³⁷ *Boston Patriot*, April 15, 1815.

³⁸ Davis, *International Community*, 79.

³⁹ Davis, *International Community*, 120-122.

⁴⁰ New Brunswick Executive Council, "Draft Minutes with Supporting Documents," NAC MG 9, February 27, 1810 entry: Petition of Nathan Frink to operate a ferry on the St. Croix River to "Downs Point."

⁴¹ Edward Trenchard to Secretary of the Navy Robert Smith, National Archives RG 45, M-148: "Letters Received by the Secretary of the Navy from Officers Below the Rank of Commander."

⁴² Graeme Wynn, "New England's Outpost in the Nineteenth Century," in Stephen J. Hornsby, Victor A. Konrad, and James J. Herlan, eds., *The Northeast Borderlands: Four Centuries of Interaction* (Fredericton, NB: Acadiensis Press, 1989), 65.

⁴³ Nicholas N. Smith, "The Wabanaki as Mariners," in William Cowan, ed., *Papers of the Twenty-Fourth Algonquian Conference* (Ottawa: Carleton University Press, 1993), 364-380; see also James Wherry, ed., *Documents Relating to the History of the Passamaquoddy Indian Presence in Charlotte County, New Brunswick* (Fredericton: Arctic Books, 1981).

⁴⁴ Demerritt, "Representing the True St. Croix," 519-522.

⁴⁵ See the original file for *Massachusetts Resolves* 1802, chapter 92, passed February 10, 1801, Massachusetts State Archives, Boston, MA; see also *Quoddy Indians v. John Berry* and *Quoddy Indians v. David Nutting & others*, August 1808 Docket Book entries, Washington County Court of Common Pleas, Maine State Archives, Augusta, Maine.

⁴⁶ Davis, *International Community*, 79. For an example, see the deposition of Francis Joseph, November 9, 1797, "Northeast Boundary Papers, 1796-1799," Massachusetts Historical Society, Boston, MA. Joseph was one of several Passamaquoddies who testified before the commission.

⁴⁷ See August, 1814, entry, "Diary of Joseph Leavitt", typed manuscript copy in Bangor Public Library, Bangor, ME for an account of smugglers using canoes.

⁴⁸ Howard Temperley, ed., *Lieutenant Colonel Joseph Gubbins: New Brunswick Journals of 1811 & 1813* (Fredericton, NB: Canada Kings Landing Corp., 1980), 54; William Adams to John Rodgers, April 13, 1809, "Rodgers Family Papers," Library of Congress, Washington, D.C. for accounts that viewed Indians as exotic.

⁴⁹ James S. Leamon, *Revolution Downeast: The War for American Independence in Maine* (Amherst, MA: University of Massachusetts Press, 1993), 90-96.

⁵⁰ State Street Trust Company, *Other Merchants and Sea Captains of Old Boston* (Boston: State Street Trust Company, 1919), 29-30.

⁵¹ Christine Leigh Heyrman, *Commerce and Culture: The Maritime Communities of Colonial Massachusetts, 1690-1750* (New York: W.W. Norton & Company, 1984), 71. Heyrman borrowed the concept from sociologist Max Weber, 'Religious Rejections of the World and Their Directions,' in H.H. Gerth and C. Wright Mills, eds., *From Max Weber: Essays in Sociology* (New York: Oxford University Press, 1946), 329.

⁵² Charles P. Thomas, "Missionary to the Wilds of Maine," *New England Galaxy* 18:4 (1977), 46.

⁵³ Davis, *International Community*, 15.

⁵⁴ *New Brunswick Royal Gazette* (Saint John, NB), July 13, 1812; Davis, 14-15.

⁵⁵ Davis, *International Community*, 7; *Massachusetts Resolves 1802*, chapter 64, passed January 22, 1803; Lord et al., *Archdiocese of Boston*, 589-592.

⁵⁶ Lord et al., *Archdiocese of Boston*, 683.

⁵⁷ D. R. Jack, "Biographical Data Relating to New Brunswick Families, Especially of Loyalist Descent," TMs., Saint John Free Public Library, Saint John, NB, 22. For the extension of voting rights to Catholics in New Brunswick, see John Garner, *The Franchise and Politics in British North America, 1755-1867* (Ottawa, University of Toronto Press, 1969), 56, 64.

⁵⁸ Davis, *International Community*, 31-40.

⁵⁹ Leamon, *Revolution Downeast*, passim; see also Davis, *International Community*, 40-49.

⁶⁰ John Allan to unknown, November 9, 1780, National Archives M247, "Papers of Continental Congress, 1774-1789."

⁶¹ The best recent account of New Brunswick's Loyalists is Ann Gorman Condon, *Envy of the American States: The Loyalist Dream for New Brunswick* (Fredericton, NB: New Ireland Press, 1984); see especially pp. 1-3. The classic, and still highly valuable study is Esther Clark Wright, *The Loyalists of New Brunswick* (Hantsport, NS: Lancelot Press, 1955; 4th ed., 1981).

⁶² The fullest account of the Penobscot Association is Robert Wesley Sloan, "New Ireland: Loyalists in Eastern Maine during the American Revolution," M.A. thesis, Michigan State University, 1971. For shorter accounts see Davis, *International Community*, 53-63; and Condon, *Envy of the American States*, gives a detailed account of the Penobscot Association.

⁶³ Davis, *International Community*, 57.

⁶⁴ Condon, *Envy of the American States*, passim; MacNutt, *New Brunswick*, chapter 3 for the founding of New Brunswick as a separate colony.

⁶⁵ Davis, *International Community*, 63-68; Guy Murchie, *Saint Croix: The Sentinel River* (New York: Duell, Sloan and Pearce, 1947), chapter 15, "Settling the Yankee Shore," passim.

⁶⁶ For an example of the promotion of this Loyalist stereotype see Frances J. Morrissey, "United Empire Loyalists," <http://www.canadiana.org/citm/essays/loyalist.html>. The term is found in The British North America Act, 1867, Section 91, although it seems to be of an older British origin.

⁶⁷ Grace Helen Mowat, *The Diverting History of a Loyalist Town* (St. Andrews, N.B., Charlotte County Cottage Craft, 1932), 45.

⁶⁸ Wright, *Loyalists of New Brunswick*, 160-163.

⁶⁹ Wright, *Loyalists of New Brunswick*, 217-223. Other Canadian Loyalist studies attempt to establish the ordinariness of the Loyalist refugees: see Jane Errington, *The Lion, the Eagle, and Upper Canada: A Developing Colonial Ideology* (Montreal: McGill-Queen's University Press, 1987), 18.

⁷⁰ D.G. Bell, *Early Loyalist Saint John: The Origins of New Brunswick Politics, 1783-1786* (Fredericton, NB: New Ireland Press, 1983), vii-viii.

⁷¹ Davis, *International Community*, 98.

⁷² Charles Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (New York: Oxford University Press, 1991), 10-15. See also Daniel Vickers, "Competency and Competition: Economic Culture in Early America," *William and Mary Quarterly*, 3rd Series, 47:1 (January 1990), 3-29 for a useful look at what he deemed a "competency." See also Richard Lyman Bushman, "Markets and Composite Farms in Early America," *William and Mary Quarterly*, 3rd Series, 55:3 (July 1998), 351-374 for how farmers engaged in multiple economic activities.

⁷³ William Henry Kilby, "Benedict Arnold on the Eastern Frontier," *Bangor Historical Magazine* 1 (July 1886-June 1887), 188-190; David Owen to his brother, September 15, 1791, "Glansvern Collection," NAC.

⁷⁴ A quick review of marriage records reveals many cross-border marriages, about 19 in Eastport alone between 1800 and 1812. See "Eastport Vital Records," TMs., Maine Historical Society, Portland, ME.

⁷⁵ Duncan McColl, "Memoir," *British North American Wesleyan Magazine* 1: 13 (1841), 496-497; Harry Edgar Lamb, *The History of St. Croix Lodge, No. 46, Free and Accepted Masons, 1821-1931* (Calais, ME: Advertiser Press, 1931). For the importance of friendship between merchants, see Allan Silver, "Friendship in Commercial Society: Eighteenth-Century Social Theory and Modern Sociology," *American Journal of Sociology* 95:6 (May 1990), 1474-1504.

⁷⁶ David Owen to Arthur Owen, July 8 and December 15, 1788, "Glansvern Collection," NAC.

⁷⁷ MacNutt, *New Brunswick*, 165; Davis, *International Community*, 70, 72.

⁷⁸ Peter Sahllins, *Boundaries: The Making of France and Spain in the Pyrenees* (Berkeley: University of California Press, 1989).

⁷⁹ Jeremy Adelman and Stephen Aron, "From Borderlands to Borders: Empires, Nation-States, and the Peoples in Between in North American History," *American Historical Review* 104:3 (June 1999), 814-815; see also Jay Gitlin, "On the Boundaries of Empire: Connecting the West to its Imperial Past," in William Cronan, *Under an Open Sky: Rethinking America's Western Past* (New York: W.W. Norton, 1992), 70-71.

⁸⁰ Gitlin, "Boundaries of Empire," 72.

⁸¹ For New Brunswick, see Ann Gorman Condon, "1783-1800: Loyalist Arrival, Acadian Return, Imperial Reform," in Buckner and Reid, *Atlantic Region*, 191; for Ontario, see Errington, *The Lion and Eagle*, 17.

⁸² Kenneth McNaught, "Violence in Canadian History," in John S. Moir, ed., *Character and Circumstance: Essays in Honor of Donald Grant Creighton* (Toronto: Macmillan of Canada, 1970), 66-68.

⁸³ Graeme Patterson, *History and Communication: Harold Innis, Marshall McLuhan, the Interpretation of History* (Toronto: University of Toronto Press, 1990), 48-53. For a detailed if dated account of the Canadian rejection of Turner's frontier thesis, see Michael S. Cross, *The Frontier Thesis and the Canadas: the Debate on the Impact of the Canadian Environment* (Toronto: Copp Clark Pub. Co., 1970).

⁸⁴ Frederick Jackson Turner, "The Significance of the Frontier in American History," *Report of the American Historical Association for 1893*, 199-227, reproduced in Frederick Jackson Turner, *The Frontier in American History* (New York: Holt, Rinehart and Winston, 1962), 12.

⁸⁵ Bernard Bailyn, *The Peopling of British North America: An Introduction* (New York: Vintage Books, 1988), 122.

⁸⁶ For examples of metropolitan violence, see Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Pantheon Books, 1977); Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London: Allen Lane, 1975); Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (Cambridge and New York: Cambridge University Press, 1992).

⁸⁷ Bernard Bailyn, *Peopling of British North America*, 113.

⁸⁸ Adelman and Aron, "Borderlands to Borders," 814-815; see also Herbert Eugene Bolton, *The Spanish Borderlands: A Chronicle of Old Florida and the Southwest*, (New Haven: Yale University Press, 1921).

⁸⁹ Gitlin, "Boundary of Empire," 84.

⁹⁰ See especially Stephen J. Hornsby, Victor A. Konrad, and James J. Herlan, eds. *The Northeastern Borderlands: Four Centuries of Interaction* (Fredericton, NB: Acadiensis Press, 1989).

⁹¹ Reginald C. Stuart, "Special Interests and National Authority in Foreign Policy: American-British Links during the Embargo and the War of 1812," *Diplomatic History* 8:4 (Fall 1984), 312.

⁹² George Rawlyk, "The Federalist-Loyalist Alliance in New Brunswick, 1784-1815," *Humanities Association Review* 27 (Summer 1976), 142-160; Neil Mackinnon, "The Changing Attitudes of the Nova Scotia Loyalists Towards the United States, 1783-1791," in *The Acadiensis Reader Volume One: Atlantic Canada Before Confederation* (Fredericton, NB: Acadiensis Press, 1990), 108-119.

⁹³ Graeme Wynne, "New England's Outpost in the Nineteenth Century," in Hornsby et al., *Northeastern Borderlands*, 64-90.

⁹⁴ Phillip Buckner, "The Borderlands Concept: A Critical Appraisal," in Hornsby et al., *Northeastern Borderlands*, 157; and by the same author, "How Canadians Stopped Worrying and Learned to Love the Americans," *Acadiensis* 25 (Spring 1996), 117-140.

⁹⁵ Gitlin, "Boundaries of Empire," 286, note 8.

⁹⁶ Ademan and Aron, "Borderlands to Borders," 815-816.

⁹⁷ Evan Haefeli, "A Note on the Use of North American Borderlands," *American Historical Review*, 104:4 (October, 1999), 1222-1223.

⁹⁸ Lauren McKinsey and Victor Konrad, *Borderlands Reflections: The United States and Canada* (Borderlands Monograph Series #1, Orono, ME: Canadian-American Center, 1989), 4.

⁹⁹ Ernest Clarke, *The Siege of Fort Cumberland, 1776: An Episode in the American Revolution* (Montreal and Buffalo: McGill-Queen's University Press, 1995) is a useful recent account of the actual military campaigns in Nova Scotia during the Revolution.

¹⁰⁰ For details of Gallatin's stay in Machias, see Henry Adams, *The Life of Albert Gallatin* (New York: Peter Smith, 1943), 30-38.

¹⁰¹ John Allan to Benjamin Lincoln and Thomas Russell, August 7, 1786, *Benjamin Lincoln Papers* microform (Boston: Massachusetts Historical Society, 1967).

¹⁰² "British Encroachments," *Cumberland Gazette* (Portland, ME), March 20, 1789; Nowlan, *Campobello*, 53-54.

¹⁰³ Ann Appleton Storrow to Henry Baslow Brown, February 5, 1790; Storrow to her aunt, February 17, 1790, "Ann Appleton Storrow Papers," MHS. Storrow reveals some fascinating insights into the political beliefs of a Loyalist woman; eventually she moved back to the United States.

¹⁰⁴ New Brunswick, Court of Vice-Admiralty, *The Question Respecting the Right of the United States to the Islands in Passamaquoddy Bay, by Virtue of the Treaty of 1783, Considered in the Case of the Sloop Falmouth, In the Court of Vice-Admiralty for the Province of New Brunswick in the Year 1805* (Fredericton, NB: J. Ryan, 1805) [hereafter as *Falmouth Pamphlet*], 29-30; Edward C. Royle, *Pioneer, Patriot, and Rebel: Lewis DeLesDernier of Nova Scotia and Maine, 1752-1838* (Hudson Heights, QC: the Author, 1976), 28.

¹⁰⁵ See Appendix A: "United States Vessel Tonnage, Passamaquoddy Customs District, 1796-1821," for statistics concerning the growth of American shipping tonnage at Passamaquoddy.

¹⁰⁶ See Chapter 3 for details about commercial regulations

¹⁰⁷ *Falmouth Pamphlet*, 28-31.

¹⁰⁸ MacNutt, *New Brunswick*, 139.

¹⁰⁹ Admiral George Berkeley to William Marsden, August 14, 1807, Admiralty 1/497.

¹¹⁰ *Falmouth Pamphlet*, passim; MacNutt, 139-140; see Chapter 3 for the *Falmouth* incident.

¹¹¹ *New York Evening Post*, May 4, 1808.

¹¹² "Complaint against Stephen H. Kankey and Nathaniel Sevey," case file, *Commonwealth v. Stephen H. Kanky and Nathaniel Sevey*, Ms. in "Criminal Files," Hancock and Washington County Supreme Judicial Court, June Term 1809, Maine State Archives, Augusta, Maine.

¹¹³ Kilby, *Eastport and Passamaquoddy*, 240.

¹¹⁴ Davis, *International Community*, 103; David Owen to Lewis Frederick Delesdernier, December 23, 1813, and Delesdernier to Owen, January 3, 1813, both C.O.188/19.

¹¹⁵ Speech by Passamaquoddy Chief Francis Joseph Neptune, January 14, 1813, "William King Papers," Maine Historical Society, Portland, ME.

¹¹⁶ Royle, *Pioneer, Patriot, and Rebel*, 28.

¹¹⁷ See *Philips Clark Libellant v. Sophia Clark*, June Term, 1817, Hancock County Supreme Judicial Court, Maine State Archives, Augusta, ME.

¹¹⁸ A local court declared Delesdernier mentally incompetent in 1833. See Washington County Probate Records, Washington County Courthouse, Machias, Maine.

CHAPTER 3: AMERICAN ENFORCEMENT METHODS

Introduction

Lewis Delesdernier's friend John Allan warned the Treasury Department in 1800 about widespread smuggling at Passamaquoddy. Allan embarked on a campaign to convince Congress to open the Passamaquoddy customs district to foreign trade by deeming it a "port of entry and delivery for foreign vessels." This foreign trade would include New Brunswick, just a few hundred yards across the border from the American town of Eastport. Allan argued that

The proximity to the British government—the connection and intimacy which naturally exists between the inhabitants on each side of the line by reciprocal communications—The affinity and sameness with every kind of business that arises from the nature of our local situation, will ever induce the people to screen and cover vessels that may come on our Shore however unjustifiable, while a general and total prohibition continues.—Was it a Port of Entry &c., and vessels admitted, it would alter the situation materially. For there would not be that friendly care & sympathy, nor would they dare to screen and shelter vessels or illicit trade, as is now the custom.—

Allan continued by stating the advantages opening trade to New Brunswick vessels would bring to the region and to the federal government. Opening trade to foreign vessels would permit American produce to flow into British North America, and colonial

produce, especially plaster, to enter the United States. Opening Passamaquoddy to international trade was consistent with the American revolutionary ideal of free trade that encouraged dropping exclusionary commercial policies.¹ In contrast, the British Empire still attempted to pursue a mercantilist economic policy that excluded foreigners, including Americans, from the much-vaunted commercial privileges given to its own subjects.² Allan also argued that by permitting the trade it could be regulated and taxed, whereas previously it had been conducted illicitly with the sympathy of many Americans at Passamaquoddy. Allan concluded that if Passamaquoddy were opened to foreign trade:

The Revenue Laws will be better supported.—The duties & other emoluments will be considerably increased.—Illicit Trade & Conduct reduced.—The fair, honest & uninformed Trader (who in fact are the only people that suffered, some very considerably) will be encouraged & protected—navigation & trade increase & flourish, & give great content & satisfaction through the settlements.³

Allan's successful efforts to open the Passamaquoddy customs district to foreign trade outlined some of the problems of border enforcement. Cutting off all trade between the United States and the remaining British colonies only encouraged violation of the law; for Allan the best way to regulate trade at the border and defend American sovereignty was to legalize it. Furthermore, Allan's efforts to cooperate with government, and government's duty to respond to the needs of its citizens, was indicative of the changes wrought by the American Revolution whereby commercialization and democratization worked interactively.⁴ The control of the Passamaquoddy border by American customs officials was one reflection of that interaction between commerce and government, both in its successes and its failures.

Customs officers were the primary enforcers of the Passamaquoddy border.

Customs officers enacted the elaborate commercial regulations that theoretically restricted or occasionally completely denied trade between the United States and British North America. Even in the best of times, customs officials faced the overwhelming task of controlling cross-border trade. In times of crisis, militia, naval, and regular military units joined them. But in a borderland these agents of centralizing tendencies often found themselves divided in their loyalties, under pressure to moderate or even pervert the very regulations they were sent to enforce, or even overwhelmed by a variety of largely peaceful tactics designed to undermine their authority. The longer officials spent in Passamaquoddy, the more likely they were to buckle under these pressures and either ignore, permit or actively promote illicit trade; some even went so far as to engage in smuggling themselves.

Borderland Residents and State Authority

Deciphering borderlands attitudes towards state authority is difficult, but it reveals that borderlands residents shared with the rest of North American society an ambiguous relationship with agents of state authority. At Passamaquoddy conflicting claims of sovereignty put forth by both the United States and Great Britain reinforced this ambiguity. In order to assert sovereignty, both nations often exerted extraordinary efforts to enforce their laws and regulations, especially commercial regulations that provided valuable tax income. Law enforcement on the often troublesome border dramatically shaped the lives of borderlands peoples during repeated efforts to quell illicit trade at Passamaquoddy.

The problem of catching and prosecuting smugglers proved a thorny one for government officials on both sides of the border. They took it seriously; smugglers reduced government revenue and encouraged defiance of the law. Governmental efforts were not consistent, however, and officials varied in their conduct from strict enforcement to blatant corruption. The perennial question for the various governmental authorities was: how much enforcement would suffice? The general American impulse until 1816 was to regulate and tax trade as little and as conveniently as possible.⁵ But in times of crisis, such as Jefferson's embargo of 1807-1809 or the War of 1812, civil authorities had to call in the military to enforce unpopular commercial laws that restricted international trade. The overall pattern was one of governmental inconsistency, running from draconian military intervention to the grossest apathy and corruption. That inconsistency was further exacerbated by frequent instances of inter-agency jealousy and lack of cooperation. This was most notable during the War of 1812, when the district's assistant collector inquired of Maine's United States marshal, "whether the Military have the wright [sic] to make Seizures the same as custom house officers."⁶

Border residents faced a different question: how much cooperation with officialdom was sufficient? Here their pragmatism came to the fore. Some of Passamaquoddy's residents risked alienation by acting as law enforcers or informants, occasionally endangering their lives. The majority however only obeyed laws that conformed to their own views on justice, while ignoring those deemed unjust and victimless, especially commercial restrictions. In so doing, they created a set of

community values well adapted to their unique situation in a frontier region contested by the United States and Great Britain. The border community often persecuted individuals who deviated from these norms, even if those norms stood in opposition to federal laws.⁷

Thus at Passamaquoddy the relationship between law enforcement and the local population was seldom what it appeared to be on the surface. Local officials often continued to adhere to local values that contradicted national goals, even federal customs collectors. Eastport, a community described as “lawless,” in fact frequently petitioned the Massachusetts General Court for more courts and jails.⁸ Informants worked both sides of the law, such as Jabez Mowry, a notorious smuggler who routinely “informed” on his own contraband as a means of legitimizing its presence in the United States.⁹ Lawyers such as Jonathan D. Weston also profited by defending smugglers in court and by expediting their business through consular services.¹⁰ Criminals arrested by local authorities sometimes turned out to be those who interfered too much with smuggling. An example is when Eastport officials arrested Patrick Campbell for attempted murder: in fact he was a United States soldier performing his duty when he attempted to stop, and finally shot, a smuggler.¹¹ Nor was this true only on one side of the border. These conditions existed both in New Brunswick and in Maine.

In some ways the state exerted more effort at the border than elsewhere, simply because of the perceived need to control entry and exit as a function of sovereignty. But at the same time the border was distant from the central authorities in London or New York, and later Washington. This made government intercession into border matters erratic. Centralizing tendencies were weak in general, and typically consisted of unarmed customs officers who were often in sympathy with smugglers and others who violated

border regulations. On occasion the arrival of soldiers or warships to enforce the border demonstrated the authority and power of the state, but their presence was usually temporary. Passamaquoddy residents reacted in a variety of ways to these forces, but they constantly applied pressure on governmental forces to operate with prudence and moderation. Furthermore, state agents became more vulnerable to the values and norms of Passamaquoddy society the longer they stayed, especially if they established local friendships or relationships. The weakness and vulnerability of state institutions and officials generally left border residents to their own devices, allowing them to develop attitudes towards the international boundary that often violated the laws of their respective states.

American Customs Regulations

When the American government established itself in 1789, it faced the task of funding its own operation. Toward that end, Congress quickly established the Treasury Department and a system of customs houses to charge imported goods a special tax known as a duty.¹² While more efficient than the British system and tightly controlled by the Treasury Department, the new American customs system was quite similar to the British one, a reassuring fact for the new nation's merchant community.

The cooperation of the merchants with the customs system was a crucial component of the American constitution's success.¹³ Customs duties comprised approximately ninety percent of the American government's income during most of the period considered.¹⁴ The system relied heavily on an honest and well-organized customs collector operating under the administrative scrutiny of the Treasury secretary and the

fiscal scrutiny of Congress, which took an enormous interest in customhouse affairs. Federal law provided stiff penalties for any collector who falsified a ship's manifest, over-charged duties, or colluded with merchants to defraud the nation's revenue. The Treasury Department dismissed those who neglected their accounts, one of the charges that ultimately led to Delesdernier's downfall as a customs collector in 1808.¹⁵

In his role as a customs collector, Delesdernier acted primarily as a tax gatherer and enforcer of commercial shipping regulations. Complex commercial codes strictly regulated the conduct of shipping. Masters of all vessels coming from foreign ports were obliged to surrender their paperwork within twenty-four hours of arriving in port to the collector before unloading, and pay duties on goods imported, or post a bond that those taxes would be paid by the consignee. Customhouse officials returned these papers or issued new ones when the vessel prepared to depart. Coasting vessels, which is to say those vessels licensed by the government to operate only within national limits, had less stringent requirements.¹⁶ The problem was that in Passamaquoddy Bay a coasting vessel might find itself in foreign waters because of insufficient wind, strong currents, tidal change, or the design of cunning mariners intent on smuggling. Federal officials had to sort out the honest from the deceitful, by balancing their own judgment, regulations imposed by Congress, and Treasury Department circulars.

Customs collectors were bureaucrats who processed a variety of paperwork to collect revenue and regulate shipping. Essentially the federal government spun a web of paperwork to document minutely a vessel's activities. Every vessel carried documents issued from the customhouse, which were in turn used by customs authorities or consuls in other ports to verify the ship's identity and cargo; the larger the vessel and more

valuable the cargo, the greater the amount of paperwork, regulations, fees, and duties. The most important documents carried by a vessel were its *enrollment* (if engaged in the coasting trade), its *registration* (if engaged in foreign trade), or its *license* (if a small vessel under twenty tons). American vessels received several benefits over foreign vessels, such as lower duties and coasting privileges that allowed them to go from one port to another largely unimpeded.¹⁷ Vessels that failed to comply with the commercial laws faced severe fines. A merchant who violated the commercial laws faced not only fines, but the loss of his vessel and cargo at government auction, as well as forfeiture of sizable bonds.¹⁸

In a period of extreme profitability for the American merchants as neutral carriers during the Napoleonic Wars, conformity to the laws, however bothersome, made good business sense. While European powers fought each other during the French Revolution and subsequent Napoleonic conflicts, American shipping thrived supplying all sides, especially with provisions such as wheat flour.¹⁹ The federal government supported this maritime boom by pursuing a diplomacy that opened new markets to American merchants, and even created a navy specifically to defend shipping.²⁰ The merchants' conformity to the commercial laws in turn generated steadily growing revenue for the fledgling American government (see Table 3.1). The Jefferson administration adopted these Federalist policies when it came into power in 1801. Albert Gallatin, the young Swiss immigrant who met Delesdernier during the American Revolution, was the Treasury secretary during both Jefferson administrations and most of the two Madison administrations. Gallatin closely adhered to established Hamiltonian policies, with the exception that he colluded with Congress to abolish most federal internal taxes.²¹ That

policy left the federal government almost entirely reliant on customs duties; by 1807 almost ninety-seven percent of government revenue came from commercial shipping (see Table 3.1).

The federal government did not rely solely on the good will of the merchants. Revenue cutters and customhouse boats patrolled the waters to detect smugglers. Congress allowed the collectors to use armed force in pursuing suspected smugglers and granted them legal authority to board any ship within four leagues of the coast. On shore, collectors could ask local magistrates for search warrants to enter buildings suspected of hiding contraband.²² For example, by 1809 Delesdernier had recourse to use a deputy U.S. marshal, the local revenue cutter, or federal troops if any were present. Congress also empowered the collectors to call out the militia under certain circumstances.²³

In addition, a host of laws controlled ship movement. Congress carefully designated the harbors that shipping could use; every customs district possessed a customhouse located in a "port of entry and delivery." In the Passamaquoddy customs district, there was only one such port, but essentially it comprised the entire bay and reached up the St. Croix River. Federal law required masters of vessels to submit their paperwork to the customhouse for inspection and calculation of tariffs, tonnage duties, and other fees within twenty-four hours of anchoring. Often a customs inspector boarded a vessel soon after it anchored to look over the ship's paperwork; sometimes the inspector remained on board the vessel if he suspected it of smuggling. Delesdernier kept vessels' paperwork in an iron trunk bolted to the floor of the customhouse while they remained in port, ensuring that the master returned to fetch it before departure. This ensured that

Table 3.1: Customs Receipts and Federal Revenue, 1791-1815

<u>Year</u>	<u>Customs Receipts</u>	<u>Total Federal Revenue</u>	<u>Customs % of Total</u>
1791	\$ 4,399,000	\$ 4,409,000	99.77%
1792	3,443,000	3,669,000	93.84%
1793	4,255,000	4,652,000	91.46%
1794	4,801,000	5,431,000	88.39%
1795	5,588,000	6,114,000	91.39%
1796	6,568,000	8,377,000	78.40%
1797	7,550,000	8,688,000	86.90%
1798	7,106,000	7,900,000	89.94%
1799	6,610,000	7,546,000	87.59%
1800	9,081,000	10,848,000	83.71%
1801	10,751,000	12,935,000	83.11%
1802	12,400,000	14,900,000	83.22%
1803	10,400,000	11,000,000	94.54%
1804	11,000,000	11,800,000	93.22%
1805	12,900,000	13,500,000	95.55%
1806	14,600,000	15,500,000	94.19%
1807	15,800,000	16,300,000	96.93%
1808	16,300,000	17,000,000	95.88%
1809	7,200,000	7,700,000	93.50%
1810	8,500,000	9,300,000	91.39%
1811	13,300,000	14,400,000	92.36%
1812	8,900,000	9,800,000	90.81%
1813	13,200,000	14,300,000	92.30%
1814	6,000,000	11,100,000	54.05%
1815	7,300,000	15,600,000	46.79%

Source: Percentage calculated from figures provided in Curtis P. Nettels, *The Emergence of a National Economy* (New York: Harper & Row, 1969; reprint, Armonk, NY: M.E. Sharpe, Inc., 1989), 385.

vessels complied with all requirements before sailing.²⁴ Vessels thus faced the scrutiny of the customhouse both on entering and leaving a customs district. For most of the period under consideration the American customhouse was at Eastport on Moose Island, but it shifted according to need. In the early years, Delesdernier kept his custom office on Frederick Isle, but sometimes the custom house was on the mainland in Lubec.

Congress strictly controlled shipping. Federal statutes banned foreign vessels from smaller collection districts. Delesdernier, his friend John Allan, and other local residents successfully petitioned Congress to permit both American and foreign vessels to enter Passamaquoddy from foreign ports in 1803, although vessels that arrived from beyond the Cape of Good Hope were not allowed.²⁵ Federal statutes also banned foreign vessels under thirty tons from entering American ports, a regulation difficult to enforce at Passamaquoddy due to its proximity to the border. Delesdernier and other customs officials at Passamaquoddy seem to have largely ignored this last regulation. Small boats, especially fishing vessels from Campobello and other islands on the New Brunswick side of the border, regularly appeared at Eastport's wharves, even during the War of 1812.²⁶ These small vessels were almost indistinguishable from their American counterparts.²⁷ American customs authorities sympathized with these small producers, and the effort to distinguish them from American vessels would have required an enormous effort. Furthermore, prosecution would have cost more than the money recouped from their seizure; there was simply no incentive to harass people involved in what was local business, even if it did cross the border.

Federal law required all vessels to have their name and homeport clearly painted on their stern to identify them. But smuggling vessels often concealed or falsified their name and homeport.²⁸ National flags do not seem to have been required; some masters flew them, others did not. Federal law forbade merchants to move or unload goods after sunset.²⁹ Vessels that changed their appearance, rig or name required new registers or enrollments.³⁰ Collectors held enormous bonds on the legal behavior of a vessel, sometimes up to three times the value of the ship and its cargo. Departing ships did not receive their registers and other customs paperwork until all bonds, paperwork, and other requirements were complete. Most merchants saw the wisdom of conforming to American commercial laws. Compared with the British colonies, American regulations were relatively simple and inexpensive, a fact noted with envy by some of New Brunswick's inhabitants.³¹ Delesdernier seems to have used his office to facilitate trade as much as possible; before 1808 he made few seizures and made special accommodations to ensure that trade on the border proceeded as smoothly as possible.

While larger ports possessed a trio of customhouse officers who held presidential commissions (a collector, naval officer, and surveyor), at Passamaquoddy and other small ports the collector performed all three functions. The collector's primary duty was to tax imported goods at rates set by Congress. Secondary duties included recording all such transactions and hiring individuals to assist in collecting government revenue. Naval officers countersigned customhouse documents after carefully checking the collector's figures, and assumed charge in the absence of the regular collector. Surveyors were in charge of registering vessels and all scales and other measuring devices, such as hydrometers to measure the alcohol content of spirits, and hence the amount of duty.

Compensation for collectors was initially fairly generous without being ostentatious. Secretary of the Treasury Alexander Hamilton believed in generously compensating the collectors to ensure that talented men were drawn to the position, and to prevent the temptation to embezzle.³² Later Jeffersonian administrations were more frugal in their approach; in 1802 Congress set the limit of a collector's emoluments - including both salary and fees - at five thousand dollars, even for ports as large as New York City.³³

Passamaquoddy's Customs Collectors

The Passamaquoddy customs district had three collectors between 1783 and 1820, all of whom illustrate the tension between local needs and desires and the demands of the federal government. During his tenure as collector, Delesdernier exhibited a decidedly pragmatic approach to office holding, an attitude shared by his successor, Lemuel Trescott, who took charge of the Passamaquoddy customhouse in 1810. Trescott adopted many of Delesdernier's policies by largely ignoring cumbersome rules and seeing himself as a facilitator of trade. Both community boosters sought to develop the regional economy and both were popular local leaders. Stephen Thacher [varies as Thatcher] replaced Trescott on the latter's retirement in 1818. Thacher was a very different sort of collector: a political appointee with no local connections who rapidly became unpopular for his rigid enforcement of the letter of the law.

Louis Delesdernier became collector of Passamaquoddy in 1789, and continued in that post to 1810. During that period he oversaw substantial improvements in his district. First, successfully petitioning Congress to open the Passamaquoddy customs district to international arrivals in 1803, thereby legitimizing the already substantial plaster trade

with the Maritime Provinces that passed through the bay.³⁴ By opening his district to American vessels returning from foreign ports and to foreign vessels, Delesdernier made Passamaquoddy much more competitive. Local shipping tonnage made an immediate increase in 1803 after remaining relatively flat for years (see Appendix A). His second major achievement was the construction of West Quoddy Lighthouse in 1808 on the approach to the Western Passage. This aid to navigation was a considerable improvement in helping mariners negotiate the treacherous and foggy waters of the region.³⁵

Delesdernier's local boosterism also seems to have involved a high degree of tolerance for illicit trade across the border, especially in the plaster trade. American goods, notably provisions such as flour, Virginia tobacco, American anchors and sails as well as East India goods such as tea, West India goods such as rum and sugar, flowed across the border at Passamaquoddy in exchange for plaster, millstones, fish, timber, and other products from New Brunswick and Nova Scotia.³⁶ Delesdernier even agreed with his opposite number in New Brunswick to facilitate this trade by creating an unofficial "neutral zone" wherein American and British vessels could lay alongside one another and exchange cargoes. British colonial officials viewed Delesdernier as an accessory and facilitator of smuggling, a fact that bolstered his local popularity.³⁷

Delesdernier's success as a collector was due in part to his closeness with Albert Gallatin, one of the most influential - and longest serving - Treasury secretaries in American history. Gallatin stayed with the fellow Swiss Delesdernier family during the American War of Independence, and they remained friends for decades. Delesdernier and Gallatin often exchanged personal news in their official correspondence, especially

about Delesdernier's father, who had gone mad.³⁸ The collector utilized this connection to pursue local improvements, and undoubtedly counted on Gallatin to shield him from criticism, which the secretary did by expressing his opinion to President Jefferson that the collector was honest and sufficiently diligent for the post, but not especially talented. Despite Gallatin's friendship with Delesdernier, the secretary removed him from his post in 1810 for failing to enforce Jefferson's embargo.³⁹ It is difficult to trace Delesdernier's subsequent movements, but the government did not entirely abandon him. His successor employed the former collector in various ways around the customhouse.⁴⁰

The federal government replaced Delesdernier with Lemuel Trescott, who had previously served as the collector of nearby Machias. Trescott was a Continental Army veteran made famous by his successful attack on a Loyalist outpost on Long Island in 1780. He probably owed his appointment to fellow veteran Henry Dearborn, the secretary of war under Thomas Jefferson. After the war he became a merchant in the Passamaquoddy area, and was active in the Order of the Cincinnati, the Freemasons.⁴¹ Similarly to Delesdernier, Trescott was a local booster; he was involved in early attempts to establish a bank at Eastport and took an active interest in civic affairs.⁴² Like Delesdernier, he seems to have attempted to facilitate local trade as much as possible, especially before and during the War of 1812. One example of this was Trescott's refusal to close the port during a ninety-day embargo that preceded the declaration of war because he had not received official word, which was delayed by a washed-out bridge. His port hummed with activity as shipping hurriedly cleared out, until at last he ran out of official papers for them, thus preventing further departures until an official circular that closed the port finally reached him.⁴³ Trescott retired in 1818, a wealthy man from the

emoluments of his eight-year tenure in office. Probate records estimated his estate at over \$30,000, including mahogany furniture and large amounts of cash, much of which was willed to local charities.⁴⁴ Trescott, too, enjoyed local popularity; shortly after his death the people of Eastport commemorated his memory by erecting a lyceum and schoolhouse, suitably named 'Trescott Hall.'⁴⁵

Stephen Thacher was a very different sort from Delesdernier or Trescott. Thacher was neither a Revolutionary War veteran nor a local. Instead, he was a Yale-educated lawyer from southern Maine, appointed to the collectorship of Passamaquoddy as a political favor.⁴⁶ His legal training is significant; one historian has termed lawyers the "shock troops of capitalism," and claimed that they were the "main purveyors of capitalist ideology."⁴⁷ This ideology dictated that regional pre-market economies must subordinate themselves to the national one.⁴⁸ True to his training and adherence to capitalism's larger goals, Thacher was inflexible and legalistic, quickly becoming unpopular with a borderlands populace used to his predecessors' lax enforcement. Probably the least popular of Thacher's actions was his enforcement of the federal law that banned foreign vessels under thirty tons from entering American ports.⁴⁹ Letters to the local newspaper castigated Thacher as an avaricious political appointee, a poor replacement for the affable Trescott. One local merchant and noted smuggler complained of Thacher, that the collector was "the most vexatious man I ever saw, or heard of."⁵⁰ One newspaper picked up on Thacher's former position as a Massachusetts judge, nicknamed him "Judge Snatcher," a reference to the rapacity with which he seized even boats carrying cordwood.⁵¹

It would be easy to conclude that Passamaquoddy's first two collectors were rogues, defrauders of government, and perhaps even traitors. Evidently this is not the case; the federal government did dismiss and prosecute Delesdernier, and eventually jailed him for malperformance as collector, yet it did not refuse him a Revolutionary War pension.⁵² Trescott, who certainly facilitated some smuggling during the War of 1812, also impeded much illicit trade, a fact that directly led to his capture by British forces in 1814 when they occupied Moose Island. While attempting to escape with the customhouse papers, a well-known smuggler seized Trescott by the collar and held him until British soldiers arrested the old veteran. It would also be difficult to brand Trescott with any unpatriotic motives, given his service in the Continental Army and high esteem the federal government had for him; he was even offered the command of a U.S. Army regiment in 1812, a commission he declined.⁵³ These conflicting actions and motives of the collectors, some based on personal welfare, others on community interests, clashed with the demands of the distant federal government and national economy. This dynamic between regional and national economies created strains on borderlands residents, often resulting in a wary or even hostile attitude toward government officers. These same conflicts were reflected in the subordinate customhouse officers and even in the revenue cutters that occasionally patrolled Passamaquoddy Bay.

Lesser Customhouse Officers and Revenue Cutters

The collectors did not carry out their duties alone. Various subordinate customs officers and the crews of the several revenue cutters that patrolled Maine waters supported them. The most consistently present were the inspectors, generally part-time

employees who did the outdoors work of the customhouse, such as boarding vessels, checking paperwork, and pursuing smugglers in small open boats. Below them worked an assortment of boatmen and guards. Less frequently, the Treasury Department's patrol vessels, known as "revenue cutters," appeared at Passamaquoddy. Locals served both as subordinate customs officers and on revenue cutters. Like the collectors, a knowledge of their activities reveals the attempts of these officials to reconcile local needs with official demands.

Chief among the lesser customhouse officers was the deputy collector, who took charge of the customhouse in the absence of the collector. Unlike the other inspectors, the federal government paid the deputy collector a small annual salary. Passamaquoddy's first deputy collector was William Coney, who also served as the region's deputy U.S. marshal after 1808.⁵⁴ The official record reveals Coney as a man deeply concerned with money, petitioning government for his share of seizures or questioning the right of the U.S. military to make seizures from which he would not benefit.⁵⁵ Coney made a number of seizures, but he, too, seems to have taken an interest in facilitating trade, especially during the War of 1812. Notably, the two men who posted bonds for his service as deputy marshal, Samuel Tuttle and Jabez Mowry, were both notorious smugglers.⁵⁶ A Boston newspaper claimed in 1814 that: "He has been in the British interest some time, and was in the habit of giving every facility to smugglers."⁵⁷ Coney's career ended with the British occupation of Eastport in 1814. Rather than remove to American territory, he remained under British jurisdiction, and even took a loyalty oath to the British Crown.⁵⁸ Coney apparently preferred the comforts of retaining his property to the abstractions of national loyalty.

The lesser customhouse officers remain relatively anonymous, but some of their names appear in legal records. A few were direct relatives of the collectors, such as Delesdernier's son William. Others, such as John Swett, served intermittently for many years; a number worked for the customhouse less often. The pay could be lucrative, usually two dollars a day, paid in hard-to-find cash.⁵⁹ Much of this work was done by patrolling in open boats, or guarding warehouses, or serving as tidewaiters who remained on board vessels prior to their sailing to ensure additional cargoes were not illicitly loaded at the last minute. Generally it was not dangerous employment, and customhouse officers were unarmed. But during Jefferson's embargo, Collector Delesdernier had to arm his employees.⁶⁰ Gunplay was fairly common during Jefferson's embargo, and on occasion smugglers did assault or even kidnap these officers.⁶¹ Sometimes these officers betrayed the trust put in them by the collector; on at least one occasion the alleged assault on a customs guard was a fraud.⁶² Others succumbed to bribes and threats.⁶³ Gauging the honesty and effectiveness of these officers is extremely difficult because of a scarcity of records. Those who betrayed the trust placed in them and were caught are most evident, but this leaves questions about the more conscientious customhouse officers as well as the ones who may not have been caught aiding or abetting smugglers.

The United States Treasury Department operated two revenue cutters in the Gulf of Maine from the early 1790s, with more added before 1812.⁶⁴ Early in 1812, the federal government commissioned a cutter exclusively for Passamaquoddy, which was promptly captured by the British Navy, and another after the war.⁶⁵ The mere presence of a cutter forced those engaged in illicit trade to work much harder and carefully than they normally would have. Cutters maximized their utility by sending out smaller craft to

patrol. For instance, in August, 1811, the American revenue cutter *New Hampshire's* boat approached more than a dozen vessels anchored off West Quoddy Head. When the anchored vessels realized the craft approaching them was a revenue cutter's boat, they immediately got under way. Despite this precipitous flight, the cutter's boat boarded and seized three coasting schooners with a total of 210 tons of gypsum illicitly introduced from New Brunswick.⁶⁶ Nonetheless, the presence of revenue cutters was temporary, and only hindered rather than stopped smuggling.

Like the collectors and other customhouse officers, the captains of the revenue cutters displayed a spectrum of tolerance for smuggling. While Benjamin Trevett of Lubec earned the nickname "capt. Ketchum" and epithet "pirate," other cutter officers seem to have been quite popular. This was especially true of Hopley Yeaton, captain of the cutter *New Hampshire* from 1803 to 1811. Yeaton is a significant historical figure in that he was the first commissioned officer in the United States Revenue Cutter service, and has thus been deemed the "father of the United States Coast Guard."⁶⁷ Yeaton seems to have become acquainted with Passamaquoddy while captain of the *New Hampshire*, and moved to what is now Lubec, Maine, around 1800. Yeaton, who was a fisherman himself, seems to have acted with restraint and forbearance when dealing with local mariners. The man who replaced Yeaton as captain of the *New Hampshire* offered a vivid contrast. William P. Adams was a former naval officer, and it showed in his imperious attitude. Even his superiors thought him too haughty for the position; one claimed "he is not possessed of the discretion requisite for the command of a Revenue Cutter."⁶⁸ Adams's unpopularity and arrogance soon caught up with him: the federal government removed him from command in 1812, despite his appeals to the press.⁶⁹

Positions on cutters were political plums widely sought after by many mariners. They provided steady employment, and paid cash, with the potential for prize money or portions of the proceeds of vessels seized and condemned in court. While a position on a cutter was sure to make a mariner unpopular with some people, there never seems to have been a shortage of men willing to serve on these vessels. One recommendation for Zenas Morton to be the commander of the cutter at Passamaquoddy even noted his smuggling past. The author stated: "it would be improper of me to recommend a man to support the laws that I knew he himself had violated, but this will not exactly apply to Capt. Morton; [but] it is true that I think he was concerned in the illegal importation of some wine into this district."⁷⁰ Collector Trescott did well not to forward the application to the Treasury Department, for within weeks Morton stood accused of participating in plaster smuggling.⁷¹

Catching and Punishing Smugglers

Delesdernier, Trescott, and Thacher rarely captured smugglers or seized contraband themselves. Instead they relied on a system of informers, officers under their direct control, and patrols by revenue cutters - the forerunners of the United States Coast Guard. The collector, once informed of a seizure, then collected evidence and sent it to Maine's federal district judge. Complex or appealed cases could go to the Massachusetts Federal Circuit Court, and on occasion the United States Supreme Court heard smuggling cases from Passamaquoddy as well. Under American federal law there was no such crime as "smuggling." Generally government officials seized contraband "for a breach of the Revenue-Law of the United States." The U.S. district attorney usually brought

charges against the vessel or goods involved, rather than the smugglers, except when there had been violent resistance to federal officers. If the district court successfully prosecuted the contraband, the local U.S. marshal then auctioned off the goods involved, with a portion going to the government and a portion going to the officers or informants involved.

Information was a key element in combating smuggling. Collectors had to keep a sharp lookout for vessels or cargoes that might be involved in smuggling. Informants were one such source, and could reap large rewards. However, such actions entailed enormous risks and complications. In a community known for smuggling, informants were very unpopular, especially as they stood to gain by somebody else's loss.⁷² Furthermore, motives to inform varied, ranging from personal gain, to revenge, to twisting the legal system so that it would actually promote smuggling. Even the collectors sometimes disliked informants; Trescott referred to one as a "scoundrill."⁷³

Customs inspectors caught most of the smugglers who were brought to trial. Often patrolling in an open rowboat, these officers boarded vessels, inspected their paperwork, and sometimes searched it for evidence of illicit trade. If the officer suspected or found a vessel that contained contraband, he seized it and its cargo for trial before a federal judge. Once seized, customs officials handed the vessel over to the local deputy U.S. marshal for care until the district court determined what to do with it. Sometimes officials had the seized vessels beached and stripped of their sails and rudder to prevent escape, or as it was termed, "rescue" the vessel. Passamaquoddy's collectors sometimes sent seized vessels or cargoes as far westward as Portland to ensure their

safety from rescue.⁷⁴ Sometimes customs officers seized only a vessel's cargo, or part of cargo, and placed it in a secure warehouse to await trial. If the owner or the master of the vessel had sufficient resources and was deemed trustworthy, the court might permit him to post bond for the vessel and cargo before trial and thus retrieve them while the slow legal process ground on.⁷⁵

Many smugglers took advantage of this bonding system as a means of legitimizing their goods, especially during the War of 1812. The system relied on court-appointed local merchants to assess the value of the seized goods. These supposedly honest merchants, however, often valued the goods far below their market price - sometimes at only ten percent of their true market value.⁷⁶ The claimant of the contraband had to post bond for the assessed value, or up to three times the value of the goods in certain cases, upon which his goods were released to him after paying bonds of only a fraction of the contraband's value. The system actually encouraged smugglers to inform against themselves because they could recover the informant's share of the proceeds.⁷⁷ Furthermore, if the smuggler successfully defended his case, he recovered the bonds; if that failed, he could always petition the Treasury secretary or Congress, as many merchants did.⁷⁸ The system outraged the American military commander at Eastport, who complained bitterly about a practice that undermined his efforts to stop wartime smuggling.⁷⁹ Collector Trescott's motivations in permitting bonding seem to have been two-fold. First, it got both the contraband and its claimants out of his district, saving him considerable time, effort, and worry about rescues or storing the illicit goods. Second, he received gifts of cash from relieved merchants; on one occasion a New York merchant gave him \$100 for assisting in the bonding process.⁸⁰

The collectors frequently attended the federal courts themselves to aid the federal district attorney in prosecuting the case, necessitating long trips to the westward. Often they had to collect extensive written depositions from witnesses to support their case; federal law excused witnesses from having to travel more than one hundred miles, and often permitted transients such as mariners to make sworn statements rather than appearing in person. This was in keeping with revolutionary ideals that justice be accessible and relatively cheap. Sometimes witnesses did have to travel to the federal courts to testify, but they were reimbursed for their expenses by the district's U.S. marshal. Unfortunately for the witnesses, U.S. Marshal Thomas G. Thornton sometimes took years to pay their bills.⁸¹

Written depositions leave the impression that Eastport in particular was a community of eyes and ears. Some depositions are completely based on the rumbling noises of barrels loaded in the dark; others attempt to establish the exact location of a vessel's anchorage.⁸² Not all depositions were especially useful, however; many witnesses exhibited a sort of willful ignorance, claiming they did not know the names of people, or forgetting other key pieces of information. It is also probable that smugglers chose to work in relative anonymity, not revealing their names to one another. These depositions were made before local justices, many of whom were smugglers themselves, or sympathetic to smugglers. A degree of caution must therefore be used when considering this evidence. However, they also provide a wealth of details about ordinary life at Passamaquoddy.

The collector worked with the United States district attorney to prosecute the case. The basic facts, including the date, parties involved, list of contraband, and specific laws broken, were taken down on a printed form known as a "libel." Legal proceedings were generally against a vessel or against the contraband goods. Vessels in maritime law had a corporate identity similar to a person; it is one of the reasons the law required them to have names, and why smugglers often changed or obscured the name of their vessel and its port of call.⁸³ Sometimes the accused smugglers stepped forward to legally defend their actions and claim the goods. If that occurred they were entitled to a trial by jury, one of the few American departures from British admiralty law, which seldom used juries. If no claimant stepped forward, no jury was required and the federal judge decreed or "condemned" the goods. The judge then ordered the U.S. marshal to auction the goods off publicly after advertising the sale in local newspapers. Generally half the proceeds of the auction went to the U.S. Treasury and the captors, usually the collector and informant or officer involved, received the other half - or one "moiety" - after the court deducted the cost of the trial.

The trials were held far from Passamaquoddy. The nearest sitting of the federal court was in Wiscasset, hundreds of miles to the west of Eastport. The U.S. federal court system was a humble institution during its first few decades of existence. It rotated between York, Portland, Wiscasset and occasionally Castine. Usually it sat in courthouses or meetinghouses borrowed from Massachusetts, but sometimes it convened in the federal judge's own home. When state courts needed those courtrooms, the federal

court found itself sitting in “Mechanic’s Hall” in Portland or “a room over the bank” in Wiscasset. The district’s sole federal judge and other court officers had to travel to these locations.⁸⁴

The American system for prosecuting smugglers was far from perfect; it created tensions within small communities and it was open to abuse. For example, locals harbored deep grievances against both inspectors and informants who enriched themselves at the expense of their neighbors, and violence, threatened or real, could ensue after a seizure. If the owner of the seized vessel was a poor man, a seizure could impoverish him and his family.⁸⁵ Sometimes there was bickering about the just allotment of the proceeds of successfully prosecuted seizures. Clever smugglers sometimes informed against themselves, knowing they could recoup their losses through various ploys, including gaining the informant’s share for themselves. Furthermore, the collector’s tolerance of smuggling was often exceeded by the lesser customhouse officers. Delesdernier’s downfall during Jefferson’s embargo was the result of his subordinates breaking into a customs warehouse and using the customhouse boat to smuggle goods across the lines.⁸⁶

The American system of suppressing smuggling had some features that made it very different from the British colonial system. These differences were based on the American pre-Revolutionary experience of smugglers. Trial by jury within a reasonable distance of one’s home was clearly a reaction against pre-Revolutionary efforts to have all smugglers tried in Halifax, Nova Scotia.⁸⁷ Appointing locals as customs officers was another; American colonials had deeply resented British appointees. Importantly, Maritimers also detested British officials sent to regulate them after 1783.⁸⁸ So too, the

American system was relatively non-violent as well. Customs officers were not armed, except during extraordinary times such as Jefferson's embargo. Even the revenue cutters seemed to have operated with little implied or actual violence. This was in keeping with the spirit of a Treasury Department circular issued by Alexander Hamilton to the first revenue cutter captains in 1791, which enjoined them to act with "a cool and temperate perseverance in their duty, by address & moderation rather than by vehemence or violence."⁸⁹

Conclusion

The reaction of borderlands residents to the centralizing authority of the United States government was remarkably complex, in no small part because some served as federal officers themselves. Passamaquoddy's customs collectors often found themselves trapped between local interests and government regulations, a situation they often attempted to ameliorate by making local exceptions to federal regulations or perceiving their duty as one of facilitating trade rather than halting it. The border populace loathed inflexible or imperious customs officers, and quickly generated editorials, petitions, and complaints against them.

Passamaquoddy's citizens, in common with other American frontier peoples, had an abiding fear of taxes.⁹⁰ During peaceful times, Passamaquoddy's residents paid their customhouse duties and fees fairly happily; maybe more happily than most American mariners because they probably knew how expensive and corrupt New Brunswick and Nova Scotia customs systems were. However, during times of turmoil and financial

hardship, locals resented taxation and regulation that threatened their livelihoods, and naturally resisted them. When federal courts called on them to account for their behavior, they responded with a variety of excuses, or fled to British North America.⁹¹

Despite their misgivings about paying taxes, many locals sought employment at the customhouse or on board revenue cutters to augment their incomes. But Passamaquoddy's populace were almost entirely reliant on maritime trade, and when the federal government acted in an arbitrary or heavy-handed manner, as it did between late 1807 through the War of 1812 they deeply resented it and resisted commercial regulations. The American residents near the border were active participants in American democracy, and petitioned with some success for internal improvements such as the West Quoddy lighthouse. This did not prevent them from manipulating American commercial regulations for their own benefit, or occasionally defying the government outright, but in the early republic this sort of pragmatic, regional response was common throughout the United States. The so-called "Whiskey Rebellion" of 1794 in western Pennsylvania was one such tax revolt, as was the "Nullification Crisis" of 1832-1833.

Passamaquoddy's three American customs collectors, even those who apparently winked at illicit trade, faced a difficult task in controlling the border region. While Delesdernier and Trescott seemed to have been in sympathy with smugglers, even they made seizures from time to time. Thacher's approach was less sympathetic, in part because he was a political appointee with no local connections. The popularity of the first two collectors and the unpopularity of the last was due to their enforcement of laws designed to control smuggling. This popularity was directly linked to the methods used

by customs officers and the legal consequences for smugglers once caught, as well as the rewards to customs officers for catching smugglers. A similar dynamic operated on the New Brunswick side of the boundary.

¹ Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (Chapel Hill: University of North Carolina Press, 1980), 85-95.

² Stanley Elkins and Eric McKittrick, *The Age of Federalism* (New York: Oxford University Press, 1993), 69; A.L. Burt, *The United States, Great Britain and British North America: From the Revolution to the Establishment of Peace After the War of 1812* (New York: Russell & Russell, 1961), chapter four, "Commercial Divorce," 55-70.

³ "Extract of a letter to Messrs. Gallatin—Steele-- & Wadsworth 30th Jan'y 1800 deliv'd at the Federal City" in John Allan to Joseph Whipple, February 24, 1803, "Whipple Papers," MHS.

⁴ Joyce Appleby, *Inheriting the Revolution: The First Generation of Americans* (Cambridge, MA and London: The Belknap Press of Harvard University Press, 2000), 58, 255.

⁵ For American trade policies, see Benjamin W. Labaree, William M. Fowler, and John B. Hattendorff, *America and the Sea: A Maritime History* (Mystic, CT: Mystic Seaport, 1998), 167-170.

⁶ William Coney to Thomas G. Thornton, April 10, 1813, "Thomas G. Thornton Papers," TGT.

⁷ For the concept of deviance, see Allan G. Johnson, *The Blackwell Dictionary of Sociology: A User's Guide to Sociological Language* (Malden, MA: Blackwell Publishers, 1995), 78-79.

⁸ "Petition of the Committee Appointed to Build the Eastport Gaol," *Massachusetts Resolves*, 1810, Chapter 130, passed February 27, 1811.

⁹ Deposition of Jabez Mowry, *U.S. v. Schooner Polly*, RG 21/MeDC, May Term, 1814.

¹⁰ For Weston's commission as Swedish vice-consul at Eastport, see "Swedish Vice-Consul Papers," Border Historical Society, Eastport, Maine. Many thanks to Frances Rea for making these documents available.

¹¹ *Boston Patriot* (Boston, MA), August 21, 1813; see also *Commonwealth v. John Campbell*, "Minutes Books of the Supreme Judicial Court of Hancock and Washington Counties," vol. 2; and John Campbell entry, "Hancock County Jail Calendar," vol. 1, both at Maine State Archives, Augusta, ME, and *New England Palladium* (Boston, Mass.), July 30, 1813.

¹² Elkins and McKittrick, *Age of Federalism*, 65-68; Curtis P. Nettels, *The Emergence of a National Economy, 1775-1815* (New York: Holt, Rinehart, and Winston, 1962; reprint Armonk, NY: M.E. Sharpe, Inc., 1989), 110-111.

¹³ Nettels, *Emergence of a National Economy*, 93-94.

¹⁴ Nettels, *Emergence of a National Economy*, 385.

¹⁵ Leonard D. White, *The Federalists: A Study in Administrative History* (New York: The Macmillan Company, 1948; reprint, New York: The Free Press, 1965), 431, 428.

- ¹⁶ For federal shipping regulations in the early republic, see William E. Masterson, *Jurisdiction in Marginal Seas: With Special Reference to Smuggling* (New York: The Macmillan Company, 1929), 181-192.
- ¹⁷ White, *The Federalists*, 436-440.
- ¹⁸ White, *The Federalists*, 439-440.
- ¹⁹ W. Freeman Gilpin, "The American Grain Trade to the Spanish Peninsula, 1810-1814," *American Historical Review*, 28:1 (October, 1922), 24-44; Geoffrey Gilbert, *Baltimore's Flour Trade to the Caribbean, 1750-1815* (New York: Garland Publishing, 1986), 134-143; Gerald S. Graham, *Sea Power and British North America, 1783-1820: A Study in British Colonial Policy* (Cambridge: Harvard University Press, 1941), chapter eight, "Wheat," 130-141.
- ²⁰ Elkins and McKittrick, *Age of Federalism*, 589; McCoy, *Elusive Republic*, 136.
- ²¹ Sellers, *Market Revolution*, 60-63.
- ²² John Brice, *A Selection of All the Laws of the United States Now in Force, Relative to Commercial Subjects* (Baltimore: Neal, Wills, & Cole, 1814), 138.
- ²³ White, *The Federalists*, 418-422.
- ²⁴ White, *The Federalists*, 446; Alexander Hamilton to Lewis Delesdernier, June 15, 1792, in Harold C. Syrett, ed., *The Papers of Alexander Hamilton* (New York: Columbia University Press, 1961-1979), xi: 523.
- ²⁵ Brice, *Selection of All the Laws*, 42-43.
- ²⁶ For examples, see deposition of Joshua Freeman, *Thomas Green v. Thomas Mullin*, March Term 1814; and deposition of Benjamin Raddin, *John Minot v. John Wood*, Washington County Circuit Court of Common Pleas, March Term, 1816, MeSA.
- ²⁷ Graham, *Sea Power*, 155.
- ²⁸ White, *The Federalists*, 413.
- ²⁹ Brice, *Selection of All the Laws*, 105.
- ³⁰ Douglas L. Stein, *American Maritime Documents 1776-1860* (Mystic, CT: Mystic Seaport Museum, 1992), 135.
- ³¹ David Owen to Mr. Thomas, October 16, 1803, C.O. 188/12.
- ³² White, *The Federalists*, 307.
- ³³ Brice, *Selection of All the Laws*, 362.
- ³⁴ The legislation passed on March 3, 1803.
- ³⁵ Davis, *International Community*, 91-92; Albert Gallatin to Lewis F. Delesdernier, October 25, 1802, NA M-178; same to same, March 18, 1803, National Archives M-340.
- ³⁶ Nova Scotia court records best illustrate the types of American contraband involved. See the *Sally*, RG8, IV/153.12, and *Charlotte*, RG8, IV/155.5, both Nova Scotia Vice-Admiralty Court Instance Cases," NAC.
- ³⁷ Adm. 1/497: George Berkeley to William Marsden, August 14, 1807.
- ³⁸ Delesdernier to Gallatin, December 24, 1807, PAG; One of the elder Delesdernier's delusions was that the Secretary of the Treasury had come to visit him, but that his own family prevented his former boarder from seeing him. The collector was over-fond of talking about his friendship with the esteemed Gallatin; see William Henry Kilby, *Eastport and Passamaquoddy* (Eastport, ME: Edward E. Shead & Co., 1888), 146.
- ³⁹ Congress, *Senate Executive Journal*, November 13, 1811.
- ⁴⁰ Lemuel Trescott to Thomas G. Thornton, June 27, 1812, TGT.

- ⁴¹ Kilby, *Eastport and Passamaquoddy*, 440-443.
- ⁴² *Gazette of Maine*, January 29, 1807; Kilby, *Eastport and Passamaquoddy*, 440-443.
- ⁴³ *Boston Patriot*, May 2 and May 6, 1812.
- ⁴⁴ Estate of Lemuel Trescott, 1826, Washington County Probate Records, Washington County Courthouse, Machias, Maine.
- ⁴⁵ Kilby, *Eastport and Passamaquoddy*, 443.
- ⁴⁶ William Pitt Preble to John Holmes, January 21, 1818, "John Holmes Papers," MeHS.
- ⁴⁷ Sellers, *Market Revolution*, 47.
- ⁴⁸ Sellers, *Market Revolution*, 48.
- ⁴⁹ Brice, *Selection of All the Laws*, 188.
- ⁵⁰ Jonathan Bartlett to William King, October 2, 1820, WKP.
- ⁵¹ "To Stephen Thacher, Esq. No. 1" and "To Stephen Thacher No. 2," *Eastport Sentinel*, April 29 and May 13, 1820; "Celebration at the 'new and interesting' Town of Alexandria" *ibid.*, July 29, 1820.
- ⁵² Edward C. Royle, *Pioneer, Patriot, and Rebel: Lewis DeLesDernier of Nova Scotia and Maine, 1752-1838* (Hudson Heights, QC: the Author, 1976), 29.
- ⁵³ Kilby, *Eastport and Passamaquoddy*, 441.
- ⁵⁴ See Coney's correspondence in the "Thomas G. Thornton Papers," MeHS.
- ⁵⁵ Petition of William Coney, December 18, 1826, National Archives RG 233, 19th Congress, Committee on Commerce, HR 19A-G33; William Coney to Thomas G. Thornton, April 10, 1813, TGT.
- ⁵⁶ Bond for William Coney of Eastport, Gentleman. Samuel Tuttle of Plantation No. 1, Gentleman, and Jabez Mowry of Eastport, Merchant, posted bond for \$14,000 on August 12, 1808, "Deputy Marshal Bonds," TGT
- ⁵⁷ Samuel Tuttle and Jabez Mowry to Thomas G. Thornton, May 30, 1816, TGT; "Correct" account of the capture of Eastport," *Boston Patriot*, August 3, 1814.
- ⁵⁸ "Particulars of the Capture of Eastport, &c.," *Boston Repertory*, July 26, 1814; "Extract of a letter from Lubec (Me.) to a gentleman in this town, dated July 18, 1814," *Eastern Argus*, July 28, 1814.
- ⁵⁹ "Ship News," *Eastern Argus*, June 16, 1808.
- ⁶⁰ Albert Gallatin to Lewis F. Delesdernier, April 25, 1808, PAG.
- ⁶¹ Kilby, *Eastport and Passamaquoddy*, 147; *Grand Jury Indictment v. Rueben Glass et al.*, September Term 1808; *Grand Jury Indictment v. William Sherman*, September Term 1808, both found in "Term Papers," RG 21/MeDC.
- ⁶² *Grand Jury Indictment v. William Sherman*, September Term 1808, "Term Papers," RG 21/MeDC.
- ⁶³ Kilby, *Eastport and Passamaquoddy*, 146.
- ⁶⁴ See Irving H. King, *The Coast Guard Under Sail: The U.S. Revenue Cutter Service, 1789-1865* (Annapolis, MD: Naval Institute Press, 1989), chapters 1-2 for a history of the founding of the Revenue Cutter Service.
- ⁶⁵ For the brief and inglorious career of the revenue cutter *Commodore Barry*, see William R. Wells, "U.S. Revenue Cutters Captured in the War of 1812," *The American Neptune* 58:3 (Summer 1998), 225-227.
- ⁶⁶ Deposition of Nathaniel Kennard, case file, *United States v. the Sloop Eliza*, March Term, 1812, RG21/MeDC.

- ⁶⁷ Yeaton's remains were removed from Lubec in 1976 and placed in an elaborate tomb at the United States Coast Guard Academy in New London, Connecticut.
- ⁶⁸ Joseph Whipple to Albert Gallatin, July 2, 1812, PAG.
- ⁶⁹ "Why are such things?" *Portsmouth Oracle* (Portsmouth, NH), November 21, 1812.
- ⁷⁰ Joseph Farley to Lemuel Trescott, September 27, 1811: "U.S. Customs House: Waldoboro, Maine, Letterbook, 1803-1816," MeHS.
- ⁷¹ Farley to Secretary of the Treasury Albert Gallatin, November 7, 1811, *Ibid.*
- ⁷² Cal Winslow, "Sussex Smugglers," in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London: Allen Lane, 1975), 144-145.
- ⁷³ Kilby, *Eastport and Passamaquoddy*, 442.
- ⁷⁴ Lemuel Trescott to Thomas G. Thornton, June 27, 1812, TGT. Trescott commented, "the times [the declaration of war between Britain and the United States] requires that the vessel and cargo should be removed from this place."
- ⁷⁵ House, *Claim of C. P. Van Ness* (Washington, D.C: Congress, 1852), 10.
- ⁷⁶ See George Ulmer to Henry Dearborn, March 3, 1813, National Archives, Records of the Office of the Secretary of War, M-221, "Letters Received by the Secretary of War" [hereafter as M-221], and "Smuggling and Bonding," *Boston Patriot*, December 1, 1813, for vivid descriptions of customhouse collusion with smugglers and the bonding system.
- ⁷⁷ House, *Claim of C. P. Van Ness*, 10-11, "there are no grounds to believe that this mode of 'introducing' goods into the United States at that period was confined to Maine, or to any other part of the frontier; but on the contrary, it was familiar to all, as Mr. Bradbury says, acquainted on the frontier, that the owners of the goods were the informers, when they did not intend to bring them into the United States clandestinely."
- ⁷⁸ See the many petitions in the records of the House Ways and Means Committee, National Archives RG 233, Records of the United States House of Representatives.
- ⁷⁹ George Ulmer to Henry Dearborn, March 3, 1813, M-221; two good accounts of Ulmer's problems are found in Alan S. Taylor, "Centers and Peripheries: Locating Maine's History," *Maine History* 39:1 (Spring 2000), 6-7, and David Zimmerman, *Coastal Fort: A History of Fort Sullivan, Eastport, Maine* (Eastport, ME: Border Historical Society, 1984), 30-34. The conditions Ulmer complained of are also detailed in chapter 8.
- ⁸⁰ H.K. Toler to Thomas G. Thornton, February 15, 1814, TGT.
- ⁸¹ See William P. Adams to Thomas G. Thornton, October 19, 1812, "Privateering Papers," box 5, Houghton Library, Harvard University, Cambridge, MA, and Nathaniel Kennard to Thomas G. Thornton, September 24, 1812, TGT.
- ⁸² See deposition of Thomas Lesuer Jr., *U.S. v. Sloop Sally of Portland and Cargo*, March Term 1813 for accounts of rumbling noises; see the various depositions associated with *United States v. Schooner Fame*, June Term, 1820, both RG 21/MeDC.
- ⁸³ White, *Federalists*, 413. Smuggling vessels often concealed or falsified their name and homeport; see also John Brice, *A Selection of All the Laws of the United States Now in Force, Relative to Commercial Subjects* (Baltimore, MD: Neal, Wills, & Cole, 1814), for an overview of laws affecting maritime commerce.
- ⁸⁴ May 26 and September 21, 1812 entries, "Henry Sewall Diary," MHS.

⁸⁵ See William Coney to Thomas G. Thornton, November 29, 1810, TGT, on Jonathan Leavitt, smuggler: "As for Leavitt, he is poor as a man can be. . . I do not think he is worth five dollars." Apparently friends helped Leavitt pay his \$75.00 fine.

⁸⁶ See Chapter 7 for details.

⁸⁷ R.C. Simmons, "Trade Legislation and its Enforcement, 1748-1776," in Jack P. Greene and J.R. Pole, *The Blackwell Encyclopedia of the American Revolution* (Oxford: Blackwell Publishers, 1991; paperback reprint, 1994), 164-165.

⁸⁸ Dave McIntosh, *The Collectors: A History of Canadian Customs and Excise* (Toronto: NC Press, 1983), 103.

⁸⁹ "Treasury Department Circular to the Captains of the Revenue Cutters," June 4, 1791, *The Papers of Alexander Hamilton*, (New York and London: Columbia University Press, 1965) VIII: 427-433.

⁹⁰ Sellers, *Market Revolution*, 15.

⁹¹ For the difficulties of apprehending criminals so close to the border, see John Dickenson to William P. Preble, August 19, 1816, *United States v. Samuel Tuttle*, December Term, 1817, RG21/MeDC, and George Smith to Thomas G. Thornton, August 29, 1815, TGT.

CHAPTER 4: COLONIAL ENFORCEMENT

The *Falmouth* Incident

New Brunswick's colonial customs officials faced some of the same problems enforcing commercial regulations as did their American counterparts. But there were two important differences between the American and British customs systems and the problems they faced. First, the British colonial customs system continued to suffer from salutary neglect after the Revolution, and possessed none of the administrative vigor displayed by Americans such as Secretary of the Treasury Alexander Hamilton. Second, the colonial customs system was divided between two kinds of officers, those who regarded their offices as profitable sinecures and those who wanted to reform the system to operate efficiently. The result was that corruption was rife, scandals were frequent, and customs officers spent much of their time defending their reputations. The event that illustrates the problems of New Brunswick's customs officers most clearly is the *Falmouth* incident of 1805.¹

On the surface the *Falmouth* incident appears unremarkable. On October 24, 1805, the captain of the *Union* cutter acting under the authority of the Superintendent of Trade and Fisheries seized the American sloop *Falmouth* for violating British commercial laws that forbade American vessels to trade while within New Brunswick

waters. The *Falmouth* was engaged in the illicit plaster trade, whereby Maritimes plaster producers exchanged gypsum for American goods, especially flour, at the border by simply transferring cargoes from one ship to another. George Leonard, in his capacity as Superintendent of Trade and Fisheries, had been battling this form of smuggling for some years. As recently as 1803 he had successfully prosecuted two American vessels engaged in the plaster trade.² Expecting this seizure to proceed in a routine manner, the *Union* escorted the *Falmouth* to Saint John for adjudication by New Brunswick's vice-admiralty court.

Leonard sought to encourage British shipping and colonial control of the plaster trade, but his greater concern was smuggling. In a letter to his patron Thomas Carleton, the absentee Governor of New Brunswick, Leonard wrote the following:

These evils [of the plaster trade], tho' great, are however comparatively small when the clandestine trade, that is encouraged by these illicit practices, is taken into consideration; for the above articles are principally, if not altogether, paid for, by Teas and coarse cottons imported from the East Indies by the Americans, adulterated brandies, and other spirits, coarse shoes and Boots, and other articles, principally the manufactures of the United States, received in return for the Plaister and Grindstones. These contraband articles, thus received, are afterwards easily distributed by boats and small craft thro' every part of this Province, and also thro' that valuable and populous part of the Province of Nova Scotia lying upon the Bay of Fundy.³

Leonard went on to detail how American merchants at Passamaquoddy also received timber, lumber, furs, and fish in return for their goods. He concluded: "Accordingly it is to be seen that the subjects of the United States near the boundary line and especially upon Moose Island, where they have a Custom house established are becoming very wealthy and have large stores erected for carrying on this species of Commerce, altho'

their soil and its products and harbors are inferior.”⁴ Leonard believed correctly that because of these American traders, British merchants found it impossible to compete unless they themselves became smugglers. The same reason accounted for what he termed “the appearance of lack of property in general among the inhabitants on the British side.”⁵ Eliminating smuggling at Passamaquoddy became something of a personal quest for Leonard, one that would earn him many enemies within the province.

The *Falmouth* case became a difficult one for Leonard. First, the American captain proved especially willing and able to defend his case in court. Second, New Brunswick’s customs establishment opposed Leonard’s rigid enforcement of the Navigation Acts. Third, because the possession of the islands in Passamaquoddy Bay was still undetermined, the matter drew the attention of both the United States and British governments. The *Falmouth* incident thus underscores many of the problems colonial customs officials faced in stopping smuggling at Passamaquoddy.

In January, 1806, the *Falmouth* case quickly went on trial before William Botsford, New Brunswick’s vice-admiralty court judge.⁶ The captain of the *Falmouth* and his lawyers put up a skillful defense. They contended that the sloop was in American waters at the time of seizure, and that the American customs collector had given him permission to proceed to what was termed a “neutral area” where it was customary for American vessels to take on cargoes of plaster directly from British vessels.⁷ This defense was problematic because both Britain and the United States claimed jurisdiction over the waters in which the *Falmouth* anchored. Diplomats had yet to decide what nation should possess Moose, Dudley, Allan, and Pope’s Folly islands. American citizens lived on and claimed all the islands as part of Massachusetts, but New Brunswick

officials claimed them as well. Furthermore, the “neutral zone” the *Falmouth* lay in was an unofficial construction made in 1799 between the American customs collector, Lewis Delesdernier, and his New Brunswick counterpart from St. Andrews, Deputy Customs Collector John Dunn.⁸

The prosecution countered with its own arguments. Foremost among these was the point that the *Falmouth* was anchored in British waters because all of the islands in Passamaquoddy Bay were part of New Brunswick according to the 1783 Treaty of Paris. The prosecution also attacked the idea that local customs officers could create a neutral zone on their own authority. The defense contested the allegations of British sovereignty over all the islands in Passamaquoddy Bay, and brought forth New Brunswick’s customs collector and comptroller as witnesses to attest to the validity of the “neutral zone.” They even brought the American customs collector to Saint John to testify.

The *Falmouth* case was a struggle between the province’s customhouse authorities and the superintendent of trade and fisheries, with the *Falmouth* and the vice-admiralty court judge in the middle. Leonard brought some damning evidence against the customhouse authorities, including the fact that the agent for the *Falmouth*’s cargo of gypsum was the customs surveyor and searcher, Colin Campbell; the owner of the cargo was Campbell’s son, Colin Jr.⁹ Judge William Botsford found against the *Falmouth*, and ordered the vessel and cargo condemned, but refused to fine the owners or captain because they were engaged in a trade that had been tolerated for so long. Botsford also found that all of the islands in the bay should be considered as within New Brunswick’s jurisdiction, and that the customs authorities had indeed exceeded their authority in creating a neutral zone. However, the judge also condemned Leonard for his conduct in

bringing unfounded charges against the owners of the vessel. The mixed results of the trial hardened the rivalry between Leonard and New Brunswick's customhouse establishment.¹⁰

Mercantilism and the British Empire

The struggle to control commercial shipping and eliminate smuggling was not restricted to New Brunswick; it occurred throughout the British Empire, including England, and London itself. The issue was the entire conception of trade: was trade to serve the interests of the state, or did the state exist to support trade? The former concept, known as mercantilism, was the dominant paradigm in the eighteenth century, but by the beginning of the nineteenth century it was just beginning to be challenged by free trade. However, ordinary people had always challenged mercantilism at the popular level by resisting the many restrictions and taxation it imposed. Resistance or support of mercantilism entered political debate, newspaper editorials, street theater, and smuggling. In many ways, the reaction to mercantilism is related to the ideology of the British Empire. This ideology was a loose set of ideas that propounded the empire as "Protestant, commercial, maritime, and free."¹¹ However, support of mercantilist policies did not necessarily equate with unequivocal support for the empire or vice versa; the issue was always clouded by pragmatic commercial concerns, or those who worried that the state was encroaching on their traditional liberties. Furthermore, those who loudly supported mercantilism often subverted those very policies by engaging in smuggling.

Mercantilism is a modern label for an eighteenth-century concept. Adam Smith, the man most responsible for the demise of mercantilism, invented the term “mercantile system” in the late eighteenth century. More recently, Smith’s phrase has been shortened to “mercantilism,” a term that implies far more rational thought and consistency than actually existed.¹² At the time, when people referred to British trade policies they generally discussed the “Navigation Acts,” a series of laws passed by Parliament, starting in 1651, which endured until about 1850. These laws embraced three principles. First, only British ships could trade with British colonies; the ship had to be built within the empire, and the law required that its captain and three-quarters of the crew were British subjects. Second, the laws restricted the kind of commodities British colonies sent to the mother country; for instance, a New Brunswick merchant could not ship tea bought in the United States to Britain. Third, goods from outside the British Empire were supposed to pass through Britain first, where they would be taxed before distribution to colonial markets.¹³

These laws enriched the British Empire at the expense of its competitors.¹⁴ Mercantilism deprived foreign governments of valuable shipping and markets, while enhancing British customs revenue and shipping. Britain’s rise to preeminence among the European powers was often attributed to the Navigation Acts, and many believed that this system promoted national and commercial security.¹⁵ Offenses against the Navigation Acts were therefore deemed as a direct assault on the British Empire’s safety and prosperity. Nova Scotia’s vice-admiralty court judge, while prosecuting a smuggler, claimed that every deviation from the Navigation Acts was a “nail driven into the Coffin of the British empire.”¹⁶ Some colonial officials, such as George Leonard, would have

agreed. But given the scale of smuggling in British North America, it is apparent that many were willing to sacrifice the needs of the empire for their own pragmatic concerns, even in a Loyalist colony like New Brunswick. Many Maritimers believed it was “a crime to support the fair [legal] trader by repressing smuggling.”¹⁷ Moreover, some of those who acted contrary to the Navigation Acts were the very individuals who should have been enforcing it, such as New Brunswick’s customhouse officers.¹⁸

The Navigation Acts were a mixed blessing for New Brunswick. Shipbuilders liked them because the laws deemed colonial-built vessels as British, and allowed them access to the vast imperial markets.¹⁹ Timber merchants also appreciated the benefits of imperial privileges.²⁰ Others complained about commercial restrictions, or evaded the laws through a wide variety of schemes. There is a growing body of evidence that the Navigation Acts seldom performed in the manner intended; Canadian historian Gerald S. Graham categorized contraband as a crucial staple of North Atlantic trade.²¹ American historian Francis Jennings has gone so far as to say that smuggling was “necessary and intrinsic” to colonial trade.²² One of the problems with British mercantilism was that the British North American economy was too underdeveloped to perform its assigned role within the imperial economy, and thus attempts to enforce the Navigation Acts “only produced smuggling and evasion.”²³

Another problem with the Navigation Acts was that the United States remained both an important market and producer for colonial and British merchants.²⁴ The Maritime Provinces needed American commodities such as wheat, and the British wanted access to America’s growing demand for manufactured items. Commercially aggressive American merchants, farmers, and fishermen sought access to colonial markets, and

frontier colonies like New Brunswick had difficulty in excluding American goods from their markets, so Saint John's customs officials used their discretion in bending, or even breaking the Navigation Acts.²⁵ Attempts were made by the colony's officials to discourage smuggling, and one of Lt. Governor Thomas Carleton's first actions was to forbid illicit and illegal trade with the United States, or the aiding or assisting therein.²⁶ Therefore, when authorities arrested Gillam Butler of Campobello for smuggling American whale oil that he claimed was British, provincial authorities acted in a manner intended to discourage further illicit trade with the United States. The courts found Butler guilty, and attempted to make an example of him when it fined him £500 and sentenced him to three months in prison.²⁷

Yet Carleton and his successors could not consistently pursue rigid enforcement of the Navigation Acts. In order to obtain supplies necessary for colonial enterprise such as shipbuilding, Carleton had to press imperial officials in London to change the laws, and occasionally they did.²⁸ But overall, imperial officials pursued policies for the benefit of the imperial core rather than the colonial periphery. Sometimes these policies benefited the colonies, but often they did not. As Adam Smith, himself a customs officer, noted, the system was often corrupt and unproductive.²⁹ In New Brunswick and Nova Scotia, the mercantilist system benefited some merchants, but hurt others and drove up prices for ordinary consumers. With a few exceptions, such as George Leonard, colonial and imperial officials often turned a blind eye, or even actively participated in, smuggling. Far from discouraging smuggling, crown customs officers often shielded smuggling activity.

New Brunswick's Customs Officials

Like the United States, New Brunswick had difficulty stopping smuggling at Passamaquoddy. Controlling cross-border trade was hard enough, but when the border was as indefinite as that which ran between the United States and New Brunswick, enforcing anti-smuggling laws became an administrative nightmare.³⁰ Furthermore, the United States produced in abundance low-cost, high-quality foodstuffs, especially flour, the very products New Brunswick could not provide for itself and that the British markets could not provide.³¹ New Brunswick's attempts to control trade with the United States were often undercut by British imperial policy; sometimes the Colonial Office in London encouraged trade with the United States, while on other occasions it forbade it. The complex relationship of the Loyalist population, with its strong commercial and emotional ties with the United States, further complicated the issue; from its inception, New Brunswick struggled to control illicit trade with the United States and usually failed.³² These problems are best understood through New Brunswick's customhouse, a remarkably corrupt and lax establishment even by contemporary standards.

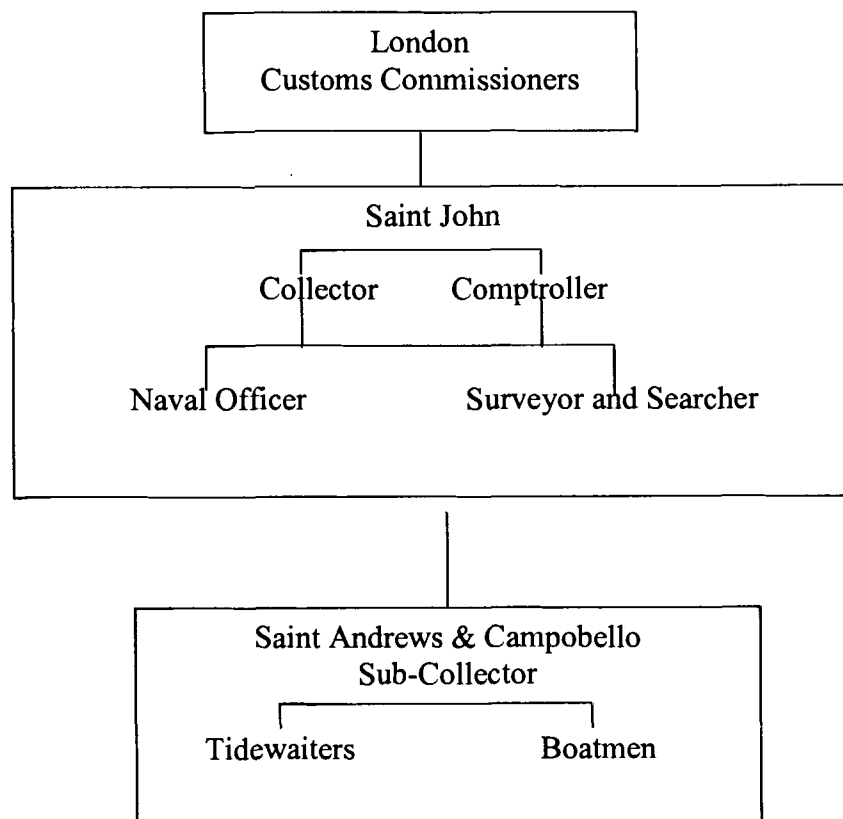
New Brunswick's customhouse establishment is fairly typical of the colonial customs service. New Brunswick's customs authorities operated out of Saint John, the colony's largest port and site of its only full-fledged customhouse. A small number of lesser officials worked in the province's other ports, which were known as "outports." Saint Andrews was always one of New Brunswick's more important outports. From the founding of the colony at least one customs official, deemed a sub-collector, operated at

Passamaquoddy, generally at Saint Andrews. But as the plaster trade became more important, another customs officer served shipping interests further down the bay at Campobello.³³

Most New Brunswick's customs officials, like their counterparts in the rest of British North America, proved extremely tolerant of illicit trade. In this they closely resembled the behavior of Crown customs officers in the thirteen American Colonies before the Revolution. Often locally appointed colonial customs officers were lax, and Crown customs collectors appointed from Britain were unpopular due to their venality, corruption or inflexibility.³⁴

British imperial officials showed little interest in colonial reform following the American Revolution, and largely continued a policy of 'salutary neglect' after establishing New Brunswick.³⁵ The king appointed a lieutenant governor who in turn chose a council that acted as advisors. The council represented the interests of the colonial elite, and was composed of wealthy and powerful individuals who often held other offices as well, such as supreme-court judges.³⁶ An elected Legislative Assembly represented the interests of ordinary New Brunswickers. Largely composed of merchants, the Assembly introduced new legislation for the approval of the lieutenant governor, who in turn sent it to England for Crown approval. The Assembly, as Leonard noted, was often in sympathy with smugglers owing to its own predominantly commercial composition.³⁷ Despite this sympathy, members paid lip service to the very Navigation Acts they flaunted by arranging a portrait of arch-mercantilist Lord Sheffield to hang in the Assembly chambers, a perfect representation of the differences between Loyalist action and ideology.³⁸

Figure 4.1: New Brunswick's Customs Establishment, c. 1784-1820



The political system was neither egalitarian nor especially democratic, nor was it intended to be.³⁹ The political ideals of New Brunswick's Loyalists were based on a concept of deference whereby the middling and lower social orders supported a wealthy educated elite who in turn were supposed to reciprocate by doing their best to bring stability and prosperity to the colony.⁴⁰ Central to this idea of deference was the rule of law: New Brunswick's supreme court judges sat in the governor's council, where they vigorously defended status and privilege.⁴¹ Furthermore, Loyalists were obsessed with legal technicalities, and were quick to sue.⁴² Despite ideals of good order, rule of law, and elite government, New Brunswick almost immediately developed a lively political climate in which the middling and lower classes challenged the assumptions of the colonial elite.⁴³ New Brunswick's political dynamic quickly began to resemble to that of the pre-Revolutionary colonies, an uneasy and fractious relationship in which the governors and council, assembly, and Crown office holders competed for power.⁴⁴

The most lucrative offices in the colony were in the Crown customhouse in Saint John. The highest-ranked customs officer in the colony, termed the collector, sometimes made more in a year than even the lieutenant governor, both from a salary and fees extracted from shipping.⁴⁵ Those customs officers, directly appointed by the Customs Commissioners, held their appointments at the pleasure of the Crown, which was essentially an appointment for life. Lesser officials held their office on the pleasure of the customs collector. The entire customs hierarchy existed outside of the colonial government's direct authority (see Figure 4.1). It formed almost "a state-within-a-state—connected with, but basically independent of, the various other royal officials."⁴⁶ The

primary duties of these officers were to regulate shipping by enforcing the Navigation Acts, and to tax incoming goods with imperial duties that went to the Crown and supported colonial government. These offices were both prestigious for the office holder and genuinely important to the colony as a whole, and this excited the interest of other government bodies and the jealousy of other office holders, especially George Leonard.

The customs collector was the most important officer in the customhouse. The Board of Customs Commissioners in London directly appointed this official and charged him with overall regulation of customs matters in New Brunswick. This included a considerable patronage network, whereby the collector appointed minor officers to control the province's outports. The collector was responsible only to the customs commissioners and to the Colonial Office; even the lieutenant governor had little authority over customs issues. While the annual salary was only £50, the collector was also entitled to gather fees for every service rendered to shipping, such as an entry or clearance certificate. While these fees were usually just a few shillings per transaction, they were numerous enough to provide a substantial income for the collector. Between 1807 and 1808 the collector's income averaged £800; by 1816, the collector garnered a stunning £2,900 - £900 more than the lieutenant-governor's salary - thereby initiating an extensive investigation by the Assembly into the fee structure at the Saint John customhouse.⁴⁷ The Assembly committee found extensive abuse in the fee system, and the Treasury censured him and fined him £250; nonetheless, he remained in office.⁴⁸ The corruption within Saint John's customhouse highlights the inconsistencies between Loyalist myth and reality in New Brunswick.

Loyalist Ideology, Officeholding, and Corruption

Determining the ideology of the Loyalists is no easy task, but a crucial one in recovering the “mentality” of New Brunswick officials.⁴⁹ George Rudé defined ideology as a blend of two elements, one of popular beliefs and the other adopted ideas from outside, what he termed “inherent” versus “derived” influences that overlapped one another. Inherent ideology tended to be backward-looking, demanding the restoration of traditional rights. Derived ideology tended to be forward looking, seeking reform rather than restoration.⁵⁰ Rudé’s model of ideology underscores the essential difference between American republican ideology and the Loyalist ideology of the remaining British colonies in mainland North America.

American scholars in recent decades have created a large body of knowledge on the ideology of the American Revolution. Generally this has concentrated on the “Patriot” cause, the revolutionaries who emerged victorious in the American War of Independence. Republicanism was in some ways a dynamic driven by the tension between an inherent ideology, such as preserving the “rights of Englishmen,” and derived ideological concepts, such as virtue.⁵¹ For officeholders the key elements of this derived ideology was virtue, whereby they defined their interests and duties in terms of the common good; they subsumed personal interests for public ones. Sociologist Max Weber identified the creation of a bureaucracy based on merit and technical qualifications as an important factor in the rise of the modern state; but Loyalist officeholders possessed an ideology that revolved around pre-modern ideals of privilege and social status.⁵²

Much less has been written on the ideology of the Loyalists, which was largely based on ancient but loose British ideals of Protestantism, commerce, maritime power, and freedom.⁵³ The strongest element of Loyalist ideology was essentially backward-looking, seeking to restore the pre-1775 world to create an hierarchical society based on deference and loyalty. Loyalists attempted to put these ideals into practice when the British imperial government created New Brunswick as a separate colony at their request. Prominent among the Loyalists who sought the creation of New Brunswick was the former Massachusetts attorney general, Jonathan Sewall, an officeholder who had strongly resisted the rise of Boston radicals in the 1770s. Yet even Sewall, one of the most outspoken Tory pamphleteers, had acted to defend Boston smuggler and equally outspoken Whig John Hancock from the imperial Customs Board.⁵⁴ Loyalist ideology accommodated both the ideals of an orderly society and more pragmatic economic concerns, but sometimes these values conflicted, as with smuggling. This created an ambivalence, perhaps even hypocrisy, among Loyalist officials. These conflicting desires were born of their pre-Revolutionary experiences and traveled with them when creating and administering New Brunswick.

The behavior of customs officials in Sewall's pre-Revolutionary Massachusetts largely explains the behavior of New Brunswick's customs officers. In Weber's terms, these colonial officials viewed their posts as patrimonial, an office they owned based on their loyalty to the king, and being so far from the king's authority, they quite naturally pursued personal agendas.⁵⁵ In colonial Massachusetts this meant that many customs officials "bent with the wind" and ignored or even expedited illegal intercourse. In cooperating with smugglers, customs officers avoided a great deal of trouble, profited

from official and unofficial remuneration, and gained the esteem and friendship of colonial merchants without loss of self respect, social esteem, or even much risk of censure from the Customs Commissioners. Their official dereliction of duty could be tolerated because of their public profession of loyalty to the king and the widely held conviction that the growth of the British empire's trade was better served by disregarding the unreasonable restrictions embodied in the less-popular clauses of the Navigation Acts, such as those prohibiting trade with French islands in the West Indies.⁵⁶

New Brunswick's Creole Customs Collectors

New Brunswick's custom officers seem to have retained this pragmatic view of officeholding. Most of them identified more with the colony's merchants than they did with the interests of the crown. In his study of the British customs service in colonial America, Thomas Barrow termed these officials "Creoles." Barrow posited that these officials' interests had degenerated from those of the Crown to a more local concern due to their great distance from London, a factor Weber noted was common in patrimonial bureaucracies. This was especially true when their pay was based on fees collected directly for their services.⁵⁷ In contrast to the creoles were the "schematists," customs officers who attempted to enforce the laws more rigidly and reported frequently to England."⁵⁸ The *Falmouth* incident, which unfolded in New Brunswick's courts, can largely be seen as a struggle between Creoles and schematists in the customs service.

New Brunswick's first customs collector was William Wanton, a Loyalist from Rhode Island and son of its last colonial governor. Wanton received his commission as collector in 1784 as a means to recover the financial losses his family suffered from the

Revolution. He held the office until his death in 1816, at age eighty-two. Wanton's Loyalism was of a moderate kind; he claimed before the Revolution his "principles were that Great Britain had no right to tax America but the family were never for opposing G. Britain by arms," a conclusion that indicates his creole sympathies.⁵⁹ The source of Wanton's attitudes toward officeholding were probably inherited from his father, who as Rhode Island's governor proved remarkably tolerant of smugglers and had done his best to impede official investigations of the burning of the revenue cutter *Gaspée* in 1772.⁶⁰

Wanton was a popular man in Saint John social circles and maintained an epicurean lifestyle on the emoluments of his office. Knowing that the province relied on trade, Wanton spent little effort suppressing smuggling. Instead he quietly collected his fees from shipmasters and merchants who were eager to pay them so long as he ignored their illicit trade. Wanton regarded his position as collector as a sinecure, in keeping with Weber's dictum that patrimonial bureaucrats considered their office as a personal right rewarding them for their personal loyalty to the monarch.⁶¹ Wanton's malfeasance proved extremely profitable; in his final year in office alone he garnered over £5,500 in fees.⁶² As with creole customs officers in colonial Massachusetts, merchants honored and rewarded Wanton for his laxity.

Not all of New Brunswick's Loyalists found Wanton's actions laudable. George Leonard leveled repeated charges against the Saint John customhouse, frequently accusing it of corruption. Wanton's defense against charges of laxity were calm and reasoned. His accusers exaggerated their points, he argued, and he expressed a mild shock at the various accusations made against him.⁶³ After repeated complaints a commission arrived from London in 1812 to investigate smuggling in New Brunswick

and neighboring colonies. The commission found that in 1810 smugglers brought into New Brunswick nearly all the tea; three-quarters of the wine; nine-tenths of spirits such as gin; seven-eighths of all soap and candles; most of the indigo, starch, mustard, tobacco, and East India textiles; and all of the nankeens, sailcloth, cordage and anchors. Much of this contraband arrived from the United States via Passamaquoddy.⁶⁴ In that same year the colony's top five customs officials earned £2,780 to prevent smuggling, the collector's share netted £871. Yet the Customs Commissioners did not remove Wanton from office, or even reprimand him; they tacitly countenanced his behavior.⁶⁵ To pacify Leonard, the Crown gave him greater powers to pursue smugglers, and provided him with a new cutter to carry out the task.⁶⁶

Henry Wright, who succeeded Wanton on his death, shared Wanton's views on office holding as a personal privilege. However, Wright proved far more rapacious than his predecessor.⁶⁷ In his first year in office, he collected more than £1,000 in fees above what Wanton had by arbitrarily raising them by a third. Furthermore, Wright installed his son-in-law as the deputy collector at Indian Island at Passamaquoddy and installed his son - not yet age twenty-one and therefore ineligible for office - as the deputy collector at Miramichi.⁶⁸ He also dismissed the deputy collector at St. Andrews, an act later found to be illegal.⁶⁹ Whereas Wanton extracted his fees and turned a blind eye to smuggling, Wright raised the customhouse fees and pursued smugglers, making him increasingly unpopular. Wright even went so far as to pursue a smuggling case against General John Coffin, a popular Loyalist leader, member of the Lieutenant Governor's council, and former commanding officer of the New Brunswick Fencible Regiment during the War of 1812.⁷⁰

Wright may have been more aggressive than Wanton in pursuing smugglers, yet he also fits into Barrow's model of a creole officeholder. Wright had no interest in reforming the customs system, but merely wanted to harness it more effectively for his own gain. Nonetheless, Wright was not a perfect creole in that he was an outsider, an Englishman with no local connections. Wright seemed to have an Englishman's disdain for colonials, an attitude that led him into conflict with General John Coffin, a powerful member of the governor's council, whose brother sat in the British House of Commons.⁷¹ Wright's men seized a boat belonging to Coffin at Passamaquoddy Bay because they found American contraband on board. The ensuing public power struggle embarrassed many of the colonial elite, including Wright, Coffin, and the influential lawyer Ward Chipman.⁷² Coffin even challenged Wright's comptroller to a duel.⁷³ Finally the case was brought before the Customs Commissioners in London, who supported Wright's position but also launched an investigation into the collector's conduct.⁷⁴ Smuggling scandals such as the *Falmouth* incident and the Wright-Coffin affair thus rocked New Brunswick society from time to time, much as they had Massachusetts before the Revolution.⁷⁵

George Leonard, Schematist

Superintendent of Trade and Fisheries George Leonard is exactly the sort of official Barrow had in mind when he coined the term "schematist." Barrow defined a schematist as an officeholder, "either English or colonial, who by dint of continually submitting reports and suggestions on the operation of the system created a reputation for knowledge and diligence, thus earning themselves a place in the [customs] service."⁷⁶

From the 1780s to the eve of the War of 1812, Leonard launched a personal campaign to eradicate smuggling in the Maritime Provinces. This should not be surprising in a man that historian William S. MacNutt deemed the most zealous of the New Brunswick Loyalists, a man who refused to temper his loyalty with “either caution or business acumen,” and who professed to believe that “the War of the American Revolution was still being fought on New Brunswick soil.”⁷⁷ Leonard’s hatred of Americans and bitter memories of the War of Independence fueled his zealous enforcement of the Navigation Acts, blinding him to the fact that during the Napoleonic Wars imperial authorities were more interested in maintaining amicable commercial relations with the United States than in rigidly enforcing commercial laws.⁷⁸

Leonard’s feud with the Saint John customhouse seems to date back to the years immediately after Britain established New Brunswick as a separate province. Leonard had occupied a temporary position as Comptroller of Customs with a mandate from Governor Carleton to suppress the illicit trade with the United States.⁷⁹ In June, 1786, he displayed his customary rashness by seizing two American vessels at Passamaquoddy without warning, and driving a third on shore in its effort to escape him.⁸⁰ This incident provoked a minor diplomatic crisis in which Massachusetts requested the aid of the Continental Congress. However, Massachusetts did not pursue the matter because it soon became embroiled in a tax revolt in the western part of the state called Shays’ Rebellion, and the American Continental Congress was rapidly losing power. New Brunswick officials also wanted to keep peaceful relations, and the incident was quickly forgotten as more pressing needs arose.⁸¹

Leonard seems to have been disappointed that the Customs Commissioners did not choose him to become a permanent customs official. Consequently his patron, Governor Carleton, found him a more demanding and less remunerative position, that of superintendent of trade and fisheries. In this capacity Leonard once again had a mandate to prosecute those engaged in illegal trade with the United States. He also used his position as an opportunity to criticize New Brunswick's customs establishment for its laxness. From 1798 to 1812 he was unrelenting in his efforts to convince the Customs Commissioners, the Secretary of State for Colonies, the New Brunswick Assembly, and other provincial officials that something must be done to halt smuggling with the United States.⁸²

Leonard's efforts as a schematist, especially with the constant flow of reports and recommendations to the Customs Commissioners, and even trips to England in 1787 and 1797, seem to have paid off. In 1796 the Customs Commissioners extended his commission to include all of New Brunswick, Nova Scotia, and what is now known as Prince Edward Island; in 1800 they granted him an annual subsidy to operate a 33-ton sloop carrying two small three-pounder cannons as a patrol vessel.⁸³ In 1801 the Commissioners made him a preventative officer with broad powers to seize vessels and property engaged in contraband trade. In 1810 they gave him a more substantial grant to operate a larger revenue cutter capable of patrolling the Bay of Fundy year-round. The vessel was virtually a miniature naval vessel, armed with eight 12-pounder carronades and a crew of 25.⁸⁴

Whether as Comptroller of Customs or Superintendent of Trade and Fisheries, Leonard's strict enforcement of the Navigation Acts made him enemies. Nova Scotia's governor complained that Leonard's actions "have entangled us in constant Disputes and Broils with the United States," and that he interfered with Nova Scotia's customs officers.⁸⁵ As early as 1798, an anonymous letter to Lord Portland mocked Leonard as "an illiterate, silly, contemptible fellow," who was "even ignorant and weak enough to suppose that he has the right to control the customs house."⁸⁶ Leonard was glad to return the favor, writing to his friend Edward Winslow that Collector Wanton and Comptroller Parker were afraid that he would expose to the public how much they made from the illicit plaster trade at Campobello.⁸⁷ Leonard then embarked on a campaign to harass and embarrass New Brunswick's customs officers even as he attempted to eradicate smuggling at Passamaquoddy. This campaign would directly impact smuggling and borderland relations until war broke out in 1812.

Aftermath of the *Falmouth* Incident

Leonard complained bitterly about the *Falmouth* incident and the opposition of the customs authorities to his cutter to all who would listen. Displeased by the judge's verdict on the *Falmouth*, Leonard published an advertisement in the *New Brunswick Royal Gazette* that despite his respect for Botsford, he would continue to pursue smugglers at Passamaquoddy.⁸⁸ However, by early 1806 diplomatic pressure was building for Leonard to ease off on his anti-smuggling campaign. At the request of Anthony Merry, Britain's minister to the United States, the president of the provincial council ordered Leonard to abstain from seizing any more U.S. vessels at

Passamaquoddy.⁸⁹ Leonard complied, but continued his campaign from afar, informing Merry that the “evils” in Passamaquoddy Bay “have greatly increased” since the Lieutenant Governor ordered him “to abstain from any seizures of American vessels” that were in situations similar to that of the sloop *Falmouth*.⁹⁰ By September Leonard reported that the illicit trade on the lines has become worse than ever, American smugglers were becoming bolder, and the more their demands were acceded to, the more demanding they became. In October he began to call for an investigation into the activities of the deputy collector at Passamaquoddy. In 1807 the feuding went before the House of Assembly, with both the customhouse officers and Leonard claiming the proceeds of fourteen barrels of contraband rum seized by the superintendent.⁹¹

The Saint John customhouse reacted to accusations of corruption with the blandest of denials. Collector Wanton and Comptroller Robert Parker responded, “Where countries border on each other, it is utterly impossible to put an effectual stop to illicit intercourse between the Inhabitants on each side.” They thought that Leonard exaggerated the scale of smuggling at Passamaquoddy, and were astonished at Leonard’s accusations, but of course items manufactured in India did find their way into New Brunswick from the United States.⁹²

Increasingly frustrated by his inability to patrol Passamaquoddy, Leonard finally was able to prevail upon the commander of the small Royal Navy schooner *Porgey* to go to Passamaquoddy and ruthlessly eliminate its thriving smuggling trade. Lt. James Flintoph took to the task eagerly; he printed an advertisement in the *Royal Gazette* with his intentions:

PUBLIC INFORMATION

To prevent as much as possible any interruption being given to the carrying trade between these provinces and the United States of America; notice is hereby given to all concerned, that any vessel employed in carrying plaster of paris and grindstones, from the quarries of Nova Scotia and New Brunswick to the places of consumption southward and westward of Portland, shall pass free and unmolested; and I pledge my word of honor that I will not interrupt them in their lawful pursuits, unless it shall appear that they have on board deserters from His Majesty's navy or army; the same special regard will be paid to all persons coming within the description of fishermen. And to discourage and punish all those concerned in illicit traffic, I am determined to treat with the utmost severity such as are found delivering their cargoes into American vessels in the Bay of Passamaquoddy or its neighborhood, or who may clandestinely introduce any articles either provinces contrary to law.

J. Flintoph, Lieutenant Commander⁹³

True to his word, Flintoph sailed for Passamaquoddy and immediately began to seize American vessels engaged in the plaster trade. According to the American collector, Flintoph "arrived on the evening of the 5th instant, fired his guns promiscuously, and in every direction, even among houses. The shot is in my possession that rolled between innocent children, to the great alarm of the peaceable inhabitants of both Governments in this vicinity."⁹⁴ Flintoph's methods, typical of Royal Navy enforcement, were crude and violent. He fired cannon, impressed sailors into naval service, and his men beat or threatened to shoot mariners who resisted.⁹⁵ A few weeks later the *Porgey* returned and seized two more American vessels with additional violence and gunfire, despite the protest of the American collector and Charlotte County magistrates.⁹⁶

Flintoph's tough methods at the behest of Leonard were his undoing. Complaints about his behavior soon began to reach Admiral Berkeley in Halifax, who was undeceived by Flintoph's bland report of his actions at Passamaquoddy.⁹⁷ Flintoph also suffered from a stroke of bad luck. Americans were in a rage over the unprovoked attack of HMS *Leopard* on the United States Frigate *Chesapeake* off the Virginia coast on June 22, 1808, and Admiral Berkeley faced criticism from his superiors for his role in that action. Flintoph's over zealotry at Passamaquoddy only added to Berkeley's problems, so the admiral apparently asked for and received Flintoph's resignation. Other Royal Navy officers who patrolled Passamaquoddy grimly noted Flintoph's fate and hoped to avoid a similar situation.⁹⁸

Crown Customs Officers at Passamaquoddy

The lesser customs officers at Passamaquoddy seem to have taken their cue from the customhouse in Saint John in tolerating, encouraging, and perhaps even participating in illicit trade at the border. The mentality of these lesser officials was undoubtedly creole, governed by their desire for good relations with their borderland neighbors, friends and families. Undoubtedly, too, they wished to avoid confrontations with schematists like Leonard. Only one office defied this pattern: the surveyor and searchers were often initially vigorous law enforcers, but with time they also became increasingly lax.

New Brunswick's surveyor and searcher was supposed to be an "outdoor officer" who spent most of his time on the waterfront searching for smugglers. The province's collector expected the surveyor and searcher to travel to the various outports and patrol the wharves and piers of Saint John, observing shipping and looking out for smugglers. With a "writ of assistance," British law empowered the surveyor and searcher to enter warehouses and even private homes in search of contraband, using force if necessary. Writs of assistance were spectacularly unpopular in the American colonies before the Revolution, and became the center of several controversies in Boston; they proved to be just as controversial in colonial New Brunswick.⁹⁹

The least popular surveyor and searcher was Richard Batchelor, who served in that capacity from 1790 to 1793.¹⁰⁰ Batchelor used very violent means that earned him a great deal of trouble throughout the province in incidents at Saint John, Campobello Island in Passamaquoddy Bay, and Cumberland at the head of the Bay of Fundy. At midnight, August 13, 1791 at Portland Parish (across the harbor from Saint John proper), Batchelor beat William Comely's dog to death with the butt of his pistol before beating down the door to Comely's residence. Comely resisted this intrusion with force; during the ensuing fracas, Batchelor ordered his assistant to blow Comely's brains out. Batchelor claimed he acted the authority of a writ of assistance, but Comely promptly sued Batchelor anyway.¹⁰¹ A few weeks later, Batchelor broke into a house on Campobello looking for contraband goods from the United States. The islands headstrong proprietor and Charlotte County Justice David Owen ordered Batchelor arrested. Batchelor resisted, escaped, and apparently assaulted Owen himself with a

knife.¹⁰² In July, 1792, Batchelor seized a vessel for smuggling at the head of the Bay of Fundy. A crowd subsequently rescued the vessel, and troops had to be called in twice before the vessel arrived safely at Saint John.¹⁰³

Not only did Batchelor's actions make him very unpopular, they also resulted in lawsuits against him and no doubt in his resignation and return to England in 1793 for "ill health."¹⁰⁴ David Owen's comments on Batchelor's activities at Passamaquoddy are the most telling. In a letter to his brother, Owen noted that a New Brunswick court had recently indicted the searcher of customs, "a man lately sent out from London," for breaking open stores on Campobello by virtue of a writ assistance. The courts also indicted Batchelor for stealing one of Owen's boats and resisting two men who attempted to recover it. Owen noted that "This fellow has occasioned almost a civil war," and concluded that "There is much general clamor and discontent such as preceded the Rebellion in 1774" due Batchelor's actions. Owen's letter indicated that New Brunswickers were not tolerant of outsiders who used violent methods, and that colonial courts would prosecute officers who used writs of assistance. Both facts were highly reminiscent of resistance to customs officers in Boston during the 1770s.¹⁰⁵

Batchelor's replacement was Colin Campbell, a Passamaquoddy resident who had served as the deputy customs collector at St. Andrews. Like Batchelor, Campbell proved willing to use violence, at least early in his career, but soon took a more relaxed position on illicit trade. Campbell initially was a vigilant officer. In late 1795, he seized the American vessel *Mary* for bringing corn to a gristmill on the New Brunswick side of the St. Croix River. The owners rescued it from the surveyor and searcher, and Campbell had to call in militia to assist him. Local magistrates complained that Campbell was

destroying the goodwill they had built with their American neighbors.¹⁰⁶ Governor Carleton agreed and ordered the *Mary* returned to her American owners, who later sued Campbell.¹⁰⁷

In 1796, Campbell continued his anti-smuggling campaign when he testified that some of Charlotte County's most prominent men, including several magistrates, were involved in smuggling tea, wine and brandy from the United States and that they hid them in "houses, warehouses, and other outhouses" on various islands throughout Passamaquoddy.¹⁰⁸ Later that year another violent incident took place at Passamaquoddy. Campbell had seized an American vessel for smuggling and placed armed guards on board the boat, which was anchored off Grand Manan Island. On the night of October 21, the guards shot and killed an American smuggler during an effort to rescue the vessel. The guards responsible faced only a cursory trial, but after this incident Campbell's tactics changed.¹⁰⁹

After 1796, Campbell had become more interested in the timber trade than in acting as surveyor and searcher, and no more reported episodes of violence involved him. Perhaps Collector Wanton, Governor Carleton, or some other individual encouraged him to modify his ways; there is no real way to account for the change. However, Campbell by this time was one of several Charlotte County notables reported for plundering the King's forests.¹¹⁰ His apostasy was clear by 1805, when his involvement in the illicit plaster trade became known, but the gears of British imperial bureaucracy ground very slowly; the Customs Commissioners did not remove him from office until 1816. The

Lieutenant Governor recommended one of George Leonard's sons as a replacement, but the Customs Commissioners instead chose Patrick Kelly, who Collector Wright restricted to operating only within Saint John.¹¹¹

What were the reasons for Campbell's conversion to creole behavior? Economic incentives surely played a role, but do not seem to be the sole reason he abandoned his duties as surveyor and searcher. However, the dilatory but profitable mode of Collector Wanton certainly earned Campbell a profitable living; in 1810 he earned £464, considerably more than his counterparts in Britain.¹¹² There must have been social pressures, too, as his fellow Charlotte County magistrates and merchants - many fellow Scotsmen like himself - sought accommodations with their counterparts in Washington County, Maine, including commercial connections. Painful lawsuits, and probable censure from other Crown officials, and lack of support by the Customs Commissioners probably further persuaded him to turn a blind eye to smuggling and adopt the creole mode of office holding.

Passamaquoddy's other Crown customs officers seem to have always acted as creoles, a mode of action that dovetailed nicely with other forms of borderlands accommodation. From the founding of the province in 1784, St. Andrews had a deputy customs collector. Initially Campbell himself, who John Dunn, co-creator of the "neutral zone" exposed in the *Falmouth* case, replaced him at an early date. Dunn, who also served as the Charlotte County sheriff and deputy naval officer, also had a spiritual reason to adopt the borderlander's resistance to centralized state authority. Dunn and his family were secret adherents of Catholicism, despite laws that forbade Roman Catholics from holding office.¹¹³ To circumvent these restrictions but remain true to his faith, he

had his children secretly baptized by the missionary priest to the Passamaquoddy Nation in nearby Pleasant Point, Maine.¹¹⁴ He continued in office until after 1820, despite Leonard's call for his removal in 1806 and an extremely negative report based on a special inquiry made by the Customs Commissioners.¹¹⁵ As deputy collector he earned £602 in fees in 1810, without collecting even one penny for the King's revenue in either duties or seizures.¹¹⁶ Dunn's creole leniency with smugglers made him a popular man. An American smuggler during the War of 1812 had dinner with Dunn at St. Andrews, and found him "a very open warm hearted Irishman."¹¹⁷ This description seems appropriate, given that Washington County, Maine's highest ranked militia officers also dined with Dunn that night, notwithstanding the war.¹¹⁸ Like Collector Wanton in Saint John, or his American counterparts Delesdernier and Trescott, Dunn was remembered by a local historian as a "man proverbially kind, liberal, and hospitable."¹¹⁹

In response to the needs of shipping, especially the plaster trade, customs authorities appointed another deputy collector to Passamaquoddy. Generally this deputy collector kept his office on Campobello, but during the British occupation of Moose Island the office relocated there. After the Americans regained possession of Eastport in 1818, the office moved once again to Indian Island.¹²⁰ Thomas Henderson, too, came down in local memory as an affable character. Appointed to oversee the largely illicit gypsum trade passing through Passamaquoddy, Henderson largely kept out of the official record, making him the perfect creole official: honored, rewarded, and mostly invisible.¹²¹

Conclusion

The *Falmouth* incident, the abuses by customs officials, and their creole attitudes display some of the less flattering aspects of Loyalist and colonial society. New Brunswick's colonial population, like its Nova Scotia counterpart, had a double standard when it came to government. As Neal MacKinnon observed about the Loyalist experience in Nova Scotia, "if the government was obliged to be honest and conscientious towards them, it did not mean that they in turn had to be honest and conscientious towards the government."¹²² This pragmatic, even hypocritical colonial attitude toward the state seemed to grow in power with distance from the imperial core in London. Far from embracing modern ideas of a bureaucratic state, New Brunswick's elite had a decidedly pre-modern view based on their entitlement to multiple offices, life-long tenure, and a proprietorial interest in collecting fees for their own enrichment.¹²³ William Wanton's attitude towards the collectorship seems to have always been creole in nature. Colin Campbell's early efforts to rigidly enforce the Navigation Laws quickly collapsed when social peers applied pressure and when other avenues to wealth became apparent. Moreover, colonial society had effective ways of dealing with non-creole troublemakers like Richard Batchelor.

The ambivalence of colonial society to state authority, especially customs officers, meant that many borderland residents already resisted the centralizing tendencies of government even before they arrived in Passamaquoddy. Most Loyalists who came to the region were North Americans, and thus shared more in common with their republican neighbors than with peoples in the British Isles. Even non-North American Loyalists, such as the lowland Scots, arrived with a prejudice against the

London government.¹²⁴ Furthermore, the wilderness situation in which they found themselves meant that the idea of a Loyalist haven in New Brunswick, led by an aristocratic elite, remained only a dream. The North Americans habitually resisted imperial commercial restrictions, even in a province founded by self-proclaimed Loyalists. In New Brunswick, the very officers commissioned to enforce these laws often turned out to be violating them, and assisting their neighbors in doing so as well. Thus the lure of illicit trade transcended their Loyalism. Sometimes these underlying contradictions between officeholding and corruption became a public struggle between creoles and schematists, as with the *Falmouth* case.¹²⁵

Customs officers at Passamaquoddy, whether loyalist or republican, merely reflected more widespread attitudes when they turned a blind eye to smuggling. The British and American governments further confused the issue by occasionally encouraging smuggling to undermine the trade policies of the other. In this manner, government itself promoted borderlands attitudes by attempting to subvert the commercial loyalties of foreign merchants. Merchants and officials thus colluded in the creation of the Passamaquoddy borderlands.

¹ For accounts of the *Falmouth* incident, see Anne Gorman Condon, *Envy of the American States: The Loyalist Dream for New Brunswick* (Fredericton, NB: New Ireland Press, 1984), 215-217; William S. MacNutt, *New Brunswick: A History, 1784-1867* (Toronto: Macmillan, 1963; paperback reprint 1984), 139-141; see especially the pamphlet on the trial, *The Question Respecting the Right of the United States of America, to the Islands in Passamaquoddy Bay by Virtue of the Treaty of 1783, Considered in the Case of the Sloop Falmouth, in the Court of Vice-Admiralty, for the Province of New Brunswick in the Year 1805* (Saint John, NB: J. Ryan, 1805) [CIHM 92469]; hereafter as *Falmouth Case*.

² George Leonard to John Sullivan, December 14, 1803, C.O. 188/12.

³ George Leonard to Thomas Carleton, March 9, 1803, C.O. 188/12.

⁴ *Ibid.*

⁵ Ibid.

⁶ Botsford resigned his position as New Brunswick's vice-admiralty court judge in 1807 because of its low emoluments. See Kathleen Leyden, *Crimes & Controversies: Law and Society in Loyalist Saint John* (Saint John, NB: Saint John Law Society, 1985), 50.

⁷ *Falmouth Case*, 21.

⁸ *Falmouth Case*, 21.

⁹ George Leonard to Edward Winslow, December 14, 1805, "Winslow Papers."

¹⁰ MacNutt, *New Brunswick*, 139-141.

¹¹ David Armitage, *The Ideological Origins of the British Empire* (Cambridge: University of Cambridge Press, 2000; reprinted, 2002), 8.

¹² Drew R. McCoy, "Mercantilism" in Robert E. Rutland, ed., *James Madison and the American Nation: An Encyclopedia* (New York: Simon & Schuster, 1994), 302; John J. McCusker and Russell R. Menard, *The Economy of British North America, 1607-1789* (Chapel Hill: University of North Carolina Press, 1991), 35.

¹³ Alan Taylor, *American Colonies* (New York: Viking, 2001), 258.

¹⁴ Gerald S. Graham, *Sea Power and British North America, 1783-1820: A Study in British Colonial Policy* (Cambridge: Harvard University Press, 1941), 4.

¹⁵ Ibid., 6.

¹⁶ Ibid., 6, quoting the *Acadian Recorder*, March 27, 1813.

¹⁷ Graham, *Sea Power*, 174, quoting "Nova Scotia 'A' Letterbooks," vol. 157, p.44, NAC.

¹⁸ Ibid., 174, MacNutt, *New Brunswick*, 65.

¹⁹ Eric W. Sager and Gerald E. Panting, *Maritime Capital: The Shipping Industry in Atlantic Canada, 1820-1914* (Montreal: McGill-Queen's University Press, 1990), 24.

²⁰ MacNutt, *New Brunswick*, 149-154.

²¹ Graham, *Sea Power*, chapter X, "Contraband," 153-176.

²² Francis Jennings, *The Creation of America: Through Revolution to Empire* (Cambridge: University of Cambridge Press, 2000), 80.

²³ Ann Gorman Condon, "Loyalist Arrival, Acadian Return, Imperial Reform," in Phillip A. Buckner and John G. Reid, *The Atlantic Region to Confederation: A History* (Toronto: University of Toronto Press, 1998), 195.

²⁴ Graeme Wynn, "1800-1810: Turning the Century," in Buckner and Reid, *Atlantic Region*, 218-220.

²⁵ MacNutt, *New Brunswick*, 65.

²⁶ Proclamation of Lt. Governor Carleton, November 24, 1784, C.O. 188/3.

²⁷ Thomas Carleton to Lord Grenville, April 6, 1786, C.O. 188/3.

²⁸ Graham, *Sea Power*, 165.

²⁹ McCoy, "Mercantilism," 302.

³⁰ A.L. Burt, *The United States Great Britain and British North America: From the Revolution to the Establishment of Peace After the War of 1812* (New York: Russell & Russell, 1961), 60-63.

³¹ Graham, *Sea Power*, Chapter VIII, "Wheat" for an extensive analysis of the role flour played in the relationship between British North America and the United States.

³² MacNutt, *New Brunswick*, 58, 65, 84-85, 96-97, 146-48, 173-77.

- ³³ Thomas Henderson moved his office to Moose Island during the British occupation, and then to Indian Island after 1818. Wright and Parker to Lt. Gov. Smyth, July 7, 1818: RS 7: "Records of the Executive Council: Papers, 1784-1877," PANB.
- ³⁴ John J. McCusker and Russell R. Menard, *The Economy of British North America, 1607-1789* (Chapel Hill: University of North Carolina Press, 1985), 77-78; Hiller B. Zobel, *The Boston Massacre* (New York: W.W. Norton & Company, 1971; reissued 1996), 60; for a full-length monograph, see Thomas C. Barrow, *Trade and Empire: The British Customs Service in Colonial America, 1660-1775* (Cambridge, MA: Harvard University Press, 1967), passim.
- ³⁵ Condon, *Loyalist Dream*, 214.
- ³⁶ David G. Bell, "Maritime Institutions under *L'Ancien Regime*, 1710-1850," *Manitoba Law Journal* 23: 1-2 (January 1996), 120.
- ³⁷ George Leonard to John Sullivan, December 14, 1803. C.O. 188/12
- ³⁸ MacNutt, *New Brunswick*, 149.
- ³⁹ Condon, *Loyalist Dream*, 45-59.
- ⁴⁰ Ibid.
- ⁴¹ David G. Bell, "Maritime Legal Institutions Under the *Ancien Régime*, 1710-1850," *Manitoba Law Journal* 23 (January, 1996), 119-121.
- ⁴² Kathleen Leyden, *Crimes & Controversies: Law and Society in Loyalist Saint John* (Saint John, NB: Saint John Law Society, 1987), passim.
- ⁴³ David G. Bell, *Early Loyalist Saint John: The Origins of New Brunswick Politics, 1783-1786* (Fredericton, NB: New Ireland Press, 1983), viii.
- ⁴⁴ Alan Tully, "the Political Development of the Colonies After the Glorious Revolution," in Jack P. Greene and J.R. Pole, eds., *The Blackwell Encyclopedia of the American Revolution* (Malden, MA and Oxford, UK: Blackwell Publishers, 1991; paperback reprint, 1999), 31, and J.P. Greene, "Ongoing Disputes over the Prerogative, 1763-1776," *ibid.*, 171-177; Richard L. Bushman, *King and People in Colonial Massachusetts* (Chapel Hill and London: University of North Carolina Press, 1985), 91-92.
- ⁴⁵ See Marion Gilroy, "Customs Fees in Nova Scotia," *Canadian Historical Review* 17:1 (March, 1936), 9-22 for customs fees in Nova Scotia; the situation was similar in New Brunswick.
- ⁴⁶ Barrow, *Trade and Empire*, 91.
- ⁴⁷ McIntosh, *The Collectors*, 53.
- ⁴⁸ Atton and Holland, *King's Customs*, 93.
- ⁴⁹ For Loyalist ideology, see Jane Errington, *The Lion, the Eagle, and Upper Canada: A Developing Colonial Ideology* (Montreal: McGill-Queen's University Press, 1987), 23-25.
- ⁵⁰ George Rudé, "Ideology and Popular Protest," in Harvey J. Kaye, ed., *The Face of the Crowd: Selected Essays of George Rudé* (New York and London: Harvester-Wheatsheaf, 1988), 197-198.
- ⁵¹ Robert E. Shallhope, "Republicanism," in Jack P. Greene and J.R. Pole, *The Blackwell Encyclopedia of the American Revolution* (Malden, MA and Oxford, UK: Blackwell Publishers, 1991; paperback reprint, 1999), 659-660; James T. Kloppenburg, "Virtue," *ibid.*, 688-693.

- ⁵² Max Weber, *Economy and Society: An Outline of Interpretive Sociology* (New York: Bedminster Press, 1968; 3 vols.), 1030-1031.
- ⁵³ Armitage, *Ideological Origins*, 8.
- ⁵⁴ Condon, *Loyalist Dream*, 47-48, 214.
- ⁵⁵ Weber, *Economy and Society*, 1028-1031.
- ⁵⁶ Bushman, *King and People*, 151-153.
- ⁵⁷ Barrow, *Trade and Empire*, 170; Weber, *Economy and Society*, 1031-1032.
- ⁵⁸ Barrow, *Trade and Empire*, 81; see also Bushman, *King and People*, 149-154 for an analysis of Barrow's ideas as they applied to Massachusetts.
- ⁵⁹ Coke, *Royal Commission*, 188, quoted in Condon, *Loyalist Dream*, 15.
- ⁶⁰ Neil R. Stout, *The Royal Navy in America, 1760-1775* (Annapolis, MD: Naval Institute Press, 1973), 141-144.
- ⁶¹ Weber, *Economy and Society*, 1028-1031.
- ⁶² MacNutt, *New Brunswick*, 65, 177.
- ⁶³ See William Wanton and Robert Parker to Customs Commissioners, June 3, 1808, C.O.188/14.
- ⁶⁴ Henry Atton and Henry Hurst Holland, *The King's Customs, vol. 2: An Account of Maritime Revenue, Contraband Traffic, the Introduction of Free Trade, and the Abolition of the Navigation and Corn Laws, from 1801 to 1855* (London: John Murray, 1910; reprint, New York: Augustus M. Kelley, 1967), 36-37.
- ⁶⁵ McIntosh, *The Collectors*, 234-235; Bushman, *King and People*, 153.
- ⁶⁶ See Charles E. Leonard's accounts for the revenue schooner *Hunter*, c. 1810, C.O. 217/82. Charles was one of George Leonard's sons, and served as commander of the revenue cutter for several years.
- ⁶⁷ Atton and Holland, *King's Customs*, 93.
- ⁶⁸ David Owen to Bathurst, November 24, 1817, and John Coffin to Bathurst, November 24, 1817, both C.O. 188/23; and "Report of a Committee on Customhouse Abuses, August 24, 1818," C.O. 188/24.
- ⁶⁹ "Report of a Committee on Customhouse Abuses, August 24, 1818," C.O. 188/24; MacNutt, *New Brunswick*, 177.
- ⁷⁰ MacNutt, *New Brunswick*, 178.
- ⁷¹ For Coffin's life see Henry Coffin, *A Memoir of General John Coffin* (Reading, England: E. Blackwell, 1860) [CIHM 48658].
- ⁷² *Eastport Sentinel*, November 18, 1820.
- ⁷³ Lorenzo Sabine, *Biographical Sketches of Loyalists of the American Revolution* (Boston: Little, Brown and Company, 1864), 324.
- ⁷⁴ MacNutt, *New Brunswick*, 177. For more on this affair, see Chapter 9.
- ⁷⁵ MacNutt, *New Brunswick*, 139-140; McIntosh, *The Collectors*, 53. For Massachusetts see John W. Tyler, *Smugglers and Patriots: Boston Merchants and the Advent of the American Revolution* (Boston, Northeastern University Press, 1986).
- ⁷⁶ Barrow, *Trade and Empire*, 81.
- ⁷⁷ MacNutt, *New Brunswick*, 138.
- ⁷⁸ Condon, *Loyalist Dream*, 215.
- ⁷⁹ Thomas Carleton to Thomas Steele, November 29, 1784, RS 13, "Provincial Secretary, Correspondence," PANB

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- ⁸⁰ Lewis F. Delesdernier to James Avery and Stephen Jones, June 26-27, 1786, *Massachusetts Resolves*, 1786: supporting documents to Chapter 127, approved July 8, 1786, MSA.
- ⁸¹ Davis, *International Community*, 69.
- ⁸² Condon, *Loyalist Dream*, 215; MacNutt, *New Brunswick*, 139.
- ⁸³ Graham, *Sea Power*, 162; J.C. Arnell, "The Superintendent of Trade and Fisheries for Nova Scotia and the Armed Vessels *Union* and *Hunter*, Part I. The Problem Associated with Trade and Fishing After the American Revolution," *Mariner's Mirror* 56:4 (November 1970), 395-409.
- ⁸⁴ Charles E. Leonard's accounts for the revenue schooner *Hunter*, c. 1810, C.O. 217/82.
- ⁸⁵ John Parr to Lord Sydney, July 4, 1787, NAC "Nova Scotia 'A,'" vol. 109, 88-94, quoted in Arnell, "Superintendent of Trade," 399.
- ⁸⁶ Anonymous to Lord Portland, November 8, 1798, C.O. 188/9, quoted in Arnell, "Superintendent of Trade," 408.
- ⁸⁷ Leonard to Edward Winslow, December 14, 1805, "Winslow Papers".
- ⁸⁸ George Leonard to Edward Winslow, November 10, 1805, "Winslow Papers."
- ⁸⁹ Anthony Merry to Thomas Carleton, April 29, 1806, "Barclay Papers," MeHS.
- ⁹⁰ Gabriel Ludlow to George Leonard, June 26, 1806, C.O.188/13
- ⁹¹ George Leonard to William Windham, October 13, 1806 C.O.188/13; George Leonard to Anthony Merry, August 20, 1806, and George Leonard to President of the Council, September 27, 1806, both in "Winslow Papers;" MacNutt, *New Brunswick*, 141.
- ⁹² William Wanton and Robert Parker to Customs Commissioners, June 3, 1808, C.O.188/14.
- ⁹³ *New Brunswick Royal Gazette*, June 8, 1807.
- ⁹⁴ Lewis Frederick Delesdernier to James Madison, June 24, 1807, *Annals of Congress*, 10th Congress, 1st session, Appendix: "Relations with Great Britain," 2297-2301.
- ⁹⁵ *Eastern Argus*, June 25, 1807.
- ⁹⁶ Lewis Delesdernier to James Madison, July 9, 1807, and enclosures, *Annals of Congress*, 10th Congress, 1st session, Appendix: "Relations with Great Britain," pp. 2297-2301; *Eastern Argus*, March 31, 1808.
- ⁹⁷ John Flintoph to George Berkeley, July 27, 1807, Adm. 1/497.
- ⁹⁸ William Frissell to Jonathan Shortland, May 17, 1808, Adm. 1/498.
- ⁹⁹ Barrow, *Trade and Empire* 169, 202-203; R.C. Simmons, "Trade Legislation and its Enforcement, 1748-1776," in Jack P. Greene and J.R. Pole, *Blackwell Encyclopedia of the American Revolution*, 166-167.
- ¹⁰⁰ Var. Batcheldor, Batchellor.
- ¹⁰¹ *William Comely v. Richard Batchellor and William Comyns*, 1791, RS 42, "Supreme Court Original Jurisdiction Case Files," PANB.
- ¹⁰² Deposition of David Owen, September 13, 1791, C.O.188/18.
- ¹⁰³ Robert F. Fellows, "New Brunswick Custom House 1784-1816," pp. 6-7, TMs., PANB.

¹⁰⁴ Ibid., 5; and Customs Commissioners to Gov. Carleton, August 6, 1793, RS 23 “Customs House Records,” PANB [hereafter as RS 23].

¹⁰⁵ David Owen to his brother, September 15, 1791, “Glansvern Collection,” National Archives of Canada, Ottawa, ON.

¹⁰⁶ Colin Campbell to Wanton and Parker, December 13, 1795, RS 23, “Customs House Records,” PANB.

¹⁰⁷ *Nathaniel Goddard v. Colin Campbell*, 1799, RS 42, “Supreme Court Original Jurisdiction Case Files,” Collin Campbell to Saint John Collector and Comptroller, December 13, 1795, RS 23, “Customs House Records: Correspondence: Seizures, 1791-1812,” and RS 23, “Customs House Records: Legal Matters: Schooner *Sally*, 1790-1795,” all PANB.

¹⁰⁸ Deposition of Colin Campbell, *King v. Wine, Brandy, and Tea*, 1796, and Affidavit of Colin Campbell, *King v. Thomas Ross et al.*, RS 42, “Supreme Court Original Jurisdiction Case Files,” PANB.

¹⁰⁹ Grand Jury finding, Charlotte County General Sessions, April Term, 1797, RS 148, “General Sessions Proceedings, Charlotte County,” PANB.

¹¹⁰ Harold O. Davis, *An International Community on the St. Croix (1604-1930)* Orono, ME: University of Maine Press, 1974), 57, 98.

¹¹¹ Lt. Governor Hunter to HM’s Customs Commissioners, December 24, 1816, RS 23; “New Brunswick Crown Officers, 1817, C.O. 325/18;” and James C. Kelly to Customs Commissioners, October 30, 1816, Customs 34/6503.

¹¹² Henry Atton and Henry Hurst Holland, *The King’s Customs, vol. II: An Account of Maritime Revenue, Contraband Traffic, the Introduction of Free Trade, and the Abolition of the Navigation and Corn Laws, from 1801 to 1855* (London: John Murray, 1910; reprint, New York, Augustus M. Kelly, 1967), 37.

¹¹³ See John Garner, *The Franchise and Politics in British North America, 1755-1867* (Toronto: University of Toronto Press, 1969), 56. Garner found that Charlotte County Catholics commonly voted despite this ban, which was lifted in 1810.

¹¹⁴ D.R. Jack, “Biographical Data Relating to New Brunswick Families, Especially of Loyalist Descent,” (Saint John: Saint John Free Public Library, 1980), 22.

¹¹⁵ George Leonard to William Windham, October 13, 1806, C.O.188/13; Leonard to Edward Winslow, December 14, 1805, in W.O. Raymond, *Winslow Papers* (Saint John, NB: Sun Printing Company, 1901), 545; McIntosh, *The Collectors*, 236-237.

¹¹⁶ Atton and Holland, *King’s Customs*, 37; “Report of Customs Receipts, Duties v. Seizures at St. Andrews, NB, 1808-1817,” Customs 34/ 6503.

¹¹⁷ Petty Vaughan to Benjamin Vaughan, September 30, 1812, “Vaughan Family Papers,” MHS.

¹¹⁸ Ibid.

¹¹⁹ Sabine, *Biographical Sketches* (Boston: Little, Brown, and Company, 1864), 401.

¹²⁰ Deposition of Israel Andrews, August 2, 1821, Customs 34/6446.

¹²¹ J.G. Lorimer, *History of the Islands & Islets in the Bay of Fundy* (St. Stephen, NB: St. Croix Courier, 1876), 78; Bushman, *King and People*, 152.

¹²² Neal MacKinnon, *This Unfriendly Soil: The Loyalist Experience in Nova Scotia, 1783-1789* (Kingston: McGill-Queen’s University Press, 1986), 73.

¹²³ Elizabeth Mancke, "Early Modern Imperial Governance and the Origins of Canadian Political Culture," *Canadian Journal of Political Science* 32:1 (March, 1999), 17.

Mancke maintains that Loyalists accepted the emergence of a modern bureaucratic state.

¹²⁴ David S. Macmillan, "The 'New Men' in Action: Scottish Mercantile and Shipping Operations in the North American Colonies, 1760-1825," in David S. Macmillan, ed., *Canadian Business History: Selected Studies, 1497-1971* (Toronto: McClelland and Stewart Limited, 1972), 47.

¹²⁵ George Rawlyk, "The Federalist-Loyalist Alliance in New Brunswick, 1784-1815," *Humanities Association Review* 27 (Spring, 1976), 142-160; Condon, *Loyalist Dream*, 69.

CHAPTER 5: THE BORDERLAND EXPERIENCE

Dr. Faxon Goes to a Tavern

An important element of the borderlands mentality is how locals perceived themselves and their relationship to the state. Determining how borderland residents felt about themselves and their situation is difficult. Loyalties seemed to shift continually as dictated by circumstances, a perpetual reassessment that occurred throughout British North America and the newly-created United States. Living on or near the border between the two simply amplified the necessity of suppressing ideology in favor of pragmatic concerns. An illuminating example of this ambivalence toward state loyalties occurred in 1807, just as Britain and the United States seemed to be on the verge of war. Dr. Jonathon Faxon, an American expatriate living on Grand Manan, New Brunswick, happened to be in an Eastport tavern. The conversation turned to the recent *Chesapeake* affair; some of the Americans present began to criticize the British government. Faxon, who had taken an oath of loyalty to the British monarchy, stepped forward and defended the British government, nearly precipitating a brawl.¹

What are we to make of Faxon's actions? Here was an American citizen, a veteran of the Continental Army, who had departed the United States and taken an oath of loyalty to the same British monarchy that he had once fought against. Where was the

revolutionary ardor and ideology that American scholars have made so much of?² Why was he permitted to live in a Loyalist province? The answers lie in the pragmatic borderland attitudes at Passamaquoddy.

Examining Dr. Faxon's life reveals a gap between revolutionary ideals and the realities of everyday life. Faxon was born in Rhode Island, served in the Continental Army while still a teenager, and attended Brown University. He arrived on Grand Manan sometime after 1800, and became popular both with the island's Loyalist proprietor, Moses Gerrish, and the other settlers because of his "industry," which included smuggling flour during Jefferson's embargo.³ Faxon brought additional settlers, built ships, wharves and mills, and engaged in commerce.⁴ Some even claimed he "forwarded the settlement of Grand Manan more than any three men that ever was on this Island."⁵

Yet rumors persisted that Faxon was unfriendly to the British government. As late as 1807, Gerrish defended Faxon as "exemplary in his conduct, and [he] has expended a considerable sum of money in promoting a settlement."⁶ Faxon provided evidence to New Brunswick authorities as to his character, including the statement on the Eastport tavern argument about the merits of British governance. But tensions concerning deeds and property rights were building on Grand Manan; the details are unclear, but people complained of personal assaults, the destruction of their buildings, and dishonest land deals by Gerrish.⁷ Faxon was implicated in these matters, and soon Gerrish turned on him. By 1810, Gerrish claimed Faxon was "the most accomplished villain that ever fell to my lot to be acquainted with," that a "small volume of his knavery

and viciousness” should be written, and that he should be banished from the province.

Gerrish concluded his letter with an indictment against the American settlers on the island, particularly Faxon:

The People on this Island (with few exceptions) who have been citizens of the United States did not leave their principles behind them they have no attachment to this Government only from matters of Private interest; they are still republicans in heart, lip & life and in case of a rupture between the States & Great Britain, I should be under greater apprehensions from a party of these people, combined with the Indians than all the forces the United States would send against us.—Report says, that the celebrated Dr. Faxon has aided and assisted a junto at Moose Island in framing a petition to Congress for this Island to be annexed to the United States.⁸

The conflicting views of Faxon’s conduct point out a conflict between North American revolutionary ideology and actual experiences. How are we to understand how borderland residents interpreted their world, and especially their precarious position on the boundary between two ideologically opposed states?

Borderlands as Frontier

On a regional basis there has been a great deal of study on the frontier experience and its inter-relationship with the American Revolution. Maine has benefited from two exemplary works: Laurel Thatcher Ulrich’s *A Midwife’s Tale: The Life of Martha Ballard, Based on Her Diary, 1785-1812* and Alan Taylor’s *Liberty Men and Great Proprietors: The Revolutionary Settlement on the Maine Frontier, 1760-1820*.⁹ The idea of New Brunswick as a frontier has not been explored to the same extent, a somewhat ironic development given that many American scholars such as Bernard Bailyn use Patrick Campbell’s painting “An American landscape hewn and enclosed, with Native

Americans canoeing by” as the archetypical American landscape. Actually it depicts a portion of the Saint John River in New Brunswick in the 1790s.¹⁰ However, Canadian historiography is not silent on the frontier experience in New Brunswick. Esther Clark Wright’s *The Loyalists of New Brunswick*, first published in 1955, found that the Loyalist experience was one of hardships very akin to American settlers.¹¹

Ulrich’s and Taylor’s works are some of the most influential examinations of the frontier experience. Ulrich achieved this by closely examining the journal of a Maine midwife; Taylor did so by studying frontier agrarian protest against wealthy land speculators. Both works could be instructive for Canadian scholars in that Ulrich’s midwife was probably a Loyalist and Taylor’s “Liberty Men” frequently fled the law by seeking asylum in British North America. On the Canadian side, one of the most useful works that examines everyday life for the Loyalists is Neil MacKinnon’s *This Unfriendly Soil: The Loyalist Experience in Nova Scotia, 1783-1791*.¹² While Taylor’s agrarians often fled to the British provinces to escape the avarice of land speculators, MacKinnon’s Loyalists often moved back to the United States when their commercial dreams failed in the Maritime Provinces. Other Loyalist studies, such as Jane Errington’s *The Lion, the Eagle, and Upper Canada*, and Esther Clark Wright’s *Loyalists of New Brunswick*, also emphasize the fact that Loyalists faced a frontier experience identical to the American one, yet developed a different set of political ideals.¹³

Taylor examined four themes that are applicable to the Passamaquoddy borderlands: migration to the frontier, the creation of property out of wilderness lands; evangelical religion; and organized resistance against land speculators and proprietors. Taylor linked all of these themes to the American Revolution and the different

interpretations the wealthy proprietors had from poor land squatters, stating that the frontier poor “believed in a different American Revolution, one meant to protect small producers from the moneyed men who did not live by their own labor, but instead, preyed on the many who did.”¹⁴

The problem with Taylor’s revolutionary settlement thesis is that there was a nearly identical process in New Brunswick, a Loyalist province that presumably rejected all the egalitarian ideals espoused by revolutionaries. New Brunswick Loyalists moved to a frontier much like Maine’s.¹⁵ Loyalists also believed they had a God-given right to improve wilderness lands; evangelical religion was also prominent in British North America.¹⁶ Moreover, there was organized resistance to authority on a number of issues, sometimes resulting in collective actions that ended in violence.¹⁷ Loyalists even drank in the same prodigious amounts that Taylor’s Libertymen did.¹⁸ Close examination reveals a North American viewpoint that eschewed the British social model for one better adapted to the frontier.¹⁹ Even in loyalist New Brunswick, only a few individuals possessed a real connection or adherence to Britain, and often even those few had powerful emotional, familial, or commercial connections to the United States.²⁰

Migration to the Frontier

Taylor posited that post-revolutionary settlers came to the Maine frontier seeking refuge. It was a life of poverty and hardships for most, but the hope of establishing economic independence sustained them. Settlers sought independence from wage labor and debt by establishing a competency that supported their families.²¹ In New Brunswick, a province created largely for refugees from the American War of

Independence, the frontier offered refuge to the war-weary. On both sides of the border, veterans of the conflict went to the frontier, expecting land. Like their American counterparts, many Loyalists preferred to work on their own lands, eschewing wage labor in favor of working on their own farms.²² The primary difference seems to have been that the British government was far more forthcoming in giving lands and support to its veterans than were the American state and national governments. Military settlers were given tools, provisions, and free land. Many settlers left, however, after finding frontier life too difficult.

Many Americans had few reservations about moving to loyalist New Brunswick. Campobello's proprietor noted this tendency with some alarm, claiming they were "by no means friendly to the Government of the Province," and "have actually defied the proprietor" of Deer Island.²³ Many were so-called "late Loyalists" who moved from the United States to British North America in the late 1780s.²⁴ Late Loyalists displayed remarkably little allegiance to either the American or British political system. Men such as Joseph Porter from New Hampshire easily crossed and re-crossed the border. Arriving at Passamaquoddy in 1786, he moved into New Brunswick after marrying the daughter of Nehemiah Marks, the same prominent Loyalist who allowed another daughter to marry an American militia general, John Brewer of Robbinston. Despite some concerns about whether he was actually a British subject or not, he eventually became a magistrate and a representative to the provincial assembly.²⁵

Another example of late Loyalist pragmatism is William Vance, who moved to Passamaquoddy from New Hampshire in 1784. By 1786 colonial authorities made him a justice of the peace. Sometime before the War of 1812 he relocated to the American side

of the St. Croix River. When New Brunswick magistrates threatened to arrest him for an illegal dam he had constructed, Vance discovered a new American patriotism within himself. A Charlotte County observer noted "This Mr. Vance soon after the late American declaration of war removed from the county, publicly declared his adherence to the American cause, and his determination to maintain his American allegiance, and had actually two cannons mounted on his American premises, whereby we are assured he avowed his intention of using hostily if attacked."²⁶ Vance's preparations were to no avail; when he crossed the river on business provincial authorities arrested him. Later Vance became an enthusiastic Jacksonian politician, and even served in the Maine Legislature.²⁷

Before, during, and after the War of 1812, many Americans moved to New Brunswick, seeking jobs, land and opportunity. Their presence was often accepted with little difficulty if they took a loyalty oath and behaved well. United States citizens frequently petitioned for and received provincial lands.²⁸ In 1807, the provincial government even offered free land to those Americans willing to take an oath of loyalty.²⁹ Pushed by a sour American economy and pulled by New Brunswick's newly prosperous economy, the Americans came in droves. Charlotte County proved especially attractive to Americans due to its proximity.³⁰ Sailors, timbermen, fishermen, merchants, and even preachers moved easily across the border. American fishermen had long encroached on New Brunswick's shores, exploiting the fishing resources of Passamaquoddy Bay, the Bay of Fundy, and even the Gulf of St. Lawrence. American timbermen, too, had long participated in the region's economy, especially in St. Stephen.³¹

Fishermen illustrate the growing accommodation with the American Revolution in the Maritime provinces. Many lived in remote settlements, often on islands, and had little direct contact with government. Furthermore, American markets consistently provided not only better prices for their catch, but higher quality provisions at lower cost than colonial merchants.³² These pragmatic concerns drove fishermen into illicit trade with their American counterparts, to the consternation of officials such as George Leonard, who embarked on a vigorous campaign to stop it.³³

Fishermen do not seem to have been prone to ideological concerns; they came to Passamaquoddy Bay in pursuit of fish. They crossed and re-crossed the border at will, paying little heed to international boundaries. James Kent is an example. Originally from Boothbay, Maine, Kent arrived at Eastport in the 1780s. Sometime in the 1790s he moved to Grand Manan, and in 1806 he swore an oath of loyalty to the British crown. In 1812, alarmed by the onset of war, Kent attempted to relocate to the United States where federal officials promptly arrested him. Kent was clearly willing to go through the motions of proclaiming loyalty to the crown, but when it came to war he refused to support the British cause. Given his treatment by the U.S. marshal, however, Kent returned to Grand Manan, where he eventually landed a coveted position as a lighthouse keeper.³⁴

Settlers also came to Passamaquoddy seeking refuge. Many colonials came to Eastport fleeing debt prosecutions; Americans fled to New Brunswick for the same reason.³⁵ Others fled bad marriages, like Col. George Peck of Rhode Island, who despite his Revolutionary War service fighting the British, fled to Campobello when his marriage failed.³⁶ Yet others were criminals such as John Stedman Beckwith, who in 1812

assaulted David Owen while he was asleep. Owen raised a “hue and cry” against Beckwith, who took refuge in Eastport, just a few hundred yards away from Owen’s Campobello home.³⁷ Beckwith lived there, within site of Owen’s house but beyond his legal reach until his death in a boating accident in 1819.³⁸

Perhaps the most remarkable refugee at Passamaquoddy was Tyler P. Shaw, an American smuggler caught selling supplies to the Royal Navy that were destined for the American garrison at Fort Sullivan.³⁹ A jury found Shaw guilty; the judge sentenced him to hang. However, relatives helped Shaw escape federal authorities in Massachusetts in a daring jailbreak, another example of popular resistance to state authority.⁴⁰ Eventually he found his way to New Brunswick despite a \$300 reward for his capture. Once at Passamaquoddy, Shaw published a newspaper article protesting his innocence, even invoking his father’s Revolutionary War service. President Monroe eventually pardoned him, but Shaw never returned to the United States. He married into a Loyalist family and eventually receiving land grants from the province after becoming a British subject in 1827.⁴¹

The frontier experience on both sides of the border was remarkably similar North American phenomenon.⁴² The post-war frontier in both Canada and the United States shared remarkable similarities; most or all of their actions were marked by pragmatic rather than ideological motives.⁴³ Those at the top of the social ladder might have dreamt of establishing stable hierarchical agricultural societies, but generally those dreams crumbled.⁴⁴ Daily life was a fierce struggle in which settlers attempted to farm the land or more likely extract timber or fish from the forests and coastal waters; few had the time to reflect on the political nature of their communities.⁴⁵ Moose Island’s settlers knew this

fact well, stating the following in a petition to the Massachusetts legislature: “The fate of first settlers, in a new Country, is well known, to work hard, and fare hard.”⁴⁶ This struggle to gain a competency consumed much of their energy, leaving little time for ideological concerns.⁴⁷

Wilderness Improvements

The North American frontier presented similar challenges and responses to both American and Canadian settlers. For example, David Owen, the proprietor of Campobello Island, described the situation of his tenants in terms that many settlers would have found familiar, even if most of the people he described were fishermen.

Owen found that the settler

fixes upon a spot for his house.— Takes his axe and cuts down Fir Trees which he afterwards junks to twenty or six & twenty feet length, dovetails them at the four corners of his Cottage, which made up of these logs and well stuffed in the seams with moss serves for his House.— A cellar is built underground in the same manner to preserve his potatoes from and thus in one year’s time has something to live upon.— A pig is next wanted and a cow.— The cow feeds in the Woods with a Bell round her neck to discover where she is.— And the Pigs are often two or three months away & come home frequently in Autumn full fed & fit to kill.

Owen discovered that initially, personal possessions were few, as were other amenities:

“The breakfast and supper of a Labourer is Fish, Potatoes and Tea sweetened with Molasses—his Dinner Pork & Potatoes.— His Bed a Blanket upon the floor.— Custom makes his sleep easy—all Payments are made in Barter.— There is no Specie in the Bay.— Dried Fish is the Common Truck at 12/6 a Quintal upon an average.— Fish are not so plenty as formerly, so that now the land begins to be cultivated: for a Fisherman will never cultivate.— He is like an Indian in that respect.-- ”⁴⁸

Because the region straddled a border, Owen assumed that “Smuggling will naturally take place,” a phenomenon he did not seem to find offensive.⁴⁹ In years to come, he would on occasion defend smugglers from the wrath of New Brunswick’s customhouse.

Owen’s account of the settlers’ lives in New Brunswick is especially important because it matches closely with the American frontier experience as described in Charles Sellers’s *The Market Revolution: Jacksonian America, 1815-1846*.⁵⁰ Sellers found that agrarian settlers in America possessed a number of values that were often at odds with the state and the market. Like Owen, Sellers believed that many frontier whites were very attracted to the Indian way of life. Both Indians and settlers practiced what Sellers deemed a “premarket mode of use-value production” that emphasized subsistence rather than profit.⁵¹ An important characteristic of Seller’s model was the “hard-won folk wisdom about how to utilize their labor-power and technology to extract sufficient use values from their resource base.”⁵² That folk wisdom prescribed both behavior and labor, norms established through shaming and physical punishment. Sellers portrayed a patriarchal society that attempted to reproduce the values of the parents in the children. To reinforce those values, the oldest child was frequently named after its same-sex parent, a pattern readily confirmed in Eastport’s censuses in families known to have smuggling connections, such as the extensive Clark family.⁵³ These dynamics discouraged individuality and competition not only between family members, but other members of the community as well.⁵⁴

The economic impetus of premarket communities relied on a neighborhood division of labor, a phenomenon detailed in Ulrich’s *A Midwife’s Tale*.⁵⁵ Frontier neighbors constantly exchanged labor and commodities, satisfying local needs before

offering them to an impersonal market. Money thus played a limited role in most settlers' daily lives.⁵⁶ The only real difference between Owen's and Seller's accounts of pioneer life was that Sellers considered agrarian settlers, whereas Owen described a fisherman's life.

Many of Passamaquoddy's settlers were fishermen, especially on the islands. A census of Moose Island taken in 1800 reveals that out of 66 heads of household, over 83% were fishermen; only one individual was listed as a "farmer."⁵⁷ Fishermen were the most numerous on the region's islands; further up the bay and the St. Croix River timbering dominated the economy. Farming on the side was common; Moose Island's fishermen had a few cleared acres - generally less than ten acres - and some cows. On both sides of the border families engaged in composite farming, whereby all family members engaged in production both for the family's use and for exchange purposes. There was never any question at Passamaquoddy of creating a "self-sufficiency."⁵⁸ The land was too poor to feed families; locals needed markets for their timber and fish so that they could buy provisions, West India goods, and even salt to continue their commercial fishing. Borderlands residents thus farmed, fished, timbered, and conducted other activities to survive. These activities included weaving, making lime, shoes, or set themselves up as traders and merchants.⁵⁹ Trade was a natural and everyday occurrence; smuggling was a pragmatic premarket response to bothersome trade regulations that interfered with family economies. Some officials found this way of life offensive; George Leonard described Passamaquoddy's fishermen as a "lawless rabble," and complained of their extensive violations of sovereignty and smuggling.⁶⁰

Although farming was not the primary economic activity at Passamaquoddy, land ownership remained important. Both Massachusetts and New Brunswick claimed jurisdiction over Moose Island, preventing either from giving meaningful deeds to land there. In the meantime a few hundred squatters quietly took possession, enjoying the fact that contested jurisdiction meant they paid no taxes to anyone, a fact that annoyed both governments. Finally, Washington County's sheriff took matters into his own hands. He arrived at the island with an armed party. After some hard words and an incident in which the settlers destroyed his boat, he finally reached an agreement with them whereby the island residents received legal deeds and guarantees of a five-year tax exemption in return for their adherence to the laws of Massachusetts.⁶¹ Moose Island thus became American soil not by the efforts of the federal government, but largely through armed intimidation by local officials. Even after Eastport's incorporation as a Massachusetts township, Moose Island residents remained indifferent to the sort of improvements that marked a permanent community, such as public roads, schoolhouses, and even churches. Most notably, they resented and resisted the idea of creating wider streets, preferring to use the beaches as rudimentary roads, climbing over rocks where necessary.⁶²

Moose Islanders' defense of their way of life was a reasonable response to external forces attempting to impose order on the squatters, a struggle that played out all over North America.⁶³ Their view was essentially local and libertarian, and extended to other parts of their lives, including religion, social norms, and commerce.

In settling what they considered a wilderness, Loyalists and revolutionaries shared a common experience in which the border and ideology played little role. Within a generation of the end of the Revolutionary War, Passamaquoddy's settlers created a

transborder society with its own values that often clashed with state interests. One of those values was a right to land and resources, especially if the settlers had made improvements to it or expended labor in procuring timber or fish. Taylor illustrated this view in central Maine, and it clearly extended to New Brunswick and eastern Maine.⁶⁴ Settlers on Campobello, Deer Island, and Grand Manan, who also engaged in collective violence against wealthier proprietors, shared these North American views.⁶⁵

Land was one of the contested resources. Sometimes officials would “quiet” settlers with no legal rights to their land by confirming their property rights, as happened on Moose Island. Sometimes matters were more violent. When David Owen arrived on Campobello to reassert his family’s claims to the island, he faced opposition from Loyalists who thought they had a right to the land because of a provincial grant, and pre-Loyalists such as the Wilson family who claimed ownership through continued possession and improvement. Owen easily swept aside the Loyalist claims because his family’s grant pre-dated the establishment of New Brunswick in 1784. But the courts found in favor of the squatter Wilson family.⁶⁶ Similar disputes, some of them violent, occurred on Deer Island and Grand Manan, New Brunswick, and Calais, Maine; the entire colony of Prince Edward Island experienced similar problems.⁶⁷

The desire for land and independence was not purely a result of the American Revolution. Most Loyalists were North Americans; their views toward land and their right to improve wilderness were almost identical with their republican neighbors. When settlers felt they were denied the right to wilderness land, they generally fought the system or simply moved across the border. This attitude spilled over into other aspects

of the settlers' lives, even their sense of spirituality. When established religion failed to ease their spiritual needs, settlers opted for an evangelicalism that transcended borders, thereby reinforcing the premarket attitudes that tolerated activities such as smuggling.

Borderland Religion

To the followers of more established denominations, such as Congregationalists and Anglicans, the emotional religious experience of the evangelicals appeared chaotic. The emotional excesses, the lack of a trained clergy, the spontaneous meetings in fields and barns during the week that sometimes ran late into the night challenged the established order, both in the newly-created United States and in Britain's remaining North American colonies.⁶⁸ In the United States religious tolerance and a desire for social acceptability brought most evangelical sects to a more conservative understanding of their faith. Religious groups that had previously been considered as radical, such as Calvinist Baptists, increasingly sought a more conventional form of worship led by a trained minister in a proper meetinghouse. The exception was on the frontier, where radical evangelicals prevailed, because as Taylor noted, they "harmonized with the frontier's conditions and culture."⁶⁹ Furthermore, the shared fervor of evangelical religion reinforced the cooperative work ethic of the settlers and confirmed their suspicion of hierarchy and authority.⁷⁰

Maritime evangelicals conformed to these patterns of frontier religion. Evangelicals such as Henry Alline (1748-1784) of Windsor, Nova Scotia, had a profound impact on the Maine frontier.⁷¹ Alline embodies the transborder spirit of the borderlands and the religious fervor of frontier settlers. Born in Rhode Island, his parents moved to

Nova Scotia in the 1760s. During the Revolution Alline had a dramatic conversion experience that deeply influenced many Nova Scotians and New Englanders. Alline emphasized an other-worldliness, undermining ideas of deference and loyalty to the state.⁷² Religion, rather than nationality, formed the primary cultural identity among evangelical Maritimers.⁷³ Alline's religious message prospered on both sides of the border because there was no significant difference between northern New England and the Maritimes before 1783. Ethnically, one could find the same mix of Yankees and foreign Protestants. Both societies were rough and tumble frontier communities, exactly the sort of areas where sectarian impulses thrived. Alline's message, and that of other evangelicals, resonated with American and Loyalist borderland residents because they could recognize him and other lay preachers as people very much like themselves. Often the established church, such as the Anglican Church in New Brunswick, was associated with those in power who wished to oppress settlers. Campobello's proprietor was also Anglican minister; the squatters whom he so detested were Baptists.⁷⁴ Anglican clergy had a difficult time gaining converts among ordinary settlers, but recent immigrants and colonial elites maintained the state-supported church.⁷⁵ Another example is George Leonard, a devout Anglican whose perpetual anti-smuggling campaigns mirrored that faith's demands for social order.⁷⁶ Despite Anglican efforts, evangelical faith continued to flourish in British North America.

In the years between the Revolution and the War of 1812 Maritime Baptists resisted conservative impulses and retained a radical, fervent, and highly emotional form of religious experience. One Canadian scholar has suggested that because Baptists in what is now Canada did not have to support the "baggage of civic humanism,

republicanism, and the covenant ideal and possessive individualism” propounded by the Revolution, they became “more radical, more anarchistic, more democratic, and more populist” than their American counterparts.⁷⁷ These Canadian forms of evangelicism spilled across the border into northern New England in the years between the Revolution and the War of 1812; much of Moose Island’s American populace seems to have adhered to Allinist religious principles.⁷⁸

Two Maritimes Baptists who have been “silently excised from Maritime Baptist history” reveal something about the religious principles of Passamaquoddy’s borderlands population.⁷⁹ James Murphy was a Nova Scotian of Loyalist parentage who became a Baptist in 1793. Within the year he was spreading the Allinist version of Baptist faith in eastern Maine. By 1800, Murphy had founded a church in Eastport, Maine. Like many radical Baptist preachers, Murphy seems to have suffered from occasional doubts, and sometimes his peers shared those concerns. Murphy was also typical of radical evangelicals in that he refused to write a formal sermon, believing that “if the preacher was sent by God he would be taught what to say.”⁸⁰ Furthermore, the community in which Murphy settled does not seem to have accepted his presence wholeheartedly; moreover, Massachusetts Baptist authorities criticized his brand of Baptist faith. Murphy thus represents the radical nature of Maritime Baptist faith. His unfortunate death also reflects the rowdy and non-genteel nature of Allinist preachers. Murphy had an argument with his brother-in-law, who violently threw him to the ground. Murphy died within a few hours.⁸¹

Gilbert Harris was another Maritime Baptist who crossed the border and thereby departed the memory of Canadian historians. Harris had long been a controversial figure among New Brunswick Baptists, but when he illegally married a couple in 1811 - only Anglican priests were allowed to officiate over marriages at that time - he had to flee the province. In 1812 he found refuge in Eastport, where Murphy's death conveniently provided him with a new flock. Harris's defiance of the law typified that of many Baptist preachers, and represented the borderland rejection of state authority in all matters, including spiritual, as well as how Passamaquoddy could shelter those hiding from the law, even during time of war.⁸²

Murphy and Harris were not alone in attempting to spread salvation south across the border. There seems to have been a concerted Baptist "offensive" aimed at eastern Maine until roughly 1802, with more sporadic attempts through 1812.⁸³ The implications of this effort indicate that Maritime Baptists not only persisted, they also sought to expand; typically they ignored the worldly concept of a political border in so doing. In fact the Maritime evangelical tradition proved extremely resilient to American incursions; the American Methodist church stopped sending missionaries to Nova Scotia when it was found that these missionaries seem to have been more affected by Maritimes New Lights than vice versa.⁸⁴

Two connections linked borderland religion and smuggling. First, evangelical faith reflected settlers' pioneer experience, dampening allegiance to hierarchy and the state by emphasizing spiritual concerns. At Passamaquoddy, these religious impulses spanned the border, thus encouraging locals to disregard the international boundary and the officials who enforced trade laws. Second, evangelicals' religious beliefs correlated

with economic beliefs. Evangelical religion reinforced resistance to market rationality in favor of communal bonds, by emphasizing “egalitarian localism.”⁸⁵ Borderland settlers bolstered by this sense of duty to fellow congregants engaged in smuggling to help themselves and their community.

Borderland Deference

Both the New England and Maritimes elite had a vision of the world whereby “natural leaders” received the respect and deference of the rest of society. In return the leadership would ideally create an economic order that benefited all, with the leadership taking the lion’s share.⁸⁶ In contrast, American settlers believed that “laboring families had a natural and divinely ordered right to free wilderness lands, a right that preexisted and morally superseded all subsequent human acts and legislation.”⁸⁷ Taylor linked this idea to the ideals of the American Revolution, but this leads to a paradox since British colonial officials essentially gave away free land to settlers, even those with little or no allegiance to the Crown, whereas in the United States land speculators attempted to force settlers to pay high prices for frontier lands. New Brunswick’s liberal land policy did require that settlers pay a small fee, but squatters often ignored even that minor requirement because they felt they had a “right” to unimproved wilderness lands.⁸⁸ The promise of free land drew many Americans, including Continental Army veterans such as Dr. Faxon, to British North America.⁸⁹

Ulrich and Taylor, along with many other American scholars, have attempted to establish that the American Revolution produced a lessening of deference in American society. But the same sort of comments about egalitarian attitudes existed in profusion in

a loyalist colony like New Brunswick: for example, one British military officer complained of his colonial escort at Passamaquoddy: “The manners of my boatmen savoured of the American equality. They were perfectly familiar, joined in our conversation, and not seemingly disposed to carry up our portmanteaus to the inn, we took them under our own arms.” Observers found that even Loyalist offspring behaved in a “yankee” manner. Like the United States, poor New Brunswickers felt no compulsion to observe deference because the availability of land elsewhere fostered independence.⁹⁰

The island of Campobello offers further evidence of how poorly deference worked in North America, even in a Loyalist colony like New Brunswick. The island’s proprietor was David Owen, a member of the Welsh gentry, educated at Cambridge, sometime tutor to future British prime minister William Pitt the Younger, and Anglican clergyman. Owen attempted to establish his superiority by expressing his contempt for New Brunswick officials, defying other Charlotte County magistrates, and expressing his contempt of Loyalists settlers. Owen even considered himself above trade regulations; Royal Navy officers accused him of taking steps “in favor of the smugglers,” and he proved willing to rent wharves and warehouses to well-known American smugglers like Jabez Mowry.⁹¹

Owen ran his island like a feudal estate, leasing out plots of land rather than selling them, and by turn bullying and attempting to charm his tenants.⁹² Often Owen or his tenants resorted to violence. Angry tenants assaulted Owen numerous times, sometimes in his own house. Servants betrayed him, tenants in arrears burned outbuildings, and Owen in turn physically attacked, swore at, and used legal proceedings

against his opponents.⁹³ Deference played little role in everyday life at Passamaquoddy in part because most settlers possessed frontier ideas of equality that had little to do with American revolutionary ideology.

Lack of deference meant that the people felt little compulsion about taking justice into their own hands when necessary. The beating of a mariner in 1812 illustrates how this violence was deliberate and planned. The witness testified that “three men pursued us in a boat and when they came near to us, they then pull’d off their jackets, turned up their shirt sleeves & took off their handkerchiefs very deliberately made their boat fast to ours jump’d onboard of our boat & swore they meant to have a satisfaction.”⁹⁴ The methodical manner in which the three assailants stripped indicates that this was not a random act, but a deliberate punishment. Furthermore, they did not seek the costly and uncertain process of law to redress their grievances, preferring instead to take matters into their own hands. This “rough justice” also reflected the same borderland communal egalitarianism that allowed locals to condone smuggling as a form of community self-help.⁹⁵

Lack of deference meant that borderlands residents naturally resented customs officers as representatives of the state. The fact that customs officers demanded taxes from them that had to be paid in scarce cash further aggravated locals. Worse yet, when customs officers seized contraband goods and smuggling vessels, they profited at the expense of their neighbors. American customs officers who sought popularity attempted to ameliorate these circumstances through community boosterism and advocating

leniency to federal court officials and the Treasury Department; New Brunswick officials sought accommodation through a “creole” strategem that profited themselves and colonial merchants.

The lack of deference at Passamaquoddy seems to have been less a function of American revolutionary ideology than a practical response to local conditions. Like other North American frontiers, Passamaquoddy’s borderland populace resented outside authority because it usually meant taxes, bothersome regulations, and interference in how they lived. Attempts to impose a deference-based system on the settlers failed, despite the life-long efforts of men such as David Owen. The tenuous hold of the law and other state functions in such a distant and newly-settled area compounded these factors. Most borderlands settlers lived a subsistence lifestyle based on resource extraction. Their views were essentially libertarian, and it shocked some outsiders who thought the region’s inhabitants ill-educated, heavy-drinking barbarians with a complete disregard for authority and a penchant for smuggling.

Borderland Commerce

Passamaquoddy produced two staple items for export: fish and timber. Both fishermen and lumbermen were proverbial for their poverty and disorder. A Loyalist wrote in 1784, “The people, as a Body, will ever be *poor* and *miserable*—From my own observation at Passamaquoddy, I am persuaded that a coast calculated for fishing is so far from being a benefit, that it really is a *curse* to the Inhabitants. Who ever knew a Fisherman Thrive?”⁹⁶ Fishermen paid little heed to the border, pursuing schools of fish throughout the bay, the small boats from both sides crowded together around the shoals

of fish. Many New Brunswick fishermen chose to sell their catch on the American side of the border, where they could purchase flour and other necessities at a more reasonable price.⁹⁷ Even during the War of 1812, colonial fishermen came to Eastport to sell their catch.⁹⁸ American fishermen frequently took advantage of this by trading with their colonial counterparts; they could legally load their vessels with provisions, swap the foodstuffs with a New Brunswick fisherman's catch, and both would benefit. Fishermen were an ideal smuggling population, living on the border, with an intimate knowledge of local waters, access to boats, and suffering a grinding poverty that compelled them to augment their living any way they could.

Passamaquoddy varies somewhat from American economic models of the frontier in that the local economy was based on exploiting the region's resources in fish and timber, rather than on agriculture. A resource-extraction frontier closely matches the "staples" economic model of Canadian historian Harold Innis.⁹⁹ Nonetheless, the hardships, poverty and hope described by American historians to an agricultural frontier apply equally to the Passamaquoddy borderland. Passamaquoddy's fishermen shared the ambivalent response to capitalism American scholars ascribed to agrarian settlers.¹⁰⁰ They participated in markets, but commercial transactions were not yet impersonal events that could be divorced from community needs.

On a resource frontier like Passamaquoddy, production for market had always been crucial. Fishermen sold or bartered their catch, timbermen and sailors sold their labor, and farming families engaged in weaving, construction, renting out oxen, or making shoes. Self-sufficiency was never a way of life among the region's settlers, and markets were absolutely vital to raise the money required to buy essentials like flour,

molasses, rum, and other goods. Fishing was primary experience for many, but if timber prices rose, fishermen abandoned their nets and took to the woods.¹⁰¹ Many sought to engage in wage labor to load ships, mill timber, or construct buildings, returning to their scratch farms and fishing boats when there was no demand for their labor. This opportunism meant that when smugglers offered high wages to pull their oars or move their contraband, locals jumped at the opportunity and asked few questions. For example, when Robert Little was standing on a hill on the American side of the St. Croix River in May, 1808, he told William Sherman he would pay \$53 to get 53 barrels of tar across to the New Brunswick side of the river. Sherman never asked if it was legal, nor did he warn Little, despite the fact that Jefferson's embargo strictly forbade the exportation of any American goods in 1808.¹⁰²

When opportunities arose for borderland residents to profit by working in the woods, they eagerly abandoned their fishing boats for timber camps. For example, when timber prices rose dramatically in 1807 and 1808, many fishermen went up the St. Croix to work in the woods.¹⁰³ Again, they paid little heed to what side of the border they worked on; during the War of 1812 many able-bodied men working in the New Brunswick woods decamped for their native United States rather than serve in the militia. Nonetheless, several American woodsmen served in the first drafts of militia made at St. Stephen.¹⁰⁴ Yet timbermen were also poor. Their homes were rude cabins, and like many fishermen, they lived in perpetual debt to merchants, the very sort of dependency many North Americans abhorred.¹⁰⁵ To external observers timbermen in both Maine and New Brunswick were little more than a shiftless drunken banditti.¹⁰⁶ New Brunswick historian William MacNutt noted that the timber trade "induced free thinking rather than

respect for authority,” including stripping Crown forests of their valuable trees.¹⁰⁷

Timbermen, too, were smugglers, often not from choice but because colonial merchants paid them in British manufactured goods. When they crossed the border, American customs officials could and sometimes did seize these goods as contraband.¹⁰⁸

This opportunism bridged the temporal world to the supernatural. Many frontier settlers believed in what has been termed a “nocturnal” or supernatural economy.¹⁰⁹ Many settlers were undoubtedly superstitious. Passamaquoddy mariners sometimes reported sighting sea monsters, like Freeman Smith of Lubec, an experienced whaleman who reported the serpent’s body was six feet in diameter, and that its head stood fifteen feet above the water.¹¹⁰ Smith was just one of many New England mariners who claimed to have seen sea-serpents after 1815.¹¹¹ Passamaquoddy’s fishermen sometimes believed in witches, and nailed horseshoes to the masts of their boats for protection from them.¹¹² Some individuals manipulated folk beliefs for their own profit, such as Daniel Lambert, a Maine farmer who claimed to have supernatural powers to uncover buried pirate treasure. Lambert was a fraud, but when he was found out and fled, he was arrested while en route to Passamaquoddy.¹¹³ Frontier society, poor especially in terms of specie, fantasized about buried treasure chests. Passamaquoddy had its own incidents, such as when a boy reportedly found a large gold nugget on a beach at Eastport.¹¹⁴ The idea of buried treasure may have had even more currency at Passamaquoddy than other frontier regions because of the remains of old French settlements in the area; Campobello residents reportedly wasted much of their time digging for Captain Kyd’s treasure.¹¹⁵ Loyalist officials in fact dug up Samuel Champlain’s abandoned settlement on Bone Island to protect the province from American claims to the Passamaquoddy region. If the British

and American border commissioners could dig up ruins to prove sovereignty, then surely ordinary people could find buried treasure.¹¹⁶ Such superstitious beliefs may have served smugglers well, allowing them to explain away sudden prosperity.

Passamaquoddy also had a uniquely nocturnal economy as well, both legitimate and illicit. Fishermen frequently fished at night, a legal and legitimate practice, using torches to attract fish to their nets. Smugglers operated at night in direct contravention of both American and British laws that forbade loading or unloading vessels of any size after dark. During peak smuggling times a man might make several weeks wages in one night; the highest amount recorded in one night was \$47, paid in cash.¹¹⁷ Unfortunately there is no recorded response of wives and children to tired husbands and fathers returning at dawn after a night spent illegally transporting goods across the border. But perhaps smugglers explained the unexpected appearance of cash or goods in supernatural terms.

Borderland residents had complex attitudes toward commerce, possessing both pragmatic and naive elements, in common with most of North American society. The basic goal for most families was survival and ideally a comfortable independence from debt or competency, but none could hope to avoid engaging in a market economy. At Passamaquoddy this pragmatic response, and the need to cross and re-cross the border to take advantage of the region's natural resources and opportunities, meant that common people paid little heed to the border, and asked few questions when opportunities to make a quick profit arose. Smuggling was just another way to augment family incomes on a poor frontier. But borderland merchants smuggled for other reasons, including capital acquisition and issues related to the balance of trade.

Borderland Merchants

Passamaquoddy's merchants were the most significant component of the borderland population in terms of smuggling. The merchants were the vital link with the outside world. They understood markets and profit, and they owned the wharves, warehouses, and ships that made smuggling possible. Like the less wealthy borderland population, the region's merchants engaged in varied mercantile pursuits; few merchants could afford to specialize in any one activity. Clearly this was a group that engaged in smuggling for profit, as opposed to fishermen and laborers who resorted to illicit trade to augment their meager incomes. Yet they were also pursuing culturally supported goals. Financial success increasingly defined the American character after the War of Independence, an attribute frequently ascribed to a distinctive American culture that honored individual initiative.¹¹⁸ Many of these merchants came to Passamaquoddy specifically because they wanted to engage in smuggling. Three groups of merchants dominated Passamaquoddy's commerce, both licit and illicit: Scots, Loyalists, and Yankees.

The common denominator for Passamaquoddy's mercantile community was the need to connect North America with external markets. Almost always these markets were somehow connected with British imperial interests. For example, American merchants from Eastport were heavily concerned in exporting flour to Portugal and Spain from roughly 1809 to 1814. Yet that flour was not headed for markets in Lisbon or Cadiz; instead it was destined for the British army fighting in the Iberian Peninsula. As they attempted to establish themselves in the decades after the American Revolution,

Passamaquoddy's merchants had to develop new markets for themselves because older well-established mercantile firms in the metropolitan core already dominated traditional trade routes. Thus Passamaquoddy's mercantile community had to break into the British commercial system, not an easy task given the fierce commercial rivalries of the age.¹¹⁹

Passamaquoddy's merchants broke into the British commercial world by establishing trade relations with British conquests in the Napoleonic Wars. For example, Britain wrested Demerara in South America from Dutch control in the early 1800s. By 1808, Passamaquoddy supplied Demerara with large quantities of timber and provisions to support its slave plantation economy.¹²⁰ The Caribbean islands with which Passamaquoddy merchants tended to trade in this period were often those recently captured from the French, or Spanish colonies whose usual mercantilist policies were disrupted by Napoleon's invasion of the imperial homeland.

Lowland Scots held a large amount of economic influence within the British Empire. Keenly competitive and clannish, they were often detested by non-Scots. An example of this is Loyalist merchant and smuggler on Campobello, who resented Charlotte County's predominantly Scottish officials and blamed his political problems on them.¹²¹ As a whole Scots merchants in British North America seem to have been avid free-traders who chafed under the mercantile domination of English ports, especially London. For these men Scotland was finally achieving the wealth it deserved. This ethnic viewpoint meant that Scots tended to trade with their homeports such as Greenock and Leith, thus developing a reputation as being cliquish or narrow in their views; certainly they tended to trade almost exclusively with fellow Scotsmen. Their unpopularity may also have been because of their success. Scots merchants dominated

both Halifax and Saint John, and initiated the true capitalist institutions in the region, such as banks, insurance, and steamships.¹²² Successful ethnic minorities frequently received criticism for their secretiveness, clannishness, and kinship links, and in this sense the Scots were no different from contemporary Jews and Quakers.¹²³

There did seem to be some grounds for this resentment. Many of the foremost commercial figures in Charlotte County were Scots, including Robert Pagan, Colin Campbell and his son, the McMasters family, and Christopher Scott. All belonged to the St. Andrews Society in Saint John.¹²⁴ They controlled the county's courts, the region's most advanced and productive dam and sawmill complex at St. Stephen. Scott established the area's first bank, and built St. Andrew's Presbyterian Church.¹²⁵ All of Charlotte County's Scottish merchants were well-known smugglers or colluded with them, including Colin Campbell, a customs officer who colluded with smugglers. Yet the numbers of these Scots merchants was never large, just a few dozen at most in both New Brunswick and Nova Scotia.

Foremost among the Scots at Passamaquoddy was Robert Pagan (1750-1821), of St. Andrews, New Brunswick. Pagan emigrated to America in 1768, establishing himself at Falmouth, Massachusetts.¹²⁶ The Revolution forced him to flee; Pagan chose to remain as close to the American market as possible. First he established himself at the British post at Penobscot. While there, Pagan smuggled British goods into British territory by arranging for the sham capture of his vessels.¹²⁷ When the British evacuated that post Pagan settled in what became St. Andrews, New Brunswick, within eyesight of the American side of the border. Significantly, many of Pagan's activities were illicit in some manner. Pagan plundered Crown timber reserves, illegally imported American

timber, sold fish to American merchants contrary to the law, and actively violated Jefferson's embargo.¹²⁸ Many of his fellow merchants and countrymen pursued similar endeavors. Even in shipbuilding, Pagan and other Scots had to smuggle American ironware and Scottish copper fittings to complete the vessels.¹²⁹

Loyalist merchants, in this instance meaning those born in North America who fled to the remaining British North American colonies after 1783, were equally avaricious. They participated in all the illicit economic activities that the Scots did, and engaged in illicit trade in the West Indies as well. One important difference is that Loyalist merchants did not have the narrow ethnic viewpoint of the Scots. The Loyalist merchants were also more provincial and lacked the connections to places like Lowland Scotland where the Industrial Revolution and capitalist institutions such as the banking system were developing so rapidly. Instead, in keeping with their conservative ideology, Loyalist merchants sought to reconstruct the old trade patterns that existed before 1775, especially the West Indies connection.¹³⁰ Compared with the Scots and the Yankees, Loyalists made poor capitalists; rather than compete or be innovative, they often looked to government for bounties or trade privileges. Neither Nova Scotia nor New Brunswick flourished until roughly 1808, when British demands for colonial timber and Jefferson's embargo combined to invigorate the colonial colonies in no small part because the British Board of Trade encouraged smuggling British manufactured goods into the United States via the Maritime provinces.¹³¹

Because aggressive American merchants successfully shut out Maritime merchants from the West Indies trade, New Brunswick and Nova Scotian traders soon found themselves in a secondary role. Loyalist merchants sold their fish and timber to

Americans who carried it to the West Indies. Direct trade with the West Indies was limited to small vessels that operated on a seasonal basis.¹³² At Passamaquoddy, the most prominent Loyalist merchant was Christopher Hatch. Originally a Boston merchant, Hatch served with distinction as a captain in the Loyal American Regiment during the War of Independence. After the war he established himself as a merchant on Campobello before moving to St. Andrews, where he specialized in the plaster trade.¹³³ Hatch maintained friendly relations with Benjamin Lincoln, a fellow Bostonian and general in the Continental Army during the war. Lincoln established one of his sons in Dennysville, just across the border from St. Andrews.¹³⁴ While there is no hard evidence besides his participation in the notorious plaster trade, it seems likely he smuggled. But Hatch never fully committed himself to commerce. He retained an interest in military matters, serving as a colonel in the militia, and was one of Charlotte County's foremost magistrates, as well as an occasional member of the assembly.¹³⁵ Given his powerful political position as both a justice and a militia officer, it is not surprising that no one pointed an accusing finger at him. So many of Charlotte County's leaders participated in smuggling that the chances of one of them upsetting the widespread illicit trade that benefited them all appear slim.

American merchants were aggressive and forward-looking like the Scots, but without ties to specific ports. Rather than link themselves with one or two ports in Scotland, American merchants actively and aggressively sought new markets the world over, even if those markets were closed to legal trade.¹³⁶ New Englanders especially were known for their sharp bargaining.¹³⁷ Smuggling was just one tactic among many to secure profits, and Yankees even took some pride in their pre-revolution smuggling. One

Massachusetts congressman confessed, “The habit of smuggling pervades our country. We were taught it when it was considered rather as meritorious than criminal.”¹³⁸ Post-revolutionary Americans, too, could justify smuggling as an expression of American free enterprise and democracy. American borderland merchants were mostly Jeffersonians; they generally disliked big government, high taxes and the patrician principles of the Federalists. Even during Jefferson’s embargo, when the federal government attempted to completely halt all sea-borne commerce, Eastport remained a Democratic-Republican stronghold.¹³⁹ Those voting patterns should not be surprising when one considers that the erratic commercial policies of Jefferson and Madison ironically brought prosperity to Passamaquoddy just as surely as they ruined merchants in Baltimore and Philadelphia. In the United States smugglers could claim with some justification that if what they did was illegal, it was the government rather than themselves who were in the wrong.¹⁴⁰

Foremost among Passamaquoddy’s Yankee smuggler merchants was Jabez Mowry of Eastport and later Lubec. Mowry specialized in importing plaster and exporting provisions; he moved to Passamaquoddy from Rhode Island in about 1806 to engage in this trade. Mowry emerges from the written records as a central figure in Passamaquoddy smuggling. His reach was transatlantic; he even shipped flour from Eastport to Cadiz, Spain. He had warehouses on both sides of the border to facilitate his activities. Mowry appears frequently in court documentation, yet he remains as elusive a figure in death as he was in life. For example, when U.S. Deputy Marshal George Smith attempted to serve Mowry papers in 1816, he reported the following:

I went down to Lubeck the moment I received information that Mowry had returned-- my arrival in that quarter was not known, excepting at the major’s [Trescott], until I landed at the Narrows-- On inquiry of W. Wheeler

(after I had been in Mowry's store) where Mowry was, I was informed that he had gone from the Narrows & which proved to be the case, he having passed me in the fog on his way to the customs house.-- It appears that he landed a little way below the majors & sent a man up to look out for me.¹⁴¹

Mowry then "went immediately to Campobello where he had some plaister vessels landing plaister, directly opposite the stores at the Narrows & where he keeps all the time except when he shuts himself up on this side." Mowry slipped across the border whenever American law officials arrived, taking advantage of his local connections and even the fog to evade them. Mowry proved equally adept at dodging British officials. He even dressed in woman's clothing when he visited Eastport during the British occupation to conduct business. His friends met him at the beach to "proffer the attentions due to a lady, were sorely tasked to preserve their gravity as they accompanied him through the streets; because he stepped off so long and in other respects demeaned himself with so little grace and propriety as a woman, that both he and they, in spite of all hints and lessons, were objects of attention to passing persons by whom they did not wish to be recognized."¹⁴²

While Mowry was one of a handful of Federalists in a sea of frontier Jeffersonians, a smuggler and trader with the enemy, he is remembered in popular history as a local booster, a man who gave freely for the construction of churches and Lubec's first schoolhouse, and a merchant who employed dozens.¹⁴³ In his old age he delighted in telling stories about his smuggling exploits.¹⁴⁴

Scots, Loyalists and Yankee merchants, like all smugglers, justified their smuggling for various reasons. Scots claimed it was their due because English commercial policies discriminated against them. Loyalists asserted that the British

government's debt to them for their loyalty and suffering remained unpaid, and thus they were reclaiming what they had lost in the Revolution. During Jefferson's embargo and the War of 1812, they could even claim smuggling as a patriotic enterprise that undermined the American economy. In the United States, American smugglers could claim that the Revolution freed them to pursue the wealth that guaranteed democracy.¹⁴⁵ Practical aspects of commerce also encouraged borderlands merchants to engage in illicit trade, the foremost of which was the region's perpetual shortage of specie and credit.

Coins were rare, and even paper money scarce: both were readily counterfeited, even by locals.¹⁴⁶ Bills of exchange and letters of credit were also easily forged, and relied on merchant's personal contacts with other merchants.¹⁴⁷ As David Owen pointed out, fish were often used as a sort of currency in the 1790s at Passamaquoddy.¹⁴⁸ A decade later, timber or lumber was a common form of paying debts to merchants like Joseph Porter, a St. Stephen "late Loyalist."¹⁴⁹ Sometimes when dragged before a judge for smuggling, individuals claimed they tried to get cash for their goods on the other side of the border, but there was no specie to pay them, so they took contraband goods instead.¹⁵⁰

Had cash or credit been available, smugglers probably would have preferred to conduct their business legitimately, but the underdeveloped economic institutions of the day prevented it. The answer for merchants was the creation of banks that would pool credit, create a stable paper money, and increase the speed with which money passed from one merchant to another.¹⁵¹ Borderland merchants, including Lemuel Trescott, sought the creation of a state-chartered bank at Eastport as early as 1807.¹⁵² In 1820 Eastport had its first bank, the "Bank of Passamaquoddy," with none other than Jabez

Mowry as its president. By 1825 St. Andrews had a bank as well, with the equally notorious smuggler Christopher Scott as its president.¹⁵³ Smugglers, self-proclaimed “free traders,” were also early capitalists. Banks and capitalist institutions that promoted free trade gradually lessened the need to smuggle.

Conclusion

After the Revolution the common frontier experience brought Americans and Loyalists together, encouraging cooperation even if it meant smuggling. The ideological differences between Loyalists and Patriots rapidly faded.¹⁵⁴ For the ordinary settlers this was largely a pragmatic consideration that ensured survival, an outgrowth of the frontier’s egalitarian communalism. But the region’s merchants rationalized illicit trade for other reasons, including ethnicity, perceptions of social standing, or revolutionary ideology. The justifications for smuggling are as diverse as the people who participated in illicit trade. Participants in the “dark trade” made excuses for their behavior, acting in ways that sometimes appear hypocritical, devious, or even traitorous. Examining these contradictions reveals that everyday life brought borderland peoples into conflict with social ideals, national ideologies, and the power of the state. These struggles existed throughout North America, but the presence of the border meant that Passamaquoddy’s settlers had unusual stresses and opportunities that brought these contradictions to the fore, as they did with Dr. Faxon when he went to that Eastport tavern in 1807.

The smuggling merchants were especially important at Passamaquoddy because they also made up the overwhelming majority of the local political machinery, including the county-level judiciary. As early as 1796, a New Brunswick customs officer found

contraband tea and liquor in the homes, warehouses, and other outbuildings belonging to the leading figures and magistrates on Grand Manan, Indian Island, and Campobello. The list included Grand Manan's Moses Gerrish and Campobello's Thomas Henderson, who in subsequent years would serve as a highly indulgent customs officer.¹⁵⁵ Most of the American magistrates at Passamaquoddy were also involved in smuggling to some degree. Somehow these individuals rationalized their borderlands experience, permitting them to defraud the state and organize banquets celebrating their patriotism simultaneously.

¹ Affidavit of James Price, February 10, 1810, in Daniel D. Woodberry file, RS 108, "Land Petitions," PANB.

² For revolutionary ideology, see Sarah J. Purcell, *Sealed with Blood: War, Sacrifice, and Memory in Revolutionary America* (Philadelphia: University of Pennsylvania Press, 2002), 3, 10.

³ Donald McDonald to George Sproule, June 24, 1808, RS 637, "Surveyor General Records," PANB [hereafter as RS 637].

⁴ Anonymous, "Life in a Pioneer Village," *Grand Manan Historian XXII: Log Cabins, Free Ports, and Tourism* (Grand Manan NB: Grand Manan Historical Society, 1980), 2.

⁵ Statement on the character of Doctor Faxon, December 1, 1809, RS 637.

⁶ Moses Gerrish to Ludlow, August 10, 1807, RS 637.

⁷ For the troubles on Grand Manan, see Petition of Daniel Woodbury, 1809/ No. 409, and Statement of Barnabas Rich, 1809/ No. 417, both in "Abstract of Charlotte County Petitions, 1765-1842," Tms., Ganong Collection, New Brunswick Museum, Saint John, NB. The original petitions can be found in PANB RS 108, "Land Petitions" [hereafter as "RS 108"].

⁸ Moses Gerrish to unknown, Woodberry file, RS 108. No such petition to Congress has been found, however the American government maintained a claim to Grand Manan until 1818. See Francis M. Carroll, *A Good and Wise Measure: The Search for the Canadian-American Boundary, 1783-1842* (Toronto: University of Toronto Press, 2001), 37.

⁹ Laurel Thatcher Ulrich, *A Midwife's Tale: The Life of Martha Ballard, Based on Her Diary, 1785-1812* (New York: Vintage Books, 1990); Alan Taylor's *Liberty Men and Great Proprietors: The Revolutionary Settlement on the Maine Frontier, 1760-1820* (Chapel Hill: University of North Carolina Press, 1990).

¹⁰ Bernard Bailyn, *The Peopling of British North America: An Introduction* (New York: Knopf, 1986); Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000), 44.

- ¹¹ Esther Clark Wright, *The Loyalists of New Brunswick* (Hantsport, NS: Lancelot Press, 1955; 4th ed., 1981).
- ¹² Neil MacKinnon, *This Unfriendly Soil: The Loyalist Experience in Nova Scotia, 1783-1791* (Kingston: McGill-Queen's University Press, 1986).
- ¹³ Jane Errington, *The Lion, the Eagle, and Upper Canada: A Developing Colonial Ideology* (Kingston: McGill-Queen's University Press, 1987).
- ¹⁴ Taylor, *Libertymen*, 3, 6.
- ¹⁵ See Wright, *Loyalists*, passim.
- ¹⁶ See George Rawlyk, *The Canada Fire: Radical Evangelicalism in British North America, 1775-1812* (Kingston: McGill-Queen's University Press, 1994).
- ¹⁷ D.G. Bell, *Early Loyalist Saint John: The Origins of New Brunswick Politics, 1783-1786* (Fredericton, NB: New Ireland Press, 1983).
- ¹⁸ Wright, *Loyalists*, 223; Taylor, *Libertymen*, 84-85.
- ¹⁹ Errington, *Lion and Eagle*, 15.
- ²⁰ See George Rawlyk, "The Federalist-Loyalist Alliance in New Brunswick, 1784-1815," *Humanities Association Review* 27 (Spring 1976): 142-160.
- ²¹ Taylor, *Libertymen*, 63-74; Harold A. Davis, *An International Community on the St. Croix (1604-1930)* Orono, ME: Maine Studies No. 64, University of Maine at Orono, 1950; reprint, 1974), 57.
- ²² MacKinnon, *Unfriendly Soil*, 172-176; Ann Gorman Condon, *Envy of the American States: The Loyalist Dream for New Brunswick* (Fredericton, NB: New Ireland Press, 1984), 153.
- ²³ David Owen to Edward Winslow, in W.O. Raymond, ed., *Winslow Papers* (Saint John, NB: Sun Printing Co., Ltd., 1901, 482-483).
- ²⁴ For late Loyalists, see T.W. Acheson, "New Boston to New Brunswick: Anonymous Loyalists in New Hampshire," *Acadiensis* 27:1 (Autumn 1997), 3-26.
- ²⁵ Davis, *International Community*, 70-71; MacNutt, *New Brunswick*, 165.
- ²⁶ Magistrates of Charlotte County to Thomas Wetmore, June 22, 1815, RS 7: "Records of the Executive Council," PANB.
- ²⁷ Acheson, "New Boston to New Brunswick," 11, 21; William S. MacNutt, *New Brunswick: A History, 1784-1867* (Toronto: Macmillan, 1963; paperback reprint 1984), 165; Davis, *International Community*, 70-73.
- ²⁸ See Customs Commissioners to Wanton and Parker, June 16, 1816, RS 23, "Customs House Records," PANB, for the Customs Commissioners' decision that Aaron Upton, an American citizen who had moved to St. Stephen in 1800, was a British subject, having served on juries, paid taxes, done militia duty, and taken oaths of loyalty; see also "Abstract of Charlotte County Petitions, 1765-1842," entries nos. 173, 337, 399, 424, and 435, TMs. at the New Brunswick Museum, Saint John, NB, for examples of Americans petitioning for New Brunswick land.
- ²⁹ MacNutt, *New Brunswick*, 123.
- ³⁰ MacNutt, *New Brunswick*, 165.
- ³¹ Davis, *International Community*, 164-165; Graeme Wynn, *Timber Colony: A Historical Geography of Early Nineteenth Century New Brunswick* (Toronto: University of Toronto Press, 1981), 29-30.

³² Andrew Hill Clark, "Contributions of Its Southern Neighbors to the Underdevelopment of the Maritime Provinces Area, 1710-1867," in Richard A. Preston, ed., *The Influence of the United States on Canadian Development: Eleven Case Studies* (Durham NC: Duke University Press, 1972), 175; J.C. Arnell, "The Superintendent of Trade and Fisheries for Nova Scotia and the Armed vessels *Union* and *Hunter*: Part I. The Problems Associated with Trade and Fishing After the American Revolution," *Mariner's Mirror* 56:4 (November, 1970), 397.

³³ Graham, *Sea Power*, 160-162; Arnell, "Superintendent of Trade and Fisheries," 400-404.

³⁴ Anonymous, "Life in a Pioneer Village," *Grand Manan Historian XXII: Log Cabins, Free Ports, and Tourism* (Grand Manan NB: Grand Manan Historical Society, 1980), 2; Thomas G. Thornton to Monroe, March 2, 1813, NA RG 59: M179, "Miscellaneous Letters of the Department of State, 1789-1906."

³⁵ George Leonard to Anthony Merry, August 20, 1806, in W.O. Raymond, *Winslow Papers, A.D. 1776-1826* (Saint John, NB: Sun Printing Company, Ltd., 1901), 557; Howard Temperley, ed., *Lieutenant Colonel Joseph Gubbins: New Brunswick Journals of 1811 & 1813* (Fredericton, NB: Kings Landing Corporation, 1980), 55; Petition of Jesse Scott and Aaron Hanscom, March Term, 1813, Washington County Circuit Court of Common Pleas, Maine State Archives, Augusta, ME.

³⁶ Peter E. Vose, "Col. George Peck of Eastport, and Lubec," *Bangor Historical Magazine* 5 (July, 1889-June, 1890), 171-172.

³⁷ *New Brunswick Royal Gazette*, August 10, 1812.

³⁸ *Eastport Sentinel*, May 15, 1819

³⁹ *Essex Register*, June 25, 1814; *The Yankee*, November 4, 1814; *Columbian Centinel*, November 19, 1814.

⁴⁰ See *United States v. Tyler P. Shaw*, May Term, 1823, RG21/MCC; *United States v. John Thorn Dodge*, October Term, 1814, RG21/MCC.

⁴¹ National Archives microfilm T967, "Copies of Presidential Pardons and Remissions, 1794-1893;" PANB RS 108, "Tyler P. Shaw Petitions," Provincial Archives of New Brunswick, Fredericton, NB.

⁴² Jane Errington, *The Lion, the Eagle, and Upper Canada: A developing Colonial Ideology* (Kingston: McGill-Queen's University Press, 1987), 15, 18, 21.

⁴³ Errington, *Lion and Eagle*, 23.

⁴⁴ Ann Gorman Condon, "1783-1800: Loyalist Arrival, Acadian Return, Imperial Reform," in Phillip A. Buckner and John G. Reid, *The Atlantic Region to Confederation: A History* (Toronto: University of Toronto Press, 1998), 192; Taylor, *Liberty Men*, 213.

⁴⁵ Errington, *Lion and Eagle*, 23.

⁴⁶ "Petition of Moose Island Inhabitants, 1791," *Massachusetts Resolves, 1792*: Chapter 90, passed June 18, 1791, Massachusetts State Archives, Boston, MA.

⁴⁷ For the concept of competency see Daniel Vickers, "Competency and Competition: Economic Culture in Early America," *William and Mary Quarterly*, 3rd Series, 47:1 (January 1990), 3-29.

⁴⁸ David Owen to his brother, July 8, 1788 and December 15, 1788, "Glansevern Collection," NAC.

⁴⁹ *Ibid.*

- ⁵⁰ Charles Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (New York: Oxford University Press, 1991).
- ⁵¹ *Ibid.*, 8.
- ⁵² *Ibid.*, 10.
- ⁵³ See the Federal Census for Eastport for the numerous Clark clan.
- ⁵⁴ Sellers, *Market Revolution*, 11.
- ⁵⁵ Ulrich, *Midwife's Tale*, 75-84.
- ⁵⁶ Sellers, *Market Revolution*, 12-12.
- ⁵⁷ "State of Settlement on Moose, Dudley, and Frederick Islands" [c. 1800], C.O. 188/10. See Appendix B for a transcription.
- ⁵⁸ Richard Lyman Bushman, "Markets and Composite Farms in Early America," *William and Mary Quarterly*, 3rd Series, 55:3 (July 1998), 351-374.
- ⁵⁹ See John Cooper to Secretary of the Treasury Albert Gallatin, November 9, 1810, Tms., Washington County Clerk's Office, Machias, ME, for an account of the various economic activities in Washington County, including a staggering 328 looms.
- ⁶⁰ George Leonard to President of the Council, September 27, 1806, in Raymond, *Winslow Papers*, 564-565.
- ⁶¹ "Petition of Moose Island Inhabitants," *Massachusetts Resolves*, 1791: chapter 90, MSA.
- ⁶² Kilby, *Eastport and Passamaquoddy*, 95-96.
- ⁶³ Taylor, *Libertymen*, 4-5.
- ⁶⁴ Taylor, *Libertymen*, 24-28. For New Brunswick land policies see MacNutt, *New Brunswick*, 120-123.
- ⁶⁵ For Campobello, see Nowlan, *Campobello*, 55-56; for Deer Isle, see Gustavus Nicolls to Sir George Prevost, June 30, 1808, in William Wood, ed., *Select British Documents of the Canadian War of 1812* (Toronto: The Champlain Society, 1920), vol. 3, 142-143; for Grand Manan, see Moses Gerrish to unknown, Woodberry file, RS 108.
- ⁶⁶ Edmund H. Burrows, *Captain Owen of the African Survey: The Hydrographic Surveys of Admiral W. F. W. Owen on the Coast of Africa and the Great Lakes of Canada, His Fight Against the African Slave Trade, His Life in Campobello Island, New Brunswick, 1774-1857* (Rotterdam: A. A. Balkema, 1979), 216-217.
- ⁶⁷ Davis, *International Community*, 67; for Prince Edward Island, see J.M. Bumsted, "The Origins of the Land Question on Prince Edward Island, 1767-1805," in P.A. Buckner and David Frank, *The Acadiensis Reader, Volume One: Atlantic Canada Before Confederation* (Fredericton, NB: Acadiensis Press, 1990), 65-78.
- ⁶⁸ George A. Rawlyk *The Canada Fire: Radical Evangelicalism in British North America, 1775-1812* (Montreal: McGill-Queen's University Press, 1994), xvi.
- ⁶⁹ Taylor, *Libertymen*, 140.
- ⁷⁰ Sellers, *Market Revolution*, 29-30.
- ⁷¹ Rawlyk, *Canada Fire*, 16.
- ⁷² Rawlyk, *Canada Fire*, 134; Sellers, *Market Revolution*, 157.
- ⁷³ Rawlyk, *Canada Fire*, 137-139

⁷⁴ Stephen A. Marini, *Radical Sects of Revolutionary New England* (Cambridge: Harvard University Press, 1982), 40-43; Joyce Butler, "Cochranism Delineated: A Twentieth-Century Study," in Charles E. Clark, James S. Leamon, and Karen Bowden, eds. *Maine in the Early Republic: From Revolution to Statehood* (Hanover NH: University Press of New England, 1988), 149; Rawlyk, *Canada Fire*, 6; Kate Gannett Wells, *Campobello*, 26.

⁷⁵ Judith Fingard, *The Anglican Design in Loyalist Nova Scotia, 1783-1816* (London: Published for the Church Historical Society, 1972).

⁷⁶ Leonard was born the son of a Massachusetts Congregationalist minister, but converted to Anglicanism when a young man. See "George Leonard," *Dictionary of Canadian Biography: Volume VI, 1821 to 1835* (Toronto: University of Toronto Press, 1987), 394.

⁷⁷ Rawlyk, *Canada Fire*, xvi;

⁷⁸ George A. Rawlyk, *Ravished by the Spirit: Religious Revivals, Baptists, and Henry Alline* (Kingston and Montreal: McGill-Queen's University Press, 1984), Rawlyk, *Ravished*, 39.

⁷⁹ David G. Bell, ed., *Newlight Baptist Journals of James Manning and James Innis* (Wolfville, NS: Baptist Heritage in Atlantic Canada series, Lancelot Press, Ltd., 1984), 154.

⁸⁰ Journal of Ephraim Abbott, September 19, 1811, quoted in Kilby, *Eastport and Passamaquoddy*, 331.

⁸¹ "Extract of a letter from Eastport to a gentleman in Newburyport, dated July 8," *Eagle* (Castine, ME), July 23, 1811.

⁸² Gilbert's presence in Eastport was guessed at by his contemporaries; see Bell, *Newlight Journals*, 150. His presence there is confirmed by a list of "enemy aliens" at Eastport made by the United States government. See "List of Enemy Aliens, Eastport, 1813" in "William King Papers," MeHS.

⁸³ Bell, *Newlight Journals*, 177.

⁸⁴ Rawlyk, *Canada Fire*, 56.

⁸⁵ Sellers, *Market Revolution*, 157-159.

⁸⁶ Taylor, *Libertymen* 34; Condon, "Loyalist Arrival," 192.

⁸⁷ Taylor, *Libertymen*, 54, 102.

⁸⁸ MacNutt, *New Brunswick*, 164

⁸⁹ For American immigration to British North America, see Errington, *Eagle and Lion*, chapter three, "Upper Canada: An American Community?" 35-54.

⁹⁰ Graeme Wynn, "New England's Outpost in the Nineteenth Century," in Stephen J. Hornsby, Victor A. Konrad, and James J. Herlan (eds.) *The Northeastern Borderlands: Four Centuries of Interaction* (Fredericton, NB: Acadiensis Press, 1989), 83; Temperley, *Joseph Gubbins*, 26, 28, and 45.

⁹¹ George Pechelle to unknown, May 28, 1822, Customs 34/6448; see Owen's "Register-book : Deeds, Leases, etc. for the Estate of Campo-bello : The Property of Captain W. F. W. Owen, R.N.," Ms. at Maine State Library, Augusta, ME.

⁹² Burrows, *Captain Owen*, 214-217.

- ⁹³ Alden Nowlan, *Campobello: The Outer Island* (Toronto: Clarke, Irwin, & Company Limited, 1975), 53-54; Kate Gannett Wells, "David Owen," *Acadiensis* 1:1 (January 1901), 21-27.
- ⁹⁴ Deposition of Charles Butler, *Peter Coffin v. George Leighton*, September Term, 1812, Washington County Circuit Court of Common Pleas, MeSA.
- ⁹⁵ For smuggling as "self-help," see Cal Winslow, "Sussex Smugglers," in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London: Allen Lane, 1975) 149.
- ⁹⁶ W. Paine to John Wentworth, March 1, 1788, "Wentworth Papers" vol. 2, PANS, quoted in MacKinnon, *Unfriendly Soil*, 147.
- ⁹⁷ Davis, *International Community*, 170-174.
- ⁹⁸ *John Minot v. John Wood*, March Term, 1816, Washington County Circuit Court of Common Pleas, MeSA.
- ⁹⁹ For Staples theory, see Carl Berger, *The Writing of Canadian History: Aspects of English-Canadian Historical Writing Since 1900* (Toronto: University of Toronto Press, 1986; reprinted, 1993), 94-97.
- ¹⁰⁰ Sellers, *Market Revolution*, 16.
- ¹⁰¹ MacNutt, *New Brunswick*, 151.
- ¹⁰² Deposition of William Sherman, Case File, *U.S. v. Robert Webb*, September Term, 1809, RG 21/MeDC.
- ¹⁰³ Davis, *International Community*, 98-100
- ¹⁰⁴ See deposition of John W. Bradley in *U.S. v. A Quantity English Goods*, December Term, 1812, RG 21/MeDC.
- ¹⁰⁵ Vickers, "Competency," 20-21.
- ¹⁰⁶ Graeme Wynn, "'Deplorably dark and demoralized lumberers'? Rhetoric and Reality in Early Nineteenth-Century New Brunswick," *Journal of Forest History*, 24:3 (October 1980): 168-187.
- ¹⁰⁷ MacNutt, *New Brunswick*, 149-154, 164.
- ¹⁰⁸ Deposition of John W. Bradley in *U.S. v. A Quantity English Goods*, December Term 1812, RG 21/MeDC.
- ¹⁰⁹ Taylor, *Libertymen*, 79-82.
- ¹¹⁰ "Sea Serpent and Whale," *American Advocate*, August 15, 1818.
- ¹¹¹ For an overview of the New England sea-serpent phenomenon, see Ralph W. Dexter, "Cape Ann Visits of the Great Sea-Serpent, (1639-1886)," *American Neptune* 46:4 (1986), 213-220.
- ¹¹² Lorenzo Sabine, *Report on the Principal Fisheries of the American Seas* (Washington, D.C: Robert Armstrong, Printer, 1853), 204.
- ¹¹³ Taylor, *Libertymen*, 179-180.
- ¹¹⁴ "Gold Mine at Passamaquoddy," *Columbian Centinel* (Boston, Mass.), July 19, 1809.
- ¹¹⁵ Kate Gannett Wells, *Campobello: An Historical Sketch* (s.l: s.n., 1892), 17-18 [CIHM: 49061]; William F. Ganong ed., *Travels in the Interior Parts of North America in the Years 1791 and 1792* (Toronto: Champlain Society, 1937), 286; New Brunswick, *Journal of the House of Assembly* [CIHM 1851], cxxxix.

- ¹¹⁶ David Demeritt, "Representing the 'True' St. Croix: Knowledge and Power in the Partition of the Northeast," *William and Mary Quarterly*, 3rd Series, 54:3 (July 1997), 541-542.
- ¹¹⁷ Kilby, *Eastport and Passamaquoddy*, 145.
- ¹¹⁸ Joyce Appleby, *Inheriting the Revolution: The First Generation of Americans* (Cambridge, MA: Belknap Press of Harvard University Press, 2000), 11; Sellers, *Market Revolution*, 4-5.
- ¹¹⁹ For overviews of commercial policy and the British Empire, see Gerald S. Graham, *Sea Power and British North America, 1783-1820: A Study in British Colonial Policy*. Cambridge: Cambridge University Press, 1941; reprint, New York: Greenwood Press, 1977), and Judith Blow Williams, *British Commercial Policy and Trade Expansion, 1750-1850* (Oxford: Clarendon Press, 1972).
- ¹²⁰ Davis, *International Community*, 71.
- ¹²¹ MacNutt, *New Brunswick*, 62.
- ¹²² David S. Macmillan, "The 'New Men' in Action: Scottish Mercantile and Shipping Operations in the North American Colonies, 1760-1825," in David S. Macmillan, ed., *Canadian Business History: Selected Studies, 1497-1971* (Toronto: McClelland and Stewart Limited, 1972) 44-46.
- ¹²³ Peter Mathias, "Risk, Credit and Kinship in Early Modern Enterprise," in John J. McCusker and Kenneth Morgan, eds., *The Early Modern Atlantic Community* (Cambridge: Cambridge University Press, 200), 25, 33.
- ¹²⁴ Macmillan, "New Men," 79.
- ¹²⁵ Davis, *International Community*, 84; Macmillan, "New Men," 92, 101.
- ¹²⁶ James S. Leamon, *Revolution Downeast: The War for Independence in Maine* (Amherst, MA: University of Massachusetts Press, 1993), 158. Falmouth is modern Portland, Maine.
- ¹²⁷ Affidavit of Samuel Kelly, December 16, 1802, in David Owen to Lord Hobart, December 29, 1803, C.O. 188/12.
- ¹²⁸ For Pagan's mercantile career, see Roger Paul Nason, "Meritorious but Distressed Individuals: The Penobscot Loyalist Association and the Settlement of the Township of St. Andrews, New Brunswick, 1783-1821," M.A. thesis, University of New Brunswick, 1982, 142-146; for timber see MacNutt, *New Brunswick*, 75-76 and 98; for embargo violations see Robert Pagan & Co. to John Millar & Co., May 20, 1808, C.O. 217/83.
- ¹²⁹ David S. Macmillan and Roger P. Nason, "Robert Pagan," *Dictionary of Canadian Biography: Volume VI: 1821 to 1835* (Toronto: University of Toronto Press, 1987), 561-563. For shipbuilding, see Macmillan, "New Men," 90, and Robert Armstrong to HM's Custom's Commissioners, July 17, 1824, Customs 34/6504, and J. Harper to Customs Commissioners, April 25, 1817, Customs 34/6571. This report exposed that virtually all ships built in New Brunswick had illegal American components.
- ¹³⁰ MacKinnon, *Unfriendly Soil*, 139-144
- ¹³¹ For an overview see Graeme Wynn, "1800-1810: Turning the Century" in Buckner and Reid, *Atlantic Region*, 210-221; Williams, *British Commercial Policy*, 28, 233, 235, 236, Graham, *Sea Power*, 212-213.
- ¹³² Graham, *Sea Power*, 57-58.

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- ¹³³ Lorenzo Sabine, *Biographical Sketches of Loyalists of the American Revolution, with an Historical Essay* (Boston: Little, Brown and Company, 1864), 543.
- ¹³⁴ Davis, *International Community*, 76.
- ¹³⁵ Jack, "Biographical Data," 91.
- ¹³⁶ Sellers, *Market Revolution*, 22-23.
- ¹³⁷ Sellers, *Market Revolution*, 19.
- ¹³⁸ U.S. House, *Annals* I, 299 (May 9, 1789) quoted in Leonard D. White, *The Federalists: A Study in Administrative History* (New York: The Macmillan Company, 1956), 460.
- ¹³⁹ Kilby, *Eastport and Passamaquoddy*, 233.
- ¹⁴⁰ Appleby, *Inheriting the Revolution*, 56-58.
- ¹⁴¹ George Smith to Thomas G. Thornton, August 29, 1815, Cutts-Thornton Papers, MeHS.
- ¹⁴² James McGregor, *History of Washington Lodge No. 37, Free and Accepted Masons, Lubec, Maine* (Portland, ME: E.W. Brown and James Neagle, 1892), 31.
- ¹⁴³ McGregor, *Washington Lodge*, 11,16.
- ¹⁴⁴ Ryerson Johnson, *Bicentennial History of Lubec*, (Lubec, ME: Ryerson and Lois Johnson; Lubec Historical Society, 1976), 110.
- ¹⁴⁵ Sellers, *Market Revolution*, 44.
- ¹⁴⁶ Davis, *International Community*, 98.
- ¹⁴⁷ See Mathias, "Risk, Credit and Kinship," passim.
- ¹⁴⁸ David Owen to his brother, July 8, 1788 and December 15, 1788, "Glansvern Collection," NAC.
- ¹⁴⁹ Davis, *International Community*, 70.
- ¹⁵⁰ See deposition of John W. Bradley in *U.S. v. A Quantity English Goods*, December Term 1812, RG21/MeDC.
- ¹⁵¹ Sellers, *Market Revolution*, 45.
- ¹⁵² *Gazette of Maine*, January 29, 1807. The petition for the bank was made by Messrs. Prince and Trescott of Eastport.
- ¹⁵³ Davis, *International Community*, 116; Macmillan, "New Men," 101.
- ¹⁵⁴ For softening attitudes of Loyalists towards the United States, see Neil MacKinnon, "The Changing Attitudes of the Nova Scotia Loyalists towards the United States, 1783-1791," in Buckner and Frank, *Acadiensis Reader*, 108-119; George Rawlyk, "The Federalist-Loyalist Alliance in New Brunswick, 1784-1815," *Humanities Association Review* 27 (Summer, 1976), 142-160; and Errington, *Lion and Eagle*, 35-39.
- ¹⁵⁵ Affidavit of Colin Campbell, *King v. Thomas Ross et al*, RS 42, "Supreme Court Records," PANB.

CHAPTER 6: ADVENTURERS AND ENFORCERS

Introduction

A letter dated from 1812 indicates the game of cat-and-mouse played between smugglers and government officials at Passamaquoddy. Unsigned, addressed to a New York City merchant and smuggler conducting business on the border, the letter concludes with the warning “look out for the Revenue Cutter at East Port. LOOK OUT.”¹ It is exactly the sort of mysterious correspondence one would expect a smuggler to write. The importance of this letter and the others that accompany it lies not only their content, which is rich in detail about smuggling and includes codes to conceal participants’ names, for they also reveal something about those who came from distant places to engage in illicit trading on the remote shores of Passamaquoddy Bay. A number of merchants from Manhattan came to Passamaquoddy and vicinity to trade, as did Philadelphia, Boston, Salem, Portsmouth, and Portland traders. Crossing the border into British territory, even during the War of 1812 posed few problems, and the United States Supreme Court actually upheld American citizens’ rights to cross into enemy territory at Passamaquoddy.²

A variety of government officials arrayed themselves against these adventurers. The representatives of law and order could be a troublesome presence to locals. Military and naval units, revenue cutters, customs officials, and other law officers came to impose order and trade restrictions. Community leaders on both sides of the border dealt with these external forces cautiously. Magistrates usually felt obliged to support these external forces. As leaders charged to protect the community, however, these representatives of the law threatened to upset the harmonious borderland relationship. Certainly some leaders worried that these outside law enforcers would ruin the smuggling trade and the region's prosperity. All were concerned that these government officers, who were often heavily armed, would initiate violence that could devastate the region. As a result external forces often received only tepid welcomes, and occasionally faced outright hostility from the borderland populace.

Outsiders helped to create the borderlands identity both as lawbreakers and law enforcers, often trapping local residents between their conflicting demands. Smuggling merchants sought obedience to the laws of supply and demand, while government officers required allegiance to the state and its laws. These differing viewpoints created unusual stresses within the borderland community itself, changing conventional attitudes toward authority, the pursuit of wealth, and the importance of the ideologies that emerged from the American Revolution. Torn between welcoming the outsiders who could bring prosperity and the need to create a civil society that respected legal authority, locals did their best to moderate the actions of both extremes. Essentially they were caught in a struggle between capitalism and the state, between "adventurers" and "enforcers."

The Adventurers

At the cutting edge of the transition from mercantilism to capitalism were a set of ambitious young merchants deemed by many as “adventurers,” young men unconnected with Passamaquoddy who came to make money fast. Most departed as soon as their business concluded, but others remained in the area for years, and some even settled at Passamaquoddy. These were men on the make with few constraints on their personal ambition, exactly the sort of entrepreneurs who led the way towards capitalism.³ They were also the smugglers who Adam Smith described in *Wealth of Nations*. Smith thought smuggling “the most hazardous of all trades,” and bemoaned the fact that unfortunately, “The dangerous and hairbreadth escapes of a life of adventures, instead of disheartening young people, seem frequently to recommend a trade to them.”⁴ Ambitious, worldly, and clever, these adventurers worshipped profit, and seldom appear to have paid much mind to the demands of the state: as Smith himself lamented, merchants were not necessarily the citizen of any particular country.⁵ Nova Scotia’s attorney general mirrored Smith when he complained, “I am sorry to say that we are surrounded by a description of unprincipled men [smugglers] who are one day British subjects and the next citizens of the United States, as it best suits their interests.”⁶

Smith’s model of a smuggler was an over-optimistic adventurer drawn by the lure of easy profits, and the fate of smugglers was almost always bankruptcy due to seizures by customs officers and other penalties for being caught.⁷ Smith deplored this travesty since he defined a smuggler as “a person who, though no doubt highly blamable for

violating the laws of his country, is frequently incapable of violating those of natural justice, and would have been, in every respect, an excellent citizen had not the laws of his country made that a crime which nature never meant to be so.”⁸ Smugglers reacted against unnatural laws imposed by the state; at first their actions might be “rather imprudent than criminal,” but in Smith’s mind the smuggler “too often becomes one of the hardiest and most determined violators of the laws of society.”⁹ As a customs administrator, Smith believed that part of the blame lay with a lax customs administration; he argued that “not many people are scrupulous about smuggling when, without perjury, they can find any easy and safe opportunity of doing so.”¹⁰ Smith also found that the public generally sympathized with smugglers who offered the consumer low-cost goods. Public tolerance encouraged smugglers to consider themselves as engaged in an innocent activity; thus when customs officials did move to seize contraband goods, the smugglers often fiercely defended themselves and their “just property.”¹¹ Passamaquoddy smugglers defended their actions by terming themselves “free traders,” a label that underscored their freedom from commercial regulations.¹²

This freedom and the rise of capitalism came at a cost, however. American sociologist Robert Merton argued that American society more strongly than other capitalist societies held out the goal of personal wealth and success to all its citizens. Often this commitment to wealth and success meant that individuals had to break the law to achieve these goals. Merton’s sociological arguments are echoed in those of historians such as Appleby, who found that the American Revolution created “a distinctive American society that honored individual initiative.”¹³ The argument may also be held out for elitist Loyalist society as well. New Brunswick’s merchants and leaders constantly

sought more money to recoup their losses from the Revolutionary War and support their social pretensions.¹⁴ Many did not hesitate to break the law or subvert state interests to do so.

However, government control, geography, and other factors limited the ability of aspiring capitalists to achieve their goals. Efforts to support the ideologies that emerged out of the American Revolution conflicted with the economic imperative to acquire wealth. The tension between ideology and economy created stresses too great for borderlands society to cope with, resulting in what sociologists term “anomie,” a condition often associated with economic disaster, rapid economic growth, or deregulation of business.¹⁵ Jefferson’s embargo and the War of 1812 were economic disasters for the United States that severely upset social relations, especially in New England where pro-trade Federalists openly debated secession.¹⁶ During this period the ability of society to regulate itself deteriorated and social norms and expectations became twisted. Adventurers and troublemakers could be warmly accepted into a community while the agents of state control faced hostility. The machinations of the state in controlling, restricting or forbidding trade were less comprehensible to borderland residents who preferred lax or nonexistent commercial regulations.¹⁷ At Passamaquoddy this meant that magistrates sheltered smugglers, but prosecuted soldiers for performing their duty.

Despite diverse backgrounds, the adventurers shared several characteristics. First, they were all young and single men. Second, they were ruthless in their search for profit. Third, they were often only a temporary presence at Passamaquoddy. The experiences of James Colles, Richard Hasluck, Constantino Llufrío, and John McMaster illustrate how adventurers interacted with the community and conducted their illicit trade.

James Colles

James Colles of New York City is an ideal representative of the American adventurers, in no small part because so much of his personal correspondence survives today. Colles came from a prosperous Manhattan family of Irish descent. About 1810, he became a clerk in Hugh Kennedy Toler's mercantile firm, which was heavily engaged in importing British manufactured goods, especially textiles, from Liverpool.¹⁸ New York had already achieved fame as the home of commercially aggressive entrepreneurs and the heart of the American market.¹⁹ New York smugglers began to use Passamaquoddy as an illicit trade center during Jefferson's embargo and continued to come to the region in subsequent years. Collector Trescott estimated in 1811 that "not less by estimation than one hundred Merchants from New York and other places" engaged in smuggling at Passamaquoddy.²⁰

New Yorkers continued to come to Passamaquoddy to smuggle during the War of 1812. As a result of the troubled relations between Britain and the United States, Toler and other merchants began to deliver goods to ports in British North America.²¹ Once his goods arrived there, Toler could either import them legally, or smuggle them into the

United States if Congress banned trade with Britain. To that end, Toler sent Colles to Passamaquoddy in the spring of 1812 to bring goods stored in St. Andrews and Saint John into the United States.

Colles moved on both sides of the border in 1812 and 1813 in order to illicitly introduce Toler's goods into the United States. Most of these were British manufactured goods such as textiles, including silk ribbons and other luxury items. On occasion American privateersmen harassed Colles on suspicion of smuggling, but he apparently talked himself out of trouble.²² Colles's method of smuggling at Eastport was to cooperate as closely as possible with American customs officials. He used his social acumen and promised financial remuneration for the officials' time and trouble. Colles's tactic was to smuggle Toler's goods from New Brunswick into Eastport and then turn informant against his own cargo. The officials then seized the goods with Colles's permission, and auctioned them off after an uncontested court hearing.²³ Colles, at his employer's urging, arranged to have the goods under-appraised by at least fifty percent, apparently by providing the appraisers with a good meal, as "a good dinner has a great tendency to soften men's hearts."²⁴ Because of the false appraisal, Colles bought back the goods at a fraction of their true value, pocketed twenty-five percent of the proceeds of the auction as the informant, and acquired customhouse certification that the goods had legally entered the United States. In the meantime, Toler petitioned Maine's federal district court for remission of the seizure entirely.²⁵ While this was a convoluted and expensive way of conducting business, high wartime prices ensured a sizeable profit.

A variety of local merchants assisted Colles, including Jabez Mowry in Eastport, Robert Pagan in St. Andrews, Nehemiah Merritt in Saint John, and Edward Blackford in Halifax, most of whom were well-known borderland smugglers. Colles sometimes stayed in their homes, received mail at their offices, borrowed money from them, and undoubtedly paid to store his contraband in their warehouses.²⁶ These were business transactions, but there was a social element to them as well, primarily a recognition, despite their various nationalities and degrees of wealth, that they all pursued similar goals. Face-to-face transactions, kinship and marriage links, and socialization remained an important part of conducting business because it was a means of transmitting the information so vital for merchants.²⁷ In this way commercial society promoted personal relations, a concept in direct opposition to one shared by many scholars who maintain that the market revolution and commodification discouraged or dissolved social bonds.²⁸ Nonetheless, it reinforces Adam Smith's perception of commercial friendships. The adventurers who came to Passamaquoddy depended on the sympathy and cooperation of locals to evade commercial restrictions, thereby creating a mutual dependence that reinforced suspicion of government anti-smuggling efforts.

Not all of Colles's plans succeeded, despite his charm and connections. In February 1813, Colles attempted to bring forty-two packages of English goods from St. Andrews into Eastport.²⁹ Working in concert with Toler, Colles carefully laid the groundwork for introducing the goods into the American market. First they employed the services of Jabez Mowry, one of the wealthiest American merchants at Passamaquoddy and a veteran smuggler. Together Colles, Toler, and Mowry approached Collector Lemuel Trescott. They presented their case, and asked what Trescott would do if they

brought the goods to Eastport. Trescott stated he would seize the goods and transport them to Portland for auction after adjudication, a satisfactory answer because it brought the goods into the American market via an auction process that could easily be manipulated, especially if Toler or Colles informed against the packages themselves. They planned to bring the goods directly into Eastport and land them on John Kendall's wharf, where the deputy collector, William Coney, would seize them.³⁰

Toler and Mowry then proceeded to meet with the commander of the American garrison to procure a pass to cross the border into British territory. Typical of most smugglers, they chose to work within the law whenever possible. The commander, Colonel George Ulmer, gave the men a pass to cross the border. But Ulmer must have suspected their intentions to smuggle goods into the country. Or perhaps somebody tipped him off. Ulmer ordered a party of soldiers to go to Clark's Head, some three miles north of the American army post and four miles north of Kendall's wharf. The soldiers spotted a vessel coming from the British side of the border and boarded the suspected smuggling vessel, which turned out to be the schooner *Polly* of St. Andrews, loaded with Toler's contraband goods. The sergeant in charge questioned Colles about his intentions, but on receiving what they deemed as evasive answers, the soldiers seized the *Polly* and sailed for the town landing in Eastport.

In the meantime, the would-be smugglers were waiting at Kendall's wharf with the deputy collector. Soon word arrived that soldiers had seized the *Polly*; the deputy collector immediately set out to intercept the *Polly* in the customhouse boat, and boarded it within half an hour of its seizure. Deputy Collector Coney questioned the sergeant's authority to seize the vessel, and called the soldier's actions illegal. Coney claimed he

had jurisdiction over the vessel and seized it in the name of the United States in an attempt to avoid a potentially very embarrassing situation.³¹ Arguments about whose jurisdiction the seizure fell under continued; ultimately Collector Trescott was awakened and Colonel Ulmer consulted on the matter, but they disagreed as well. Ulmer resolved the issue by ordering twelve soldiers to take custody of the vessel, and threatened to remove the goods by force if necessary to the safety of Fort Sullivan's blockhouse.³²

The scandal continued, as Trescott and Coney complained bitterly about Ulmer's interference in what they saw as customhouse affairs.³³ Ulmer in turn charged the customhouse officers with actively colluding to facilitate smuggling. Trescott sent the contraband to Portland under federal custody, libeled in the name of Ulmer's troops.³⁴ However, the federal district court favored Trescott's version of events. The federal court condemned the goods and auctioned them for roughly \$100,000; Trescott and Mowry each received \$25,000 as their share of the seizure, with Mowry immediately remitting his share to Colles.³⁵ Toler apparently lost out, but nonetheless seemed pleased at how the U.S. marshal auctioned the contraband; he later sent U.S. Marshall Thomas G. Thornton one hundred dollars "as a gift" via Colles, who continued to operate in Maine and New Brunswick for another year.³⁶

The *Polly* incident reveals that adventurers such as Colles cooperated closely with locals, both merchants and customhouse officers, to bring contraband across the border. The adventurers chose to cloak their activities with a veil of legality, a tactic that promised success so long as other outsiders, in this case the U.S. Army, did not intervene.

The non-violence of the methods also stands out; Colles and Toler interacted closely with locals. Only Col. Ulmer threatened violence. Moreover, Colles seems to have possessed a charisma that smoothed his way in the commercial world.

Colles's correspondence reveals a man at home in the Loyalist salons of Saint John, where he was familiar with the influential Wetmore family. His easy interaction with Loyalists was no doubt aided by his own Federalist politics. Colles also moved among an elite circle in New York, including the Roosevelt family. He lived at a fashionable Manhattan address -42 Pearl Street- and drank his tea from custom-ordered monogrammed china from Canton. Colles was an ambitious young man, full of self-confidence, tightly bonded with his social peers, accustomed to a life of privilege, yet unceasing in his pursuit of wealth.³⁷ Yet at the same time Colles was quite capable of haggling on the docks of a rough-and-tumble a frontier town like Eastport in order to move British manufactured goods across the border. He hired experienced smugglers such as one Captain Osgood to bring contraband goods concealed under plaster of paris to New York City.³⁸

When Colles's business was done at Passamaquoddy he moved on to other ventures. He became a merchant in his own right, and even served as president of the New Orleans branch of the Bank of the United States. Unlike Smith's image of the typical smuggler, Colles did not become bankrupt, although he did face trial before the New York Federal District Court on charges related to illicit trade.³⁹ In fact Colles became very wealthy. He had a long life, a large family, toured Europe, and built a thirty-room mansion in Morristown, New Jersey, that still stands today.

Richard Hasluck

While Colles represents the efforts of American merchants desperate to bring contraband goods into the United States, Richard Hasluck represents British merchants who were equally desperate to enter the American market, even during time of war. Hasluck, like Colles, was an adventurer, an ambitious young merchant willing to take risks to conduct illicit trade at Passamaquoddy. He also embodied some of the problems adventurers brought with them to Passamaquoddy, both as victims and as victimizers.

Hasluck came to Passamaquoddy during Jefferson's embargo when large profits could be made smuggling American provisions into New Brunswick. Originally Hasluck came from Birmingham, at the center of the English industrial heartland. Hasluck operated as an agent for Birmingham hardware merchants Alexander Walker, Sr. and his brother Thomas H. Hasluck.⁴⁰ Hasluck's job was to bring British hardware into the lucrative but often closed American market. Hasluck also engaged in the contraband provisions trade during Jefferson's embargo. His abilities as a smuggler were limited; American authorities interfered with his operations several times. The first of these occasions was on the night of April 5, 1808, when customs officials caught Hasluck attempting to illegally export 135 kegs of butter in a gondola from Calais, Maine, to St. Stephen, New Brunswick.⁴¹

Undaunted, Hasluck continued to engage in the illicit exportation of American foodstuffs. Undoubtedly he was successful some of the time, but in October 1808, he once again ran into problems. Hasluck had procured a large quantity of American flour and loaded it on his partner's ship *Eliza* at Snug Cove, Campobello, within sight of American customs officers at Eastport. The customs officers must already have

suspected the *Eliza* was carrying contraband, but somebody who had helped smuggle the flour onto the vessel -whom Hasluck referred to as “a notorious b_____d”- informed Collector Delesdernier of the ship’s illicit cargo.⁴² While the vessel was in British waters the collector could do nothing, but the *Eliza* strayed into American waters almost immediately after raising anchor; Passamaquoddy’s fierce tides almost wrecked the vessel on some rocks, and the captain brought his vessel to anchor near Rice’s Island, which Americans claimed lay within their jurisdiction. An American customs officer immediately boarded the vessel, soon followed by U.S. Navy gunboat *No. 43*, which anchored alongside the *Eliza* and took possession of the British ship. Probably alerted by Hasluck, the captain of a nearby Royal Navy vessel demanded that the commander of the gunboat immediately release the *Eliza*, but received the answer “that he had possession of her and nothing but bloodshed and hard fighting should take her from him.”⁴³ The Royal Navy officer responded by anchoring a warship in British waters in Snug Cove, just a few hundred feet from where the *Eliza* lay. The situation was extremely tense; in the aftermath of the *Chesapeake* incident, American naval officers were anxious to assert their fighting ability. A shooting war could easily have broken out between Britain and the United States. Fortunately, Collector Delesdernier agreed to return the *Eliza*, thereby defusing the crisis.

Hasluck’s luck continued to be bad however. Thieves robbed the messenger carrying the \$2700 Hasluck used to pay for the cargo of the *Eliza*. Hasluck posted a reward of \$500, apparently without success.⁴⁴ Hasluck was a victim of the very lawlessness that customs officers accused adventurers of bringing to Passamaquoddy.

Hasluck remained at Passamaquoddy after the embargo, engaging in both licit and illicit trading, especially in Birmingham-produced hardware. During the War of 1812 he continued smuggling, encouraged by the depressed prices of Birmingham manufactures and the conversely inflated price of British manufactured goods in the United States.⁴⁵ Hasluck stayed for several years, married into the locally prominent loyalist McMaster family, and eventually returned to England with his wife.⁴⁶

As an adventurer, Hasluck represents the need for industrializing societies to find new markets for manufactured items, using means both fair and foul. Hasluck's involvement in the *Eliza* affair illustrates the mischief adventurers could bring to the border, and how these minor border matters threatened to become major incidents that could result in war. But the chaos adventurers brought with them to Passamaquoddy could have unintentional consequences, as when robbers stole a large sum of money from Hasluck's messenger. Like James Colles, Hasluck developed local connections that made business possible. Ultimately, however, he left Passamaquoddy despite his marriage connections to the area.

Constantino Lufrio

When looking through legal records that consider smuggling at Passamaquoddy, the name of Spanish Floridian merchant Constantino Lufrio stands out. How did this individual come to engage in smuggling in as remote a corner of the world as Passamaquoddy? The answer, in part, seems to be that Lufrio was one of a number of merchants who combed the Atlantic world, seeking profits where they could find them, even if it meant breaking the laws of one nation or another. Lufrio claimed that, "trading

on my own account," he had made about twenty voyages before 1812 to the West Indies, the Spanish Main, the United States, Holland, and Ireland.⁴⁷ Having engaged in illicit trade at Amelia Island between American Georgia and Spanish Florida, another borderland where smuggling was rife, Llufrio eventually made his way to Saint John, New Brunswick, where he learned of the potential profits to be had at Passamaquoddy.⁴⁸

Llufrio was born in St. Augustine, Florida, in 1787, a Spanish subject. His nationality made him a neutral during the War of 1812, thus he could trade legally with both British and American merchants. Llufrio capitalized on his neutrality by using it to ship high-value British manufactured items like textiles to Eastport from Saint John. When British forces occupied Eastport, Llufrio simply moved his destination to nearby Lubec on the American mainland. During the British occupation of Castine, Llufrio again moved his base of operations to that port. Under the laws of neutrality, this was legal; but under British commercial law, foreign merchants were not allowed to live and conduct trade in colonial ports. Llufrio also had a difficult time persuading American judicial authorities that he was the true owner of these goods passing into the United States. A fellow passenger on the brig Llufrio was on when captured by a privateer said that the Spaniard claimed the goods as a ruse to fool his captors; in fact the fifty-two packages of dry goods belonged to a British merchant, and thus were liable to seizure.⁴⁹

Another remarkable aspect of adventurers like Llufrio is that borderland residents seemed to have accepted him with few questions. Llufrio operated in Passamaquoddy for months on a vessel flying the neutral Spanish flag, surely a rarity in that part of the world. Yet his enduring presence was ignored; he only appears in the legal record because an American privateer captured him, thereby giving officials an opportunity to interrogate

him. The acceptance of Llufrio at Passamaquoddy stands in contrast to places like Liverpool, Nova Scotia, where the presence of a Spanish merchant created some concern, even an official inquiry by local magistrates. But in Passamaquoddy, the presence of such foreigners passed with little remark, probably because the community recognized the need for discretion.⁵⁰

Llufrio represents the international character of smuggling at Passamaquoddy. By using his neutral status as a cover to introduce contraband British goods into the United States, Llufrio displayed just how aware smugglers were of the various technicalities and laws that could be used to smuggle goods across the border. The presence of Llufrio and other neutrals at Passamaquoddy is testimony not only to the widespread recognition Passamaquoddy received as a smuggling center, but also to the ability of a community to maintain almost perfect silence about the presence of so many foreigners. If it were not for the legal record, there would be no recoverable memory of the presence of these relatively exotic strangers' at Passamaquoddy. This silence should be contrasted with that of Liverpool, Nova Scotia. When a Spanish merchant appeared there in 1810, magistrates immediately confronted the man, and a local diarist noted the event.⁵¹ Passamaquoddy was a region that could keep its secrets.

John McMaster

John McMaster was the most troublesome of the adventurers at Passamaquoddy, and in some respects best reflects Adam Smith's model. McMaster is the only adventurer who can be associated with a smuggling-related murder. It is impossible to pin down McMaster's nationality; he seems to be one of those smugglers who changed their

nationality at will. McMaster also delighted in defying state authority, what Smith termed “hair-breadth escapes.”⁵² McMaster also suffered the fate Smith prescribed for smugglers: bankruptcy due to government prosecution.⁵³

McMaster arrived at Passamaquoddy during Jefferson’s embargo. He was a slippery character; in various documents he claimed to reside in Castine, Buckstown, and Eastport in Maine; Boston, Massachusetts; and Halifax, Nova Scotia. He may have had connections with the McMaster family of St. Andrews, New Brunswick, which had branches in Halifax and Augusta, Maine. McMaster engaged in the profitable provisions-smuggling trade at Passamaquoddy in 1808. In the spring of that year customs officials found McMaster illegally exporting flour, and confiscated the cargo. Undeterred, McMaster ordered a shipload of American flour to be delivered to him at Passamaquoddy in the autumn of 1808, but Collector Delesdernier refused to permit McMaster to unload the vessel and forced him to store the flour in a warehouse guarded by federal officers on remote Isle au Haut, almost one hundred miles west of Passamaquoddy.

McMaster’s reaction to this setback was to plot to free his flour and get it to market in Nova Scotia. He hired the Nova Scotia schooner *Peggy* and recruited a large crew at Passamaquoddy that he armed with muskets and other weapons. The *Peggy* sailed to Isle au Haut, and on a dark night the crew landed and attacked the guards at the warehouse holding his flour. One guard died in the gunbattle and one of the *Peggy*’s crew suffered a severe wound. The smugglers succeeded in carrying off McMaster’s flour, but a revenue cutter pursued the *Peggy* and captured the smuggling vessel without resistance. Federal prosecutors uncovered McMaster’s connection with the *Peggy* incident, and tried him in Maine’s federal district court in September, 1809. A jury found

him guilty of breaking the embargo laws and fined him \$10,000.⁵⁴ Unable to pay this staggering sum, McMaster went to the Lincoln County jail in Wiscasset for debt. He remained there for years, initially chained and confined to a cell, but later was given the liberties granted to other debtors. He petitioned Congress on several occasions for release. Congress ignored his pleas, and McMaster was still confined in Wiscasset when a drunken sailor murdered him in August 1815.⁵⁵

McMaster's failure reinforces Smith's model of a smuggler. McMaster's violence and persistence in continuing to smuggle even after being caught reflects his own ruthlessness. His ability to recruit what amounted to a gang of mercenaries at Passamaquoddy also indicates that the region had truly become a refuge for the lawless.⁵⁶ McMaster's punishment also displays the determination of the American government to suppress smuggling.

The Enforcers

Adventurers were a troublesome presence at Passamaquoddy, encouraging lawlessness and violence on the border. But law enforcers proved just as bothersome a presence as lawbreakers, by adding to the violence and disorder. Military and naval units especially brought many problems with them, and were often resented by borderland settlers. Outside forces brought into Passamaquoddy to establish law and order on the border appear to have been considerably less popular with locals than the adventurers, who enjoyed some level of local support. Locals often ostracized outside law enforcers. Pressure from borderland society meant that the longer these representatives of external authority remained in Passamaquoddy, the greater the chance that they would conform

with local expectations of their conduct. The power of borderlands society to overwhelm external forces should not be underestimated; while the methods were generally non-violent, they were extremely effective.

If the adventurers represented the advent of unrestrained market forces at Passamaquoddy, then the military and naval units brought in to control the rampant smuggling represented the determination of nation-states to bring their populations under control.⁵⁷ Even in the United States, despite its revolutionary rhetoric, the national government sought to impose its values on the people, using military force if necessary. While it is widely recognized that American Federalists attempted to overawe certain segments of society with a military presence during the so-called “Whiskey Rebellion,” it is less known that Presidents Jefferson and Madison did exactly the same.⁵⁸ The issue is equally thorny in Canadian historiography, in which British naval and military forces are generally perceived as protection from an aggressive United States. In both British North America and the United States, military and naval units often policed restive populaces, especially in newly settled regions such as Passamaquoddy.

Naval Officers

British warships, sent there to enforce British sovereignty and to pursue smugglers, were a common presence in the waters of Passamaquoddy Bay. They acted as occasional and often reluctant allies to customs authorities; naval officers seldom pursued this mission with enthusiasm.⁵⁹ Locals did not always resent their presence; Britain was almost continually at war with France after 1792, and merchants frequently sought additional protection for their vessels. In 1796 a British warship pursued and captured a

French privateer at Campobello. British merchants also sought the protection of Royal Navy warships during Jefferson's embargo, fearing that American gunboats might enter British waters and seize suspected smugglers. Until at least 1815 however, the presence of British warships had a lethal effect on all water-borne traffic in Passamaquoddy, licit or not. If a British naval vessel was nearby, both American citizens and British subjects stayed off the water, for fear of being impressed into the Royal Navy.⁶⁰

American naval vessels came to Passamaquoddy as well, although not with the frequency of British warships. During Jefferson's embargo and after the War of 1812 American naval units patrolled the area for smugglers and attempted to establish national sovereignty in Passamaquoddy Bay.⁶¹ The most important difference was that American warships could not impress men into service. Furthermore, locals could bring political pressure more effectively on the tiny American navy than the vast British fleet. The use of United States warships in domestic waters to enforce commercial laws was an unusual role for the American navy, which until the War of 1812 engaged primarily in protecting American shipping overseas and engaging enemy fleets in the undeclared Quasi-War with France (1798-1801) and the Barbary Wars of 1801-1805. When the U.S. Navy did patrol American waters to regulate commerce, it proved unpopular with both the public and naval officers.⁶²

Royal Navy officers were proverbial for their imperiousness.⁶³ The conduct of officers such as Lt. Flintoph of His Majesty's schooner *Porgey* did nothing to enhance the image of the navy at Passamaquoddy. When Flintoph embarked on his ill-fated attempt to suppress Passamaquoddy smuggling in 1807, his use of force outraged magistrates on both sides of the border.⁶⁴ Notably, Flintoph resigned his commission

within months of his two raids on Passamaquoddy Bay, probably pressured to do so by his superior officers. But the antipathy sometimes felt both by Americans and colonials toward Royal Navy officers was not unique to Passamaquoddy. Attempts to impress sailors in Saint John and Halifax met with resistance, sometimes devolving into riots.⁶⁵ Royal Navy captains threw local magistrates off their vessels, expressed disdain for colonial society, and on one occasion kidnapped a young woman from Saint John.⁶⁶

American naval officers were apparently no better. After USS *Wasp* arrived in the region during Jefferson's embargo, its captain arrested a number of smugglers and held them on board his vessel for days.⁶⁷ Not content to merely grumble about American warships patrolling against smugglers, borderland residents took action against their perceived oppressors. The same gunboat commander who almost precipitated a war in the *Eliza* affair suffered from the retaliation of locals who correctly perceived his weakness for liquor. Somebody plied the young officer with an abundance of alcohol, to the point that he did not emerge from his cabin for weeks at a time. His incapacity became known locally. Soon an anonymous letter tipped off the Secretary of the Navy to the gunboat commander's behavior and he was relieved of his command.⁶⁸

A more significant case of resistance to naval authority occurred in the summer of 1809. American resentment of British naval activities at Passamaquoddy ran high. During Jefferson's embargo both adventurers and locals experienced problems with British naval units. Residents resented it when the commander of vessels such as HM's schooner *Plumper* threatened to impress any British subject engaged in violent acts while smuggling.⁶⁹ On the other hand, merchants applied to the commander of HMS *Squirrel* to protect them from USS *Wasp*, which had seized a British schooner involved in evading

the Embargo Act.⁷⁰ In spring 1809, however, there was no fear of American warships anymore, and a good deal of resentment that British warships were interfering with the smuggling trade. In addition, people expressed the usual concerns about impressment.⁷¹

Throughout North America, whether in the United States or British North America, there was one popular weapon with which to strike back at imperious naval officers: encourage the desertion of sailors. The sailors needed little encouraging. Many were in the service involuntarily, and the conditions on naval vessels were notoriously bad. Mutinies were an occasional threat, although they were seldom successful.⁷²

On July 4, 1809, a mutiny broke out on HMS *Columbine* as it lay at anchor between Campobello and Eastport.⁷³ The date itself was significant for the mutiny was lead by an American sailor, but the location may have been a bigger factor; if the sailors could cross the border, they would be free men. Over the course of twenty-four hours many of the crew attempted to jump ship. Some stole ship's boats, others simply jumped in the water and swam away. Some drowned, others escaped, and yet others were shot by loyal crewmembers. The captain himself shot the ringleader, and placed more than twenty men in irons under guard. However, he had by this time lost so many men that he could not move his vessel, and had to send for assistance from British army units stationed in Saint John.⁷⁴

The captain knew that many of the deserters had taken refuge in Eastport under American jurisdiction. He asked Eastport's magistrates to return the men; the selectmen replied the deserters had already departed, and could not be returned unless the *Columbine* were in American waters.⁷⁵ Hills attempted to impress sixteen men from nearby shipping to supplement his depleted crew. Four of the impressed men persuaded

seven of the *Columbine*'s crew to desert with them to the American shore.⁷⁶ The captain soon learned that the deserters remained at Eastport, and discovered a few were hiding on Campobello in British territory, but magistrates on both sides of the border refused to give up the sailors.⁷⁷ Eventually *Columbine* left, and the men presumably went free. But why did locals shelter these deserters?

Taking in Royal Navy deserters was one way to strike back against state authority. Borderland residents resisted the centralizing tendencies of the state, and in the age of sail warships were an icon of state power. Passamaquoddy residents may also have realized what the fate of the sailors would have been had they returned to their ship. The Royal Navy brutally flogged several of *Columbine*'s mutineers with 300 to 500 lashes, ordered others transported to Australia, and hanged six men. Authorities hung six of the mutineers' corpses at the mouth of Halifax harbor, a public warning that the authority of the Royal Navy was not to be taken lightly.⁷⁸

But the attitudes of borderland residents toward the Royal Navy were not always hostile. When it served their purposes, locals might be happy to have British naval units nearby. During the War of 1812, American citizens often welcomed the Royal Navy because the presence of a British warship anchored on the boundary discouraged American officials from pursuing smugglers too closely. After the British occupation of Eastport in 1814, the Royal Navy found itself actually promoting American smuggling. The British garrison desperately needed provisions, and so Royal Navy officers such as Thomas Masterman Hardy wrote permits that allowed American smugglers to pass

unmolested by British naval units.⁷⁹ The commanders of some Royal Navy vessels, such as HMS *Boxer*, also profited by escorting American smugglers along the Maine coast, protecting them from American officials and privateers.⁸⁰

Passamaquoddy residents remained ambivalent at best when considering the presence of naval vessels in Passamaquoddy Bay. For example, when the War of 1812 broke out, colonial subjects clearly appreciated the protection of the navy. After the war however, they often resisted British warships that attempted to enforce the Navigation Acts.⁸¹ Smugglers, both British and American, continued to undermine the authority of both British and American naval officers when they rescued seized vessels, attempted to avoid seizure through flight, or argued with naval officers face-to-face.

Army Units

Attitudes towards army units were equally mixed in the borderland. Land-based army units came to Passamaquoddy for the same reasons naval units did: to defend national sovereignty and suppress smuggling. Just like their naval counterparts, military units represented external authority attempting to police a sometimes unruly populace.⁸² For example, British military units were called in to quell election riots in Saint John in 1785.⁸³ However, whereas naval units were constantly on the move, army units stationed in fortifications had to confront civilians on a daily basis. Army units thus faced even more pressure from borderland communities to conform to local expectations.

Fort Sullivan in Eastport best illustrates the problems army officers, both British and American, had with the borderlands community. The American government built and garrisoned Fort Sullivan in 1808.⁸⁴ In 1814 a British force captured the post and held

it until 1818, when international arbitration determined that Moose Island lay within American jurisdiction. After 1818 American forces again occupied it. No matter whether British or American, military garrisons were unpopular with locals, who correctly perceived that the primary role of these forces was to police their behavior. For example, during the War of 1812 the American government manned Fort Sullivan not because of its strategic importance, but to stop smuggling.⁸⁵

Captain Moses Swett commanded the first garrison at Fort Sullivan.⁸⁶ The American federal government ordered Swett's unit to Passamaquoddy to enforce Jefferson's embargo. Swett initially reported that Eastport was in a virtual state of rebellion, a view echoed by the local customs collector and naval officers. Swett's sentries frequently challenged, and occasionally shot at embargo violators. In turn, the locals undermined Swett's authority by encouraging his men to desert; within a few weeks of arrival almost a quarter of Swett's men, encouraged by cash bribes and liquor, absconded across the border.⁸⁷ Yet by the time he departed in 1810, Swett had become so popular that local worthies asked him to stay.⁸⁸ How can this change in popularity be accounted for?

Swett was able to persuade locals that his intentions were not hostile. The federal government's repeal of the embargo acts early in 1809 did a great deal to soothe local qualms. But Swett also proved able to understand borderland issues. The best example of this is Swett's attempts to recover deserters from New Brunswick and Nova Scotia. He held British deserters, and then exchanged them for his own American deserters.⁸⁹ Swett also made himself useful, offering to incarcerate some men charged with piracy in Fort Sullivan's blockhouse until local officials could transfer these dangerous criminals

to another facility.⁹⁰ Swett also celebrated the end of commercial restrictions with Britain in 1809 by firing the fort's cannon and participating in a dinner with guests from both sides of the border, thereby establishing a sympathetic bond between the garrison commander and the borderland populace.⁹¹

Other American commanders did not fare so well. Locals and adventurers threatened to tar and feather Colonel George Ulmer in 1813, for example.⁹² It was Ulmer's very great misfortune to have orders to eliminate illicit trade with the British provinces during the War of 1812.⁹³ Ulmer faced all manner of opposition such as personal threats, encouraging his troops to desert, and supplying the garrison with poor provisions. Eventually Eastport suffered from escalating violence between the garrison and borderland populace, including rioting and assaults against his soldiers. At issue was Ulmer's draconian methods in attempting to stop smuggling. Locals succeeded in having Ulmer removed from command in August 1813, less than nine months after he arrived in Eastport. The subsequent commander winked at smuggling; his successor did not. After firing on a smuggling vessel with the fort's cannon, the local community ostracized him and his officers, cutting them off from society and other comforts of Eastport. For its last few weeks in Eastport, the garrison was under a virtual siege. It lifted only when a British fleet anchored off the port and demanded the fort's surrender, which the American commander did without firing a shot.⁹⁴

The British garrison was considerably larger than its American counterpart, but nonetheless it faced problems controlling smuggling. The British commander usually ignored smuggling, an approach that made it considerably easier to govern the populace and provided the garrison with smuggled American provisions. By 1817 it became

evident that Eastport's population was introducing large quantities of American contraband not only onto the island, but into New Brunswick proper as well.⁹⁵ New Brunswick's lieutenant governor, George Smyth, a military man himself, complained that "it is notorious that in the present state of that Island, under colour of providing supplies for its Inhabitants, it is made a Depot for the reception of American manufactures and merchandize of every description."⁹⁶

British military officers attitudes towards smugglers is illustrated by an incident in which Saint John's customs collector came to Moose Island to search for contraband from Lubec.⁹⁷ On arrival he immediately informed the commander of the garrison why he was there and asked his permission to search for the smuggled goods, which was granted. The collector and his men searched the store of Leonard Pierce, and seized two chests and two boxes of tea, a bag of cotton wool, a quantity of saddlery, and several casks of cut nails. In another store belonging to a merchant named Child he seized a cask of French red wine. Both Pierce and Child freely admitted these goods came from Lubec. Wright put the contraband goods in a military warehouse that was always guarded by a sentry, and continued his search. But when Wright attempted to enter other stores in Eastport, he found their "doors & windows industriously & effectively closed, thus rendering the farther peaceable prosecution of my duty impracticable." Wright asked the garrison commander for a writ of assistance or search warrant, but the officer refused, thereby stopping the search for smuggled goods. Much to the disgust of the collector, Leonard Pierce later broke into the military warehouse "in defiance of the sentry," and rescued his goods.⁹⁸

The military and naval officers operating at Passamaquoddy experienced the same challenges that customs officers did. Customs officers and military officers were both bureaucrats, in that they were state servants promoted by merit based on the technical knowledge.⁹⁹ Like the creole customs officers, army and navy officers faced continual pressure to conform to community standards. But the military, especially the navies but to a lesser degree the armies in both Britain and the United States, were becoming more professional by 1808.¹⁰⁰ This included eliminating aristocratic prerequisites for entry and requiring a basic level of technical training and competence. Professional officers, imbued with the idea of service to the nation state, found it nearly impossible to conform to regional ideals. The exception was the British army, which continued to adhere to the older aristocratic model.¹⁰¹ The British officers on Moose Island pursued a leisurely lifestyle, racing horses, walking about town with their hunting dogs, and eating off silver plate.¹⁰² New Brunswick's smuggling problems were not theirs to solve; there was no honor and a great deal of trouble to be had in strictly enforcing commercial regulations. The result was that the American residents of Moose Island found the British garrison a tolerable presence; when the British relinquished control of Eastport in 1818, the leading citizens sent the last garrison commander a letter thanking him and his predecessors for their good conduct.¹⁰³

The impulse to professionalize bureaucracies was largely a result of the development of capitalism, which needed sophisticated, stable and efficient institutions to develop.¹⁰⁴ In this way the same forces that brought adventurers to Passamaquoddy brought military and naval officers as well. On the one side of the border however,

American ideology tended to extol the virtues of commerce, and regarded a professional military with deep distrust, a conflicting desire that added tensions to the already fractious transition to a market economy.¹⁰⁵ Smuggling adventurers and the professional military officers who attempted to stop them both represented different forces within capitalism. In many ways they were similar, ambitious men seeking prestige and social recognition, constantly on the move advancing their goals. Capt. Swett, a young professional military officer, recognized those similarities with his opponents and used them to advantage. Col. Ulmer, an aging veteran of the American Revolution, failed merchant and occasional politician, did not understand the new direction American society was taking. Stuck in a revolutionary dichotomy of patriots and traitors, Ulmer could not identify with the people of the borderland, nor could they sympathize with him.

The Transition to Capitalism

Explaining the impact of capitalism on Passamaquoddy poses a challenge. The adventurers and enforcers who represented the onset of capitalism were both a blessing and a curse. The adventurers brought the promise of wealth and development, yet they also brought disruption and potential violence to the region. Law enforcers, too, were viewed with mixed feelings. While they brought the promise of order to Passamaquoddy, they also could destabilize the fragile borderland agreements that benefited people on both sides of the border; furthermore, these agents of state authority brought with them a threat of violence far greater than that posed by the adventurers. How are we to understand the conflicting desires of Passamaquoddy's borderland society?

Scholars in a variety of fields have noted that the onset of capitalism could be tremendously disruptive to rural communities, and this seems to hold true for Passamaquoddy. In many ways the adventurers represent the disruptive elements of capitalism. Unconnected with the community, pursuing wealth with little regard for the consequences to others, and roving the Atlantic world, these adventurers were at the forefront of those building a society where the unconstrained pursuit of profit was seen as a positive good. Note that Colles became a wealthy merchant and banker; Richard Hasluck was an agent to the burgeoning industrial might of Birmingham, England; Constantino Llufrío roamed over Latin America, Europe, and North America in his quest for profit. Only John McMaster completely failed, suffering bankruptcy, imprisonment, and an ignoble death. Smuggling clearly beckoned as a means of rapidly attaining individual wealth, as opposed to supporting communal ideals of self-help.

Why risk the fate of McMaster? Personal greed is part of the answer, but that greed was part of a cultural construction that increasingly emphasized the importance of wealth. Western society was becoming increasingly market-based and capitalistic, freeing property from community-based constraints and separating producers from the means of production through a division of labor. Passamaquoddy's merchants and mariners eagerly participated in the commercial system of the day and advocated trade unrestrained by state rules when it suited their needs; conversely they also sought state protection when market conditions were less favorable. Merchants wanted to accumulate wealth, create new markets, and pursue the development of their own ports. While their resources, capital, and credit were limited compared to those of merchants in bigger communities, there is no evidence that they shrank from either competing or cooperating

with bigger mercantile interests. When abroad, the region's merchants and mariners participated in risky ventures in distant parts and acted the part of the outsider, just as adventurers came to Passamaquoddy when the conditions were right to conduct a profitable trade. Similarly, Passamaquoddy residents acted in other places like adventurers did in their own region, conducting smuggling operations in Chesapeake Bay or even committing piracy off Demerara.¹⁰⁶ Conducting maritime trade was a rough business. Passamaquoddy's mercantile community had no interest in becoming victims of changes in the world economy, and should be considered as full participants in the process. Their transatlantic connections and their full participation in the commercial transactions of the Atlantic world demanded that they accept outsiders, even adventurers as dangerous as John McMaster or as exotic as Constantino Llufrío, just as they hoped to be accepted in foreign markets.

The ability of Passamaquoddy's mercantile community to adapt to different situations was critical because the English-speaking world experienced a profound economic change in the period from 1783 to 1820. Capitalism, defined by Joyce Appleby as "a system that depends upon private property and the relatively free use of it in economic endeavors," was changing society.¹⁰⁷ The leadership of Britain and the United States was increasingly adopting the economic liberalism of Adam Smith, freeing markets from old paternalistic regulations that confined the activities of merchants and manufacturers. This transition was regarded with some trepidation by the colonial leadership in Nova Scotia and New Brunswick who relied on imperial protections for

their markets.¹⁰⁸ In the United States there was also concern about this economic transition, with political leaders such as Thomas Jefferson and Andrew Jackson actively seeking to curb commercialism, especially as represented by banks.¹⁰⁹

The American transition to capitalism was fractious and inconsistent, yet the pursuit of wealth as a staple of American identity continued to grow. This unrelenting pursuit of gain was best personified in the itinerant Yankee peddlers who revolutionized the retail trade.¹¹⁰ The aggressive and clever Yankee peddler was a familiar icon in the Maritimes as well. For example, Thomas Chandler Haliburton's fictional peddler, "Sam Slick," represented many of the American virtues Nova Scotians should have emulated.¹¹¹ In New Brunswick, Yankee peddlers were also associated with smugglers.¹¹²

Historians have identified the American Revolution as the crucial event in the rise of capitalism; the worship of work was central to the American contribution to capitalism. Early economic commentators such as William Manning (1747-1814) saw a huge social struggle between those who labored and those who did not work; in the latter group he placed great merchants, professionals, and judicial officers of government.¹¹³ Manning's ideals are especially important when compared with the Loyalist ideals of New Brunswick's leadership, which was composed of merchants, lawyers, and judges. Trade was regarded with some disdain by New Brunswick's founders, as is illustrated by the removal of the provincial capital from commercial Saint John to more agrarian Fredericton.¹¹⁴

This is not to say that New Brunswick and Nova Scotian society was adverse to gain, profit, or the market economy, but even the most doctrinaire of Loyalists noted the American propensity for business. For example, George Leonard railed against the prosperity of the American settlements at Passamaquoddy.¹¹⁵ Yet many Loyalists preferred the strictures of the paternalist mercantile economy that reinforced traditional social relations to the capitalist economy that eroded concepts of deference and privilege even as they deplored their miserable economic condition. Similarly, Loyalists looked to the government for bounties and protectionist policies such as the Navigation Acts, and looked to Britain as the source of dry goods such as textiles, tin ware, and porcelains.¹¹⁶ Sometimes adherence to these policies brought a degree of wealth to the fortunate; New Brunswick's timber trade flourished under imperial protection after 1807, and Nova Scotia benefited from military spending during the War of 1812, but very little of that wealth remained in the Maritime Provinces.¹¹⁷

The historiography of economic development in the Maritime Provinces and much of the rest of Canada is dominated by the staples theory of Harold Innis.¹¹⁸ Much of it is backward looking, defeatist, or depicts the region's populace as passive victims of external economic forces. A popular myth of prosperity during an age of wind, wood and water has prevailed until recent scholarship revealed that Nova Scotia and the Maritimes in general never did enjoy a golden era of prosperity.¹¹⁹ Marxist-influenced scholars have attempted to establish the Maritimes as an "underdeveloped" economy that suffered from the propensity of the larger United States economy to strip away badly needed

capital from Atlantic Canada.¹²⁰ Unlike American historiographical trends, there is no Canadian parallel to the American “transition to capitalism” debate sparked by James Henretta, with the possible exception of Quebec.¹²¹

An exploration of Atlantic Canada’s transition to capitalism quickly reveals that loyalist ideals clashed with the economic realities of living in newly settled colonies with long winters and short growing seasons. Americans frequently derided Nova Scotia as “Nova Scarcity,” and seldom deigned to notice New Brunswick at all. Few Britons paid much attention to the colonies around the Bay of Fundy either, with the exception of Lord Sheffield, the last great champion of mercantilism.¹²² Sheffield’s economic policies matched the backward-looking ideals of the loyalist elite, who sought to profit from the West Indies trade under the protectionist policies provided by the Navigation Acts. New Brunswick held him in so high esteem that the Assembly - at the instigation of George Leonard, who may have admired Sheffield’s strong anti-smuggling stance - hung Sheffield’s full-length portrait over the Speaker’s chair.¹²³ But Britain was already moving away from mercantilism and adopting the economic liberalism of Adam Smith.

Smith’s principles were not unknown in British North America; in fact one of his servants emigrated from Scotland to the Miramichi in New Brunswick.¹²⁴ Scottish emigrants to the colonies such as John Young, a famous Nova Scotian economic reformer and smuggler, in 1814 ordered his son to read Smith’s *Wealth of Nations* as preparation for a life in trade.¹²⁵ Yet Smith’s free trade principles were anathema to most commercial interests in New Brunswick and Nova Scotia. In part this was because the United States federal government adopted Smith’s principles so whole-heartedly, but mostly because economic liberalism threatened to strip away the privileged trade status of British

colonies, a factor on which Saint John and Halifax merchants relied for their prosperity.¹²⁶ Merchants, in common with other settlers in the region, had to make difficult choices when faced with the economic changes brought on by capitalism.

Conclusion

The adventurers and enforcers who came to Passamaquoddy to engage in smuggling during times of diplomatic and commercial crisis between Britain and the United States provide a sample of how the transition to market economies created strife and confusion in the borderlands community. Adventurers found a welcome at Passamaquoddy, whereas agents of state authority were often regarded with hostility.

The economic and social stresses broke down existing social and political obligations, further weakening the borderland's tepid identification with the parent state. The strongest manifestation of this phenomenon was the rampant smuggling that occurred even during wartime at Passamaquoddy. Adventurers not only perceived Passamaquoddy as a geographic area appropriate for smuggling, but also realized that the local population was disposed to assist them in their endeavors. Governments had to react to smuggling by posting military units at Passamaquoddy to defend their sovereignty. This external realization by both law breakers and law enforcers that state authority and loyalty was weak at the periphery was a crucial element in the formation of a borderlands identity.

¹ Anonymous to James Colles, June 30, 1812, "James Colles Papers," Ms. New York Public Library [hereafter as "Colles Letters"].

² "The *Rapid*, Perry, Master," Cranch 3, *United States Supreme Court Reports*, 1814.

- ³ Charles Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (New York: Oxford University Press, 1991), 22-23.
- ⁴ Adam Smith, *An Inquiry Into the Nature and Causes of the Wealth of Nations* (Chicago: Encyclopaedia Britannica, Inc., 1952), 47.
- ⁵ *Ibid.*, 180.
- ⁶ Uniacke to Dalhousie, April 18, 1817, Nova Scotia "A" vol. 157, p.44, quoted in Gerald S. Graham, *Sea Power and British North America, 1783-1820: A Study in British Colonial Policy* (Cambridge: Harvard University Press, 1941), 174.
- ⁷ Smith, *Wealth of Nations*, 47.
- ⁸ *Ibid.*, 362, 397.
- ⁹ *Ibid.*, 238.
- ¹⁰ *Ibid.*, 362
- ¹¹ *Ibid.*, 397
- ¹² Smith, *Wealth of Nations*, 397; Patrick Clinch to John Saunders, September 4, 1835, "Winslow Papers."
- ¹³ Robert K. Merton, "Social Structure and Anomie," *American Sociological Review* 3:5 (October, 1938), 672-682; Joyce Appleby, *Inheriting the Revolution: The First Generation of Americans* (Cambridge: Belknap Press of Harvard University Press), 5.
- ¹⁴ Ann Gorman Condon, *The Envy of the American States: The Loyalist Dream for New Brunswick* (Fredericton, NB: New Ireland Press, 1984), 40-43.
- ¹⁵ "Anomie," Allan G. Johnson, *The Blackwell Dictionary of Sociology: A User's Guide to Sociological Language* (Malden, MA: Blackwell Publishers, 1995; reprint, 1999), 11-12; see also Richard D. Wallace, "Anomie Theory," in Clifton D. Bryant, ed., *Encyclopedia of Criminology and Deviant Behavior Vol. 1: Historical, Conceptual, and Theoretical Issues* (Philadelphia: Brunner-Routledge, 2001), 20-26; and "Anomie," in the *Online Dictionary of the Social Sciences*, [http://datadump.icaap.org/cgi-bin/glossary/SocialDict/SocialDict?alpha=A](http://datadump.icaap.org/cgi-bin/glossary/SocialDict/SocialDict?alpha=A;).
- ¹⁶ J.C.A. Stagg, *Mr. Madison's War: Politics, Diplomacy, and Warfare in the Early American Republic, 1783-1830* (Princeton: Princeton University Press, 1983), 471-473; see also Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (Chapel Hill: University of North Carolina Press, 1980), for a fuller view of American political economy.
- ¹⁷ See Chapter 5.
- ¹⁸ Colles gave an account of his earlier life in a sworn deposition in *U.S. v. Schooner Polly*, May Term, 1814, RG21/MeDC.
- ¹⁹ Sellers, *Market Revolution*, 19-20.
- ²⁰ Lemuel Trescott to Henry Dearborn, August 21, 1811, case file, *United States v. 110 Tons Plaster Paris*, May Term, 1813, RG 21/MCC.
- ²¹ One such merchant was Nathan Appleton of Boston; see Nathan Appleton to E. Appleton, September 11, 1811, "Appleton Family Papers, 1539-1940," MHS.
- ²² Deposition of Jabez Harrison and James Colles, *U.S. v. the Lively*, October Term, 1812, RG21/MaDC.
- ²³ See case file for *U.S. v. the Polly*, May Term, 1814, RG21/MeDC.
- ²⁴ Anonymous [Hugh K. Toler] to James Colles, July 25, 1812, "Colles Papers."
- ²⁵ Cornelius Peter Van Ness, *Claim of C. P. Van Ness* (Washington, D.C: n.p., 1852), 18.
- ²⁶ "Colles Letters," *passim*.

- ²⁷ Sellers, *Market Revolution*, 21-22; Peter Mathias, "Risk, Credit and Kinship in Early Modern Enterprise," in John J. McCusker and Kenneth Morgan, eds., *The Early Modern Atlantic Community* (Cambridge: Cambridge University Press, 2000), 15-35.
- ²⁸ Richard D. Brown, *Knowledge is Power: The Diffusion of Information in Early America, 1700-1865* (New York: Oxford University Press, 1989), 114; Allan Silver, "Friendship in Commercial Society: Eighteenth-Century Social Theory and Modern Sociology," *American Journal of Sociology* 95 (May 1990), 1474, 1477, 1481.
- ²⁹ See the various depositions in *United States v. the Schooner Polly*, May Term 1814, RG 21/MeDC.
- ³⁰ Deposition of James Colles, *U.S. v. the Schooner Polly*, May Term, 1814, RG 21/MeDC.
- ³¹ Deposition of William Coney, *United States v. the Schooner Polly*, May Term 1814, RG 21/MeDC.
- ³² George Ulmer to William King, February 27, 1813, WKP.
- ³³ William Coney to Thomas G. Thornton, April 10, 1813, and Lemuel Trescott to Thornton, April 5, 1813, "Thomas G. Thornton Papers," Maine Historical Society, Portland, ME [hereafter as TGT Papers].
- ³⁴ *Eastern Argus* (Portland, Maine), April 15, 1813
- ³⁵ David Sewall to Thomas G. Thornton, York, March 9, 1814, TGT Papers.
- ³⁶ H.K. Toler to Thornton, February 15, 1814, TGT Papers.
- ³⁷ Unknown to James Colles, March 11, 1811, Colles Letters. Colles ultimately married a Wetmore, probably a New Jersey cousin to the New Brunswick family.
- ³⁸ Anonymous [H.K. Toler] to James Colles, June 30, 1812, "Colles Papers." Toler warned Colles not to be seen outdoors with Osgood, who was a well-known smuggler familiar to customs officers.
- ³⁹ *James Colles and the Sloop Christiana v. United States*, February Term, 1816, RG21/NYDC, "Appellate Case Files of the U.S. Circuit Court for the Southern District of New York, 1793-1845," National Archives and Records Administration, New York
- ⁴⁰ Richard Hasluck to Lt. Governor Hunter, October 12, 1808, RS 23, "Custom House Records," PANB.
- ⁴¹ *United States v. Richard Hasluck*, December term, 1808, RG21/MeDC.
- ⁴² Richard Hasluck to B. Ramsay, October 25, 1808, Adm. 1/498.
- ⁴³ B. Ramsay to Sir John B. Warren, October 26, 1808, Adm. 1/498.
- ⁴⁴ "Robbery. 500 Dollars Reward," *Gazette of Maine* (Buckstown, ME), November 12, 1808.
- ⁴⁵ Richard Hasluck to Abraham Cunard, January 1, 1814, *Dekoven v. Sloop "Experiment,"* December Term 1814, MaDC/RG 21.
- ⁴⁶ D.R. Jack, "Biographical Data Related to New Brunswick Families, Especially of Loyalist Descent," TMs., Saint John Free Public Library, Saint John, NB, 28, 30.
- ⁴⁷ Deposition of Constantino Llufrio, *Brig Betsey and Cargo*, February Term, 1816, RG21/MaDC.
- ⁴⁸ Ibid.
- ⁴⁹ Deposition of Valentine Barnard, *Brig Betsey and Cargo*. Charles Bruce Fergusson, ed., *The Diary of Simeon Perkins, 1804-1812* (Toronto: the Champlain Society, 1978), 240.
- ⁵¹ Ibid.

⁵² Smith, *Wealth of Nations*, 47.

⁵³ For a complete account of the *Peggy* incident, see Joshua M. Smith, "Murder on Isle au Haut: Violence and Jefferson's Embargo in Coastal Maine, 1808-1809," *Maine History* 39:1 (Spring 2000), 17-40.

⁵⁴ Smith, "Murder on Isle au Haut," 32.

⁵⁵ For McMaster's pleas from jail, see *Journal of the House of Representatives of the United States* (Washington: Gales & Seaton, 1826), 8:32, 686, and 691; for McMaster's death see Rufus K. Sewall, *Wiscasset Point: The Old Meeting House and Interesting Incidents Connected with its History* (Wiscasset, ME: Charles E. Emerson, 1883), 11-14.

⁵⁶ Kilby, *Eastport and Passamaquoddy*, 78.

⁵⁷ See Roger V. Gould, "Patron-Client Ties, State Centralization, and the Whiskey Rebellion," *American Journal of Sociology* 102:2 (September, 1996), 400.

⁵⁸ See Leonard W. Levy, *Jefferson and Civil Liberties: The Darker Side* (Cambridge: Harvard University Press, 1963).

⁵⁹ Graham, *Sea Power*, 160; Lorenzo Sabine, *Report on the Principal Fisheries of the American Seas* (Washington, D.C: Robert Armstrong, Printer, 1853), 80.

⁶⁰ N.A.M. Rodgers, *The Wooden World: An Anatomy of the Georgian Navy* (Annapolis: Naval Institute Press, 1986), 170-171. For local examples, see *The Question Respecting the Right of the United States of America to the Islands in Passamaquoddy Bay, by Virtue of the Treaty of 1783, in the Case of the Sloop Falmouth, in the Court of Vice-Admiralty, for the Province of New Brunswick in the Year 1805* (Saint John, NB: J. Ryan, 1806), 24; *Gazette of Maine*, July 25, 1805.

⁶¹ See Joshua M. Smith, "'So Far Distant from the Eyes of Authority:' Jefferson's Embargo and the U.S. Navy, 1807-1809," in Craig Symonds, ed., *New Interpretations in Naval History: Selected Papers from the Twelfth Naval History Symposium* (Annapolis, MD: Naval Institute Press, 1998), 123-140.

⁶² Smith, "So Far Distant."

⁶³ Not all scholars buy into the idea of arrogant Royal Navy officers. See John D. Bryn, Jr. *Crime and Punishment in the Royal Navy: Discipline on the Leeward Islands Station, 1784-1812* (Southampton, UK: Camelot Press Ltd., 1989), Chapter 4, "The Nautical Gentry," 89-120.

⁶⁴ William Allan to Lewis Frederick Delesdernier, July 9, 1807, "Eldridge Collection," *Eastport Sentinel*, February 6, 1907.

⁶⁵ For Saint John, see *Robert Shives v. James Hugh, 1813*, PANB RS 42, "Supreme Court Original Jurisdiction Case Files;" and December 24, 1814 entry, "Saint John Common Council Minute Book," Volume 4, NAC; for Halifax, see Barry J. Lohnes, "British Naval problems at Halifax During the War of 1812," *Mariners' Mirror* 59:3 (August, 1973), 318.

⁶⁶ For chasing magistrates off vessels at gunpoint, see "Supreme Court," *New Brunswick Courier*, July 31, 1819; for kidnapping, see "Villainous Transaction," *Eastern Argus*, September 6, 1810.

⁶⁷ Robert Pagan & Co. to John Millar & Co., May 20, 1808, C.O. 217/ 83; Smith, "So Far Distant," 129.

⁶⁸ Christopher McKee, *A Gentlemanly and an Honorable Profession: The Creation of the U.S. Naval Officer Corps, 1794-1815* (Annapolis MD: Naval Institute Press, 1991), 454.

⁶⁹ William Frissell to Jonathan Shortland, May 17, 1808, Adm. 1/498.

⁷⁰ Jonathan Shortland to Sir John B. Warren, July 14, 1808, Adm. 1/498.

⁷¹ R. Markey to Jonathan Odell, October 23, 1809, RS 23, "Custom House Records," PANB.

⁷² George Berkeley to unknown, June 30, 1807, Adm. 1/497; Barry J. Lohnes, "British Naval Problems at Halifax During the War of 1812," *Mariner's Mirror* 59:3 (August 1973), 317-318; Brian Lavery, *Nelson's Navy: The Ships, Men and Organization, 1793-1815*, 141-144.

⁷³ See H.F. Pullen, "The Attempted Mutiny on board HMS *Columbine*, 1 August 1809," *Nova Scotia Historical Quarterly* 8 (December, 1978), 309-318 for a full account of the *Columbine* mutiny. Most of what follows is from Pullen's article.

⁷⁴ George Hills to Admiral Sir John B. Warren, August 11, 1809, Adm. 1/499.

⁷⁵ John Burgin to Capt. George Hills, July 5, 1809, Adm. 1/499.

⁷⁶ Pullen, "Attempted Mutiny," 311.

⁷⁷ Capt. George Hills to Lt. S.S. Treaker, July 30, 1809, Adm. 1/499.

⁷⁸ Pullen, "Attempted Mutiny," 316.

⁷⁹ "Captain Thomas Masterman Hardy's Memorandum on Smuggling July 17, 1814," Case File, *Samuel Leach v. Chebacco Boat S. of Belfast*, October Term, 1814 MeDC/RG 21. The memo read:

"As it is of Importance that every assistance should be given for the supplies of Fresh Meat and other Articles of Provisions to the Inhabitants of Moose Island, lately occupied by the Forces of His Britannic Majesty. It is my direction that the Captains and Commanders of His Majesty's Ships and Vessels under my Orders, do not on any Account Molest any Boats or small Vessels coming to the Island with the before-mentioned Supplies, but give them every Protection."

⁸⁰ Charles Tappan to George H. Preble, September 3, 1873, in Anonymous, "Smuggling in Maine During the War of 1812," *Bangor Historical Magazine* 3:11 (May, 1888), 203.

⁸¹ See Chapter Nine.

⁸² Zimmerman, *Coastal Fort*, 68; for a detailed analysis of British regular military units on garrison duty in Canada, see Elinor Kyte Senior, *British Regulars in Montreal: An Imperial Garrison, 1832-1854* Montreal: McGill-Queen's University Press, 1981).

⁸³ For the election riots, see D.G. Bell, *Early Loyalist Saint John: The Origins of New Brunswick Politics, 1783-1786* (Fredericton, NB: New Ireland Press, 1983).

⁸⁴ Zimmerman, *Coastal Fort*, 20.

⁸⁵ Alan Taylor, "Centers and Peripheries: Locating Maine's History," *Maine History* 39:1 (Spring 2000), 4.

⁸⁶ Zimmerman, *Coastal Fort*, 18.

⁸⁷ Moses Swett to Henry Dearborn, July 26, 1808, National Archives M221, "Letters Received by the Secretary of War, Main Series, 1801-1870."

⁸⁸ Moses Swett to Henry Burbeck, October 19, 1809, National Archives M417, "Buell Collection of Historical Documents Relating to the Corps of Engineers, 1801-1819."

⁸⁹ Zimmerman, *Coastal Fort*, 24; unfortunately outside events rendered this agreement null.

⁹⁰ William Coney to Silas Lee, June 21, 1810, *U.S. v. John Kinsley*, December Term, 1810, RG21/MeDC.

⁹¹ *New Brunswick Royal Gazette*, June 19, 1809

- ⁹² George Ulmer to Secretary of War John Armstrong, March 29, 1813
“Eldridge Collection,” *Eastport Sentinel*, September 18, 1907.
- ⁹³ Taylor, “Centers and Peripheries,” 3-16; Zimmerman, 37-38; 44-47.
- ⁹⁴ Zimmerman, *Coastal Fort*, 44-46.
- ⁹⁵ “Case on the Part of the Prosecution, 49 Sides of Leather,” Customs 34/6447.
- ⁹⁶ George S. Smyth to Earl Dalhousie, September 24, 1817, RS 558, “Records of the Regular Military,” PANB.
- ⁹⁷ Henry Wright to Customs Commissioners, June 15, 1817, Customs 34/6503.
- ⁹⁸ *Ibid.*
- ⁹⁹ Max Weber, *Economy and Society: An Outline of Interpretive Sociology* (Bedminster Press, 1968), 223.
- ¹⁰⁰ Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* Cambridge, MA: Belknap Press of Harvard University Press, 1964), 35, 39, 43-44, 47.
- ¹⁰¹ *Ibid.*, 43.
- ¹⁰² Zimmerman, *Coastal Fort*, 59-60.
- ¹⁰³ *Ibid.*
- ¹⁰⁴ Weber, *Economy and Society*, 224.
- ¹⁰⁵ Lawrence Delbert Cress, *Citizens in Arms: The Army and Militia in American Society to the War of 1812* (Chapel Hill: University of North Carolina Press, 1982), xii.
- ¹⁰⁶ For Baltimore see *The Arab*, NAC RG 8, IV Nova Scotia Vice-Admiralty Court Records; for piracy, see *U.S. v. John Kinsley*, December Term, 1809, RG21/MeDC.
- ¹⁰⁷ Joyce Oldham Appleby, “The Vexed Story of Capitalism Told by American Historians,” *Journal of the Early Republic* 21 (Spring 2001), 1.
- ¹⁰⁸ For a short summary, see Graeme Wynn, “1800-1810: Turning the Century,” in Phillip A. Buckner and John G. Reid, eds., *The Atlantic Region to Confederation: A History* (Toronto: University of Toronto Press, 1998), 218-222. The best monograph on this subject remains Graham, *Sea Power*.
- ¹⁰⁹ Sellers, *Market Revolution*, 132-133; 321-326.
- ¹¹⁰ Appleby, *Inheriting the Revolution*, 82-83.
- ¹¹¹ V.L.O. Chittick, *Thomas Chandler Haliburton: A Study in Provincial Toryism* (New York, Columbia University Press, 1924; reprint, New York: AMS Press, 1966), 334-338; See Cathy D. Matson, “Capitalizing Hope: Economic Thought and the Early National Economy,” *Journal of the Early Republic* 16 (Summer 1996), 273-291.
- ¹¹² “Seizures, September 25 to November 24, 1820,” Customs 34/6473.
- ¹¹³ Gordon S. Wood, “The Enemy is Us: Democratic Capitalism in the Early Republic,” *Journal of the Early Republic* 16 (Summer 1996), 273-291, 295, 302-303.
- ¹¹⁴ MacNutt, *New Brunswick*, 57.
- ¹¹⁵ George Leonard to Thomas Carleton, March 9, 1803, C.O. 188/12
- ¹¹⁶ Neil MacKinnon, *This Unfriendly Soil: The Loyalist Experience in Nova Scotia, 1783-1791* (Kingston: McGill-Queen’s University Press, 1986), 143-147.
- ¹¹⁷ Julian Gwyn, *Excessive Expectations: Maritime Commerce and the Economic Development of Nova Scotia, 1740-1870* (Kingston: McGill-Queen’s University Press, 1998), 47-49.
- ¹¹⁸ Graeme Patterson, *History and Communication: Harold Innis, Marshall McLuhan, the Interpretation of History* (Toronto: University of Toronto Press, 1990), 6.

¹¹⁹ Graham D. Taylor and Peter A. Baskerville, *A Concise History of Business in Canada* (Toronto: Oxford University Press, 1994), 109; Gwyn, *Excessive Expectations*, xi, 163.

¹²⁰ See Henry Veltmeyer, "The Capitalist Underdevelopment of Atlantic Canada," in Robert J. Brym and R. James Sacouman, eds., *Underdevelopment and Social Movements in Atlantic Canada* (Toronto: New Hogtown Press, 1979), 17-36; and Andrew Hill Clark, "Contributions of its Southern neighbors to the Underdevelopment of the Maritime Provinces Area, 1710-1867," in Richard A. Preston, ed., *The Influence of the United States on Canadian Development: Eleven Case Studies* (Durham, NC: Duke University Press, 1972), 164-184, for examples of this school of thought.

¹²¹ James Henretta, *The Origins of American Capitalism: Collected Essays* (Boston: Northeastern University Press, 1991), "The Transition to Capitalism in America," 256-294. For Quebec, see Fernand Ouellet, *Economy, Class, & Nation in Quebec: Interpretive Essays* (Toronto: Copp Clark Pitman, Ltd., 1991), passim.

¹²² Graham, *Sea Power*, passim. See also Sheffield's *Observations on the Commerce of the United States* (London: J. Debrett, 1784).

¹²³ MacNutt, *New Brunswick*, 148-149.

¹²⁴ Robert Reid to Adam Smith, September 11, 1785, in Ernest Campbell Mossner and Ian Simpson Ross, eds., *The Correspondence of Adam Smith* (Oxford: Clarendon Press, 1977), 283-284.

¹²⁵ D.C. Harvey, "Pre-Agricola John Young," *Collections of the Nova Scotia Historical Society* 32 (1959), 135.

¹²⁶ MacKinnon, *Unfriendly Soil*, 143-144; MacNutt, *New Brunswick*, 96-97.

CHAPTER 7: THE FLOUR WAR

Introduction

The trial of the New Brunswick sloop *Industry* in the United States federal court system reveals some of the difficulties American officials at Passamaquoddy had in enforcing commercial laws when opposed by determined smugglers.¹ David Way, captain of the 47-ton *Industry*, left Eastport on March 18, 1808, with the stated intention of sailing for Halifax. But instead of proceeding to Halifax, Way hovered just outside of United States jurisdiction, receiving American produce on board from small boats, in direct contravention of federal law. Way conducted his business in plain sight; American customs officials watched while smugglers loaded the *Industry* with contraband, such as Virginia superfine flour. Finally, on March 28, Way wandered into American jurisdiction, and Collector Delesdernier seized the vessel in the name of the United States. However, federal law made no provision for arresting or otherwise detaining people involved in breaking the embargo. Only the vessel and cargo were detained, leaving Way free to act as he pleased. Something about Way's actions must have alerted the collector. Fearful that Way might attempt to rescue the vessel, the collector arranged to have the vessel sent to another port for safekeeping.²

The trial of the *Industry* and its contraband cargo illustrates the tensions involved when people in a small community turn on themselves. Witnesses and depositions revealed something similar to a small war being fought between customs officials and smugglers. In fact local historians have termed it the “Flour War,” after the most popular contraband.³ A question put to customs inspector John Swett by the United States district attorney is especially telling: “Have you found difficulty in preventing the running of goods across to the British line—in executing the Embargo laws?” Swett responded, “Yes: a great deal—we have been fired at—people have come over from the other side.”⁴ Collector Delesdernier, usually tolerant, even supportive of borderland smuggling, suddenly found himself in the very awkward position of attempting to stop all commercial intercourse with New Brunswick.

United States v. the Sloop Industry was a struggle in which the defense attorney pitted his evidence against that of Maine’s U.S. district attorney. Witnesses disagreed on events; some probably tried to distort the facts. Perhaps the defense’s attorney, Jonathan D. Weston, a man well known for his sympathy with smugglers, prompted them to do so. John Kendall, the owner of the warehouse the flour was stored, swore he saw no boats from the American shore approach the *Industry*.⁵ Yet a witness for the prosecution swore he had personally assisted in the smuggling. The defense countered by questioning that witness’s credibility.⁶

A closer look at the sources reveals more troubling facts, however. The *Industry* not only contained American contraband, but items forbidden by British commercial regulations from entering New Brunswick as well. For instance, the American customs officers found trunks of tea on board the *Industry*.⁷ Tea could not be legally exported

during the embargo; nor could tea from the United States be legally imported into New Brunswick because all tea consumed in British North America was supposed to have been brought from Britain, where the East India Company held a legal monopoly on all tea sales.⁸ The *Industry's* owner, Stephen Humbert of Saint John, New Brunswick, knowingly violated the laws of both the United States and the British Empire.⁹

Local residents had grown increasingly used to engaging in illicit trade at Passamaquoddy, and local customs officers had largely tolerated, and even encouraged illicit trade. Accustomed to official sanction, American and colonial smugglers used the border to their own advantage. True to Smith's model, when government attempted to stop their accustomed trade, smugglers proved willing to use violent methods to defend their illicit trade.¹⁰

However, American borderland residents were not united in their opposition to the embargo. Some, such as Delesdernier and his supporters, attempted to enforce the embargo. Others played both sides, taking every opportunity presented during the embargo to make money. Examples of these include the smuggler who turned informant against the *Industry*, and even some of Delesdernier's customhouse employees, who aided and abetted embargo violators. The embargo thus divided Passamaquoddy society, creating tensions between neighbors. Adventurers from as far away as Britain and New York compounded these tensions when they incited further resistance by taking advantage of borderland opportunism and smuggling expertise. Adventurers opposed the embargo wholeheartedly, and did everything in their power to undermine the American government's measures to enforce it. On the New Brunswick side of the border, the reaction was less complex, yet equally opportunistic. For Maritimers, breaking

Jefferson's embargo was a profitable patriotic chore that promised to bring a new degree of wealth to New Brunswick and Nova Scotia.¹¹ The borderland community was already ambivalent about government before Jefferson's embargo. The crisis brought about by the American government's total cession of trade sparked resentment against commercial restrictions; adventurers and colonial merchants fanned that resentment into open resistance.

The American government's ability to police the region was already weak, as evidenced by Delesdernier's collaboration with smugglers. When faced with the opposition of both settlers and adventurers, federal civil authority in the region collapsed, and the military had to be called in. Ultimately the contest between smugglers and the state led to the downfall of Collector Lewis F. Delesdernier who failed to reconcile differences between his community and his nation.

Jefferson's Embargo

Jefferson's embargo was the result of increasing diplomatic tensions between the United States and Great Britain.¹² Aggressive American commercial policies were at odds with Britain's naval strategy during the war against Napoleon. The issue of impressment, whereby British naval vessels removed seamen from American ships was an especially sensitive one.¹³ The issue came to a head when Rear Admiral Berkeley - the same officer who had sent the *Porgey* into Passamaquoddy Bay in 1807 - gave orders for the recovery of British naval deserters to the commander of HMS *Leopard*. The captain of the *Leopard* aggressively followed his orders, to the point where he attempted

to stop the American frigate *Chesapeake* off the coast of Virginia. When *Chesapeake* refused to comply, *Shannon* fired into the unprepared American warship, quickly overwhelmed it, and removed the suspected deserters.¹⁴

The *Chesapeake* incident sparked a vociferous anti-British movement in the United States. Many people called for war; Congress began a program of expanding the military and building coastal fortifications; and the British envoy departed Washington. President Thomas Jefferson could have asked Congress for a declaration of war and undoubtedly would have received it. Yet he did not. Under the influence of Secretary of State James Madison, Jefferson chose a different route. Late in 1807, Jefferson asked Congress for a complete embargo on overseas shipping. American vessels were forbidden to depart for foreign markets, and foreign vessels could not bring American cargos away from the United States.¹⁵

Jefferson's embargo was gambled on Britain's need for American agricultural produce, especially flour. British North America, the West Indies, including a whole host of colonies recently captured from Napoleon and his allies, and even British armies operating on the Iberian Peninsula relied on American provisions produced in the Mid-Atlantic states and Upper South.¹⁶ Jefferson and Madison hoped that this embargo would force Britain to negotiate with the United States without having to resort to war.¹⁷ Congress complied with Jefferson's wishes, and on December 22 passed the Embargo Act, which was followed by supplementary embargo legislation and various enforcement acts that gave federal officials a wide range of powers.

Jefferson's embargo was a complete failure. It created an American economic crisis and political problems that affected all sectors of society. Seaports suffered huge unemployment and a near cessation of all economic activity. Farmers lost the lucrative overseas markets for their produce, which declined drastically in price; land speculators could not afford to sell land on credit to frontiersmen; sailors found themselves unemployed. Intricate credit network collapsed throughout the nation. Resistance to the embargo sprang up across the country, especially in the form of exporting American goods illegally to British colonies. This happened in every American port and along the borders with British North America and Spanish Florida. With more resistance to the embargo came more federal efforts to enforce it, including increasingly draconian laws. President Jefferson and Congress authorized the use of the militia, regular military, and naval units to enforce civil laws. At least one scholar has attributed the collapse of the embargo in part to the borderland interests that combined to defeat it.¹⁸

The embargo also failed because it did not produce the desired effect on British colonies. Between American smugglers and alternate sources of provisions, the embargo proved but a small hindrance to British colonies, and for some it proved an economic boon, such as New Brunswick and Nova Scotia. American shipping had forced colonial vessels out of the lucrative West Indies trade.¹⁹ But with the United States merchant marine locked in port, Maritimes merchants suddenly had no competition. American sailors flocked to New Brunswick to work onboard British shipping. Eager to promote colonial trade at the expense of the Americans, colonial administrators opened trade with the United States. In New Brunswick, the acting administrator and the council agreed to legalize American imports of provisions and naval stores, as did their counterparts in

Nova Scotia.²⁰ A royal decree later sanctioned actions that encouraged both British and American merchants to violate the embargo.²¹ For instance, they permitted American ships to arrive in colonial ports even if they did not have the appropriate paperwork. Soon a number of American ships did just that, having escaped from American authorities.²²

Passamaquoddy was one of the regions most affected by the embargo, which reinforced the region's reputation as a smuggling center.²³ Passamaquoddy ranked second to none in terms of the federal government's effort and failure to enforce the embargo; the smugglers' scale, persistence and success in evading the law; and in the stresses that fractured the community. In part these stresses emerged because New Brunswick and Nova Scotia officials undermined the embargo by encouraging Americans to illicitly export goods through Passamaquoddy.

The Colonial and British Response to the Embargo

The extent to which the British undermined the embargo has seldom received any attention from American scholars, who tend to concern themselves with the federal enforcement effort when considering the embargo's failure. A royal directive dated April 11, 1808, ordered British naval vessels to not interrupt neutral vessels loaded with provisions, timber and other enumerated goods that were sailing to British colonies in the West Indies or South America, "notwithstanding such vessels may not have regular clearances and documents on board."²⁴ This order was clearly designed to encourage Americans, the primary providers of provisions and timber to the West Indies, to break the embargo. A further incentive was added, permitting those same neutral vessels to

take cargoes away from those same colonies.²⁵ An extract of a letter published in American newspapers gives some clues as to colonial and British attitudes toward the embargo. Dated Halifax, May 25, 1808, and addressed to an unknown American, the letter concluded, “Your Embargo may ruin your own merchants, and many others; but if it is continued, will make the fortunes of the traders in this province.” Nova Scotia and New Brunswick merchants saw the embargo as a great opportunity to revive their flagging trade, especially with the West Indies.²⁶

At Passamaquoddy local loyalist merchants such as Robert Pagan and James McMaster acted to undermine the embargo.²⁷ They eagerly participated in the contraband provision trade, and cooperated with adventurers and local American merchants to bring tens of thousands of barrels of flour, provisions, and naval stores across the border. During the embargo, these merchants bought flour and other commodities at low prices from a glutted American market, and sold them at high prices in the West Indies. Flour worth \$6.50 at Eastport fetched \$12.50 on Indian Island, New Brunswick, and up to \$40.00 per barrel in West Indian markets such as St. Thomas. Smith’s “invisible hand” of the market created a wide divergence in prices that created more incentive to smuggle.²⁸

New Brunswick officials eagerly worked to subvert the embargo because they correctly perceived that it would benefit the province’s trade. The colony’s agent in London wrote as early as May, 1808, that “The American Embargo must be highly advantageous to New Brunswick in many respects—A great Emmigration of shipwrights, sailors, and fishermen must take place, as well as of other settlers.” He continued, “I applaud Jefferson very much as an Englishman, and especially as a New Brunswick agent

and planter for the measure of the Embargo.” In 1810 the provincial secretary expressed his opinion that “The late American embargo has given a spring to the commerce, and thereby extended the improvements to an incredible degree. The banks of the St. Croix (formerly Scoudiac) which in 1796, were on both sides deserts, now exhibit uncommon scenes of enterprize—industry & activity, the American settlements being directly opposite to ours causes a spirit of emulation which is highly beneficial to both.” He concluded his thoughts on the embargo: “Their [the Americans] trade—their wealth and their comfort—have all been sacrificed on the altars of envy & spite.—Such are the effects of their imbecile measures that hundreds of their industrious inhabitants merchants mechanics & others are now soliciting admission into this province.”²⁹

New Brunswick officials worked to undermine the embargo. They created a scheme whereby “the port of St. Andrews, Indian and Marvell Island and other places in Passamaquoddy Bay might be pointed out as places of deposit, where such craft having nothing but enumerated articles on board would find an asylum and the proprietor be at liberty to sell to whom they pleased or reship them in British bottoms to a British market—by this means His Majesty’s ships would be supplied with tar; pitch, turpentine & rosen.” The Royal Navy would not be the only beneficiary of this plan. Other parts of British North America and the West Indies would receive American tobacco, provisions, and other articles, all transported on New Brunswick vessels once smugglers brought the contraband across the border. The British customs inspector on Indian Island was especially blithe in considering the mountains of provisions that appeared at night on the

small island. According to local tradition, as he strode along he would playfully tell the smugglers: “Just clear away a path for me to walk through, so that I will not break my legs, and that will do!”³⁰

The embargo and subsequent commercial restrictions benefited New Brunswick and Nova Scotia because their laws only permitted the export of these commodities in British-flagged vessels. New Brunswick, already experiencing an economic revival by 1807 due to increased British demand for timber, witnessed a revival of its moribund West Indies trade.³¹ St. Andrews, New Brunswick, was already enjoying an economic revival due to the resurgent New Brunswick timber trade; between March 1 and August 1, 1808 twenty-two brigs, fifteen ships, and numerous schooners and sloops entered the port.³² The embargo compounded the port’s prosperity by providing a steady source of cheap American labor to work in the forests and on the ships involved in the timber trade.

Collector Delesdernier and the Embargo

Uncovering Delesdernier’s activities during the embargo is a difficult task. Very little of his correspondence survives, although it is often alluded to in correspondence between Secretary of the Treasury Albert Gallatin and President Thomas Jefferson. Clearly Delesdernier faithfully attempted to enforce the embargo, an act that must surely have distressed a man who had so actively promoted the region’s shipping interests. It is just as clear, however, that Delesdernier ultimately failed in his effort to enforce the embargo when his subordinates betrayed him. Understanding Delesdernier’s actions offers a glimpse into the conflicting desires of borderland residents to obey the law while pursuing their own economic interests.

By February 1808, the Treasury Department indicated its concern that it would be difficult to enforce the embargo at Passamaquoddy. Gallatin wrote to his old friend Delesdernier and asked him to watch both warehouses and boats suspected of attempting illegal exportation. He also authorized hiring more customs inspectors and two or three boats to be armed with swivel guns and muskets. In addition, Gallatin ordered the revenue cutter *New Hampshire* to Passamaquoddy.³³ In March, Gallatin warned Delesdernier that many embargo violators from Boston and New York were headed to Passamaquoddy with vast quantities of flour and other American goods intended to be smuggled into New Brunswick, Nova Scotia, and to markets as far away as Jamaica and Demerara. These reports came from customs collectors in northeastern ports. For example, the Boston customhouse warned that: “vessels are daily loading here for Eastport with Flour, Beef Pork &c.”³⁴ In early April, the captain of the revenue cutter reported that Delesdernier’s “vigilance has defeated attempts to evade the Embargo Laws,” but that officer’s assessment appears to have been overoptimistic.³⁵ Newspaper accounts indicated that Passamaquoddy suffered extensive smuggling, both in American and British vessels.³⁶ One summed up the situation at the end of March:

Within these few days, the collector, who is extremely vigilant, has received additional instructions from Washington, in consequence of which he has appointed a large number of inspectors to watch every place where property is stored, and has engaged several boats in his service which were intended for transport business. Several seizures have been made—one the last night, a sloop with flour. Boats are employed rowing round the island every night that weather will permit, so that no property can be passed over without manifest danger.³⁷

The federal government responded to this threat by forbidding any vessel to clear for Passamaquoddy without presidential permission. Realizing that Passamaquoddy and other customs districts near the border with British North America already had a huge amount of American provisions and naval stores, Congress passed an act in mid-April that authorized customs collectors to take these goods under federal custody. On passage of this act, Gallatin immediately ordered Delesdernier to take all flour, provisions, lumber and other American goods into his custody, and if necessary to remove them to a safe place where they could be guarded “both for the protection of the articles & to prevent their being carried away [to be smuggled across the border].” The secretary of the treasury ordered Delesdernier to seize any goods not voluntarily placed under his control; he was to hire inspectors, boatmen, and other revenue officers “with out regarding the expense.” Any person who wanted to remove their property from federal control had to pay a bond worth twice the value of the goods as a security that the goods would not be exported illegally.³⁸

The federal government further reinforced Delesdernier with military and naval units. At the end of April, the secretary of war wrote to Delesdernier that he was sending troops to Passamaquoddy to assist him.³⁹ This must have been welcome news indeed for the collector, who was under increased pressure from adventurers. Newspapers reported a letter from Delesdernier wherein he complained that “there were upwards of a hundred vessels at that place, and he found it impossible to execute the laws. The mob had threatened to burn his house, and unless a force was immediately sent there, he was apprehensive that he should be obliged to quit his station.”⁴⁰

Passamaquoddy became an armed camp during the embargo. In June, an artillery unit commanded by Captain Moses Swett arrived to support Collector Delesdernier in his efforts. They occupied the blockhouse of Fort Sullivan as soon as it was completed.⁴¹ The American government also stationed two gunboats at Passamaquoddy, *No. 42* and *No. 43*. Occasionally larger vessels such as USS *Wasp* and even USS *Chesapeake* - the same frigate attacked by HMS *Leopard* in 1807 - joined them. Just across the harbor, British war vessels such as HMS *Squirrel* anchored directly on the boundary line to keep an eye on the American military presence and to protect British sovereignty from American aggression.⁴² Armed American revenue cutters patrolled Passamaquoddy as well.

Despite these efforts by the federal government, flour and other American products continued to be shipped to Passamaquoddy. Customs officials reported that as many as 19,000 barrels of flour entered Passamaquoddy in one week alone in May. Newspaper articles supported this figure. One reported in May that “there were entered at the custom house in Passamaquoddy, from the 2d to the 7th May, from different ports of the U.S. 19,000 bls. flour, 2,700 do. pork and beef, 1,700 do. bread, 3,059 do. naval stores, 4,500 bushels corn, besides great amounts of butter, lard, Etc.”⁴³ When these goods arrived at Passamaquoddy, Delesdernier promptly impounded them, and took all the keys to the warehouses in his district into his personal custody. Even the owners of the warehouses could not enter their buildings unaccompanied by a customs officer.⁴⁴

But these measures were not sufficient to stop embargo violators, a fact that came to the attention of President Jefferson. He wrote to Gallatin, “I hope you will spare no pains or expence to bring the rascals of Passamaquoddy to justice,” and asked him to

cooperate with the secretaries of the navy and army to bring the border under control. By the end of May, the USS *Wasp* arrived with half an artillery company to assist Delesdernier. Sentries stood guard at the door of every warehouse, and customs guards looked over piles of flour barrels on the beaches. The *Wasp*, the *New Hampshire*, and other vessels patrolled the harbor. Workmen erected the battery of Fort Sullivan on a bluff overlooking a town and harbor thronged with smugglers. The calls and challenges of sentries broke the night silence. Gunfire occasionally broke out, but, despite this display of force, flour and other contraband continued to flood across the boundary into New Brunswick.⁴⁵ Newspapers began to question Jefferson's use of military force against civilians. One such article, printed in Virginia, clearly described the situation in Passamaquoddy:

Come with me, sir, to yonder eminence that overlooks the union-- cast your eyes eastward- do you see that vessel-- that battery-- those armed men-- it is the *Wasp* sloop of war-- she is stationed there in conjunction with the soldiers-- for what? To attack our enemies? No such thing. All the energies of Mr. Jefferson are exhausted against our citizens. These warlike preparations are intended to prevent our merchants from selling their produce to those who would purchase.⁴⁶

Despite this display of force, smuggling continued. By early June Delesdernier complained of the “nefarious schemes of miscreant Individuals having no motive but illicit gain.” These adventurers bombarded Delesdernier with arguments and pleas to permit them to land their cargoes, undoubtedly so that they could be smuggled across the border at an appropriate moment. Frequently the meetings between Delesdernier and merchants turned into shouting matches. A newspaper described the tensions building in Eastport: “we have information that there is no relaxation of Business, at that place,

notwithstanding the government force stationed there. The inhabitants were employed at 2 dolls. per day to keep guard over the stores, and yet under cover of every fog, hundreds of barrels, a day would find their way across to the British side, where the price was 12:50. So profitable was the boating business [smuggling], and the standing guard, that the poor people had suddenly become rich.”⁴⁷ Gallatin responded by sending Maine’s federal district attorney to Passamaquoddy to collect evidence against embargo violators, and the secretary of the navy dispatched two gunboats to patrol the region for the remainder of the embargo. On the gunboats’ arrival, their commander reported: “there are nearly a hundred merchants and adventurers with immense quantities of flour etc., who do not hesitate to bribe sentinels for the purpose of smuggling their property.”⁴⁸

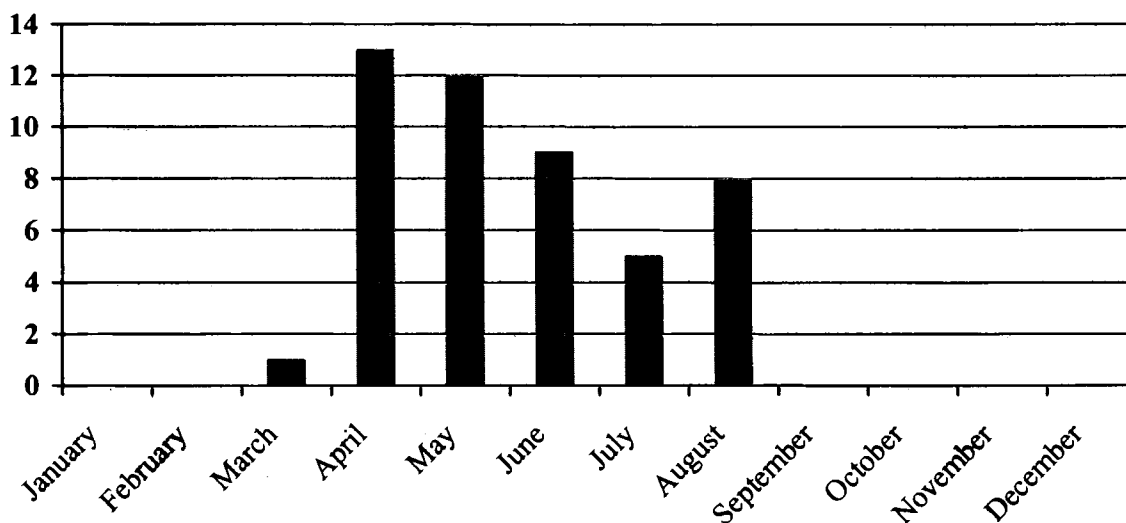
How effective were the federal government’s efforts to impose the embargo on Passamaquoddy? Federal court records and newspaper accounts indicate that the American government failed despite its extraordinary efforts to control the border at Passamaquoddy, just as it did at other border regions such as upstate Vermont, Spanish Florida, and New Orleans. Indeed, national control over major seaports such as New York and Boston eroded to the point where President Jefferson ordered coastal forts to stop ships from leaving port.⁴⁹

Because the embargo was a federal law passed by Congress, offenses against it went to Maine’s federal district court. Delesdernier, assisted by Maine’s federal district attorney, provided the evidence to condemn contraband goods and to indict individuals caught breaking the various embargo acts. The first case Delesdernier brought to the district court was against Stephen Humbert’s sloop *Industry*. Ironically, it was the last to

be resolved, since Humbert appealed the case, which went to the Massachusetts Circuit Court. Delesdernier brought approximately fifty cases to trial in 1808, (see Figure 7.1). This was more cases than he had initiated in the entire period from 1789 and 1807.

Delesdernier's seizures resulted in numerous formal proceedings in the district federal court held at Wiscasset in September. The beaches of Eastport must have been crowded with impounded boats awaiting condemnation in court during the summer of 1808. Seized goods had to be guarded, too, providing more headaches for Delesdernier.

Figure 7.1: Federal Court Cases v. Embargo Violators at Passamaquoddy, 1808



Source: "Final Record Book," National Archives and Records Administration RG 21, Federal District Court Records, Maine District, Ms. at NARA Northeast, Waltham, Massachusetts. [Note: dates could not be determined for 2 cases.]

In November the U.S. deputy marshal advertised in newspapers that he would auction off the numerous seizures at Eastport's customhouse (see Figure 7.2). Yet this number was a tiny fraction of the tens of thousands of barrels of flour and other contraband smuggled across the border. Delesdernier was neither incompetent nor unwilling to enforce the law, but he faced many problems enforcing the embargo. Among those difficulties he faced was betrayal by his subordinates and allies.

Local Resistance to the Embargo

Passamaquoddy residents on both side of the border increasingly resisted the embargo. While resistance was initially non-violent, it grew increasingly deadly over time. Much of this resistance was based on the communal egalitarian ideals born of borderland residents' frontier experiences. Ultimately, this opposition resulted in the death of a customs guard and the dismissal of Collector Delesdernier from office.

Table 7.1: Contraband Auctioned, November 21-22, 1808

Item	Quantity
Boats:	27
Schooners:	1
Flour:	413
Pork:	26
Tar:	24
Cotton:	2 bales
Corn:	"a quantity"

Source: "Marshal's Sales," *Gazette of Maine* (Buckstown, ME), November 12, 1808.

The premarket communal egalitarian ideals of Passamaquoddy's settlers had always placed them somewhat at odds with the American federal government, but because the federal government had relatively little impact on the region there had seldom been conflict between locals and federal officials. Delesdernier, the only American government official in the area, reduced tension between the state and locals through his tolerance of plaster smuggling and by creating tangible benefits such as successfully petitioning Congress for a lighthouse on West Quoddy Head. The embargo, however, meant that borderland residents now faced massive state intervention into their everyday lives. They opposed these unprecedented government actions by invoking their egalitarian ideals, especially those regarding property rights, honor, and the use of violence in defense of their rights.

Locals invoked these values to defend themselves against government officials. An illustration of these values is related in the region's local history. The American military commander, the captain of USS *Wasp*, and Collector Delesdernier combined together to confront Samuel Wheeler, a local merchant and suspected smuggler. The federal officers demanded the merchant place his goods under federal custody. The man immediately refused to comply. Despite the threats the merchant knew that he had as yet violated no law, and stated to the federal officers: "Gentlemen, I am here on my own soil, in defence of my own property, and—as you have seen fit to conduct—of my personal honor. Heed me, then, when I say, as I now do, that no man, be he who he may, touches a barrel of this flour except at the peril of his life. I have said: now take care of yourselves."⁵⁰ While this is an uncorroborated anecdote, it touches on the difficulties of enforcing an embargo in a nation where property rights were sacrosanct. According to

the story, the federal officers withdrew, perplexed by the smuggler's self-righteous determination and bluster based on premarket values.

The premarket resistance to state intervention at Passamaquoddy grew both more unified and more violent as time passed. Initially, at least some borderland residents supported the embargo. Collector Delesdernier and his supporters - many of them family members or in-laws - dutifully attempted to enforce the unpopular law, but public support eroded and even the customhouse officers bowed to community pressure. One symptom of borderland antipathy to the embargo and its enforcers was a notable rise in the use of guns to defend smuggling operations or even to attack customs officers.

The community consensus to oppose the embargo was not immediate, and at least some locals stepped forward to enforce the embargo. For example, Eastport resident Joseph Livermore joined the crew of the revenue cutter *New Hampshire* as second mate.⁵¹ But others chose to forego federal employment. It proved especially difficult to recruit a U.S. deputy marshal for Passamaquoddy. Delesdernier recommended two men for the position before finding a third man who finally accepted the post in August, his neighbor William Coney.⁵²

Nonetheless Delesdernier successfully recruited a number of assistants. But local historians noted that the men Delesdernier hired as guards were in fact allied with the smugglers. One stated, "the collector received into his service persons whose habits rendered them needy, and who had never been trustworthy; and thus, undoubtedly, yielding to the temptation which beset them, they were paid by both sides."⁵³ The popular account claimed that all but three such guards took bribes. But even those three were rumored to assist friends involved in smuggling by going to sleep on duty. The

communal egalitarianism practiced by the region's inhabitants forbade individuals from profiting by other's losses, or interfering in others pursuit of what was regarded as a right to trade. Rather than escalate a conflict within the community, the guards arrived at a compromise that profited both themselves and the smugglers. While guards received \$2.00 per day from Delesdernier to watch over the contraband goods stockpiled in Eastport, the smugglers paid them fifty cents for every barrel of flour they took away. The temptation was clearly too much for the guards, and the piles of contraband goods quietly melted away at night or during foggy days.

If necessary, the smugglers tied up and confined the guards as a ruse to cover the latters' cooperation.⁵⁴ An example of this occurred on May 27, when four men assaulted customs guard Thomas Pettigrove Jr. at Schoodic Falls while he was guarding several hundred barrels of flour, tar, and other contraband goods. The men captured Pettigrove, took him a half-mile from the wharf he guarded, and confined him for six hours. There were many other similar incidents, most involving little violence.⁵⁵ Smugglers enlisted other tactics against the forces arrayed against them. For example, smugglers plied the commander of American gunboat *No. 43* with drink. The young officer quickly succumbed to this tactic, to the point that he did not appear on deck for weeks at a time, and suffered delirium tremens. Not only did the officer's alcoholism neutralize his ability to pursue smugglers, but it resulted in the Secretary of the Navy dismissing him from the service.⁵⁶ Bribes, liquor, and other encouragements to desert lured soldiers away from warehouses full of contraband.⁵⁷ Another tactic was to involve British naval units stationed at Passamaquoddy. Smugglers sought to convince Royal Navy officers that American officials enforcing the embargo violated British sovereignty when pursuing

smugglers. For example, an American naval commander complained that “there is a number of fortune-hunters on Moose Island, who, on acct. of being frequently overhauled, and examined by our boats, would willingly embrace any opportunity of embroiling us with the subjects of Great Britain.”⁵⁸ With American and British naval units acting towards opposite ends in close proximity, tensions ran high. In October 1808, smugglers protested to a Royal Navy captain when an American gunboat seized a British-flagged ship for violating the embargo. The Royal Navy officer, in command of a frigate, demanded the American gunboat officer surrender the vessel. The American officer, despite the fact that his tiny command boasted only one cannon to the British vessel’s twenty-four, refused and proclaimed that “nothing but bloodshed and hard fighting should induce him to give her up.” Only the hasty intercession of Captain Swett and Collector Delesdernier prevented bloodshed and the outbreak of an Anglo-American war.⁵⁹

The smugglers did on occasion resort to violence. While violence was not unknown at Passamaquoddy before 1808, murder, beatings and other violent crimes dramatically increased during 1808 as the stakes became higher. Royal Navy officers noted as early as May that “the conduct of the inhabitants of late has been very improper in the conducting the Flour from the opposite side, by using Force, and arming boats with Harpoons or Instruments similar by which several custom house officers have been wounded.”⁶⁰

Not all of this violence can be traced to the embargo. Some of it was collateral violence brought on by the unusual stresses that the embargo brought to Passamaquoddy. For instance, British deserters from the 101st Regiment, brought to New Brunswick

because of the threat of war with the United States, shot and killed a local magistrate just east of Passamaquoddy in October 1808. Charlotte County militia arrested the deserters on Pain's Island in Passamaquoddy Bay, just a few miles short of the border that meant freedom for them. A court found the men guilty of murder, and hanged two of the men publicly a few weeks later.⁶¹

The many unemployed sailors who drifted through Passamaquoddy on their way to the British dominions also caused trouble. American farmers attempting to drive their cattle to market in New Brunswick also threatened violence if customs officers interfered. With specie and banknotes flooding into the region, robberies became more common, as adventurer Richard Hasluck found out to his detriment when he was robbed.⁶² Even in Eastport itself, shop robberies, heretofore unknown, began to occur. Many smugglers openly carried arms in the streets; the impression is one of a community suddenly swamped with armed men, walking the streets, skulking about hidden coves, all waiting for nightfall or a heavy fog to continue their illicit trade.⁶³

Adventurers such as John McMaster promoted violence by offering cash to locals for their services. Residents on both sides of the border eagerly responded to these incentives, which could amount to several months of wages for one night of work pulling oars and moving barrels.⁶⁴ Some were prepared to fire back at customhouse authorities, as John Swett complained of in the *Industry* case. Thus when McMaster sought a crew to repossess his impounded flour on Isle au Haut, he recruited the men at Passamaquoddy.⁶⁵ McMaster's crew of smugglers did not balk at the armaments on board his schooner *Peggy*, which included muskets, blunderbusses, and cutlasses. Only one refused to

involve himself with attacking the customs guards on Isle au Haut.⁶⁶ The landing party from the *Peggy* shot and killed one of the guards, and callously threw his body into the ocean.⁶⁷

Clearly there was a connection between smuggling and violence, as Adam Smith noted.⁶⁸ This is true of the crew of the schooner *Mark*, an “embargo breaker” whose crew later committed piracy and murder. Passamaquoddy’s U.S. deputy marshal called their actions “the most atrocious and barbarous that has occurred in this country for some time.”⁶⁹ The *Mark* arrived at Passamaquoddy from nearby Addison, Maine, in the late autumn of 1808. One night the crew hoisted anchor and permitted the vessel to drift into British waters, where American authorities held no power. Despite the fact that the vessel had no official papers, New Brunswick customs authorities allowed the vessel’s owner to sell the vessel. They could do so because they acted under power of the Crown order that permitted the entry of American vessels despite irregularities in their documentation. New Brunswick customs authorities also permitted the vessel to load a cargo and clear for Demerara in South America. On the return from that port, the crew threw the owner’s agent overboard and sold the vessel in Cuba for their own profit.⁷⁰ On their return to Eastport, word soon leaked out, and federal authorities arrested the men and placed them in irons in Fort Sullivan.⁷¹

Local resistance to the embargo grew more violent as the embargo dragged on. Passamaquoddy residents aimed this violence at those who enforced unpopular laws. The American state reciprocated by posting military and naval units to the region, but even these forces failed to impose order. Frustrated by the government’s commercial

policies, locals and adventurers from both sides of the border, abetted by British colonial and imperial governments, foiled President Jefferson's plan to peacefully coerce Britain into respecting American maritime rights. One of the local impacts of this embargo resistance was that the American government removed Collector Delesdernier from office.

Delesdernier Betrayed

The embargo pulled Passamaquoddy's population in two directions. On the one hand locals craved stability, law, and order. On the other hand, they needed to provide for their families. The long-established regional smuggling tradition, compounded by Delesdernier's own encouragement of illicit border trade, further clouded the issue. Divided and confused, the community's ability to police itself suffered as societal norms collapsed due to the enormous strains placed on it by the freetraders and state agencies. Delesdernier ultimately became a victim of the confusion for which, in part, he was responsible.

The greatest challenge Delesdernier faced stemmed from his inability to stop his own guards from colluding with smugglers. Federal court records document only one guard prosecuted for cooperating with smugglers. A federal grand jury found that William Sherman of Schoodic Falls [modern Calais, Maine] on the night of May 29, 1808, "in nowise regarding his duty and undertaking aforesaid, took and received corruptly and deceitfully, a bribe, reward, and compensation, for conniving at & permitting the stores aforesaid to be broken open, & allowing the goods and merchandise

aforesaid to be taken and carried away.” However, Maine’s federal district attorney refused to pursue the indictment, probably because Sherman had fled to New Brunswick. In another indictment the grand jury found that Sherman had participated with others in an assault and unlawful confinement of another customs guard. But again, those indicted never faced trial. Like the contraband they smuggled, these freetraders simply vanished.⁷²

Guards such as Sherman were a nightmare for Delesdernier, for he could not trust the men he hired. Ultimately it was his own friends and neighbors who betrayed him, resulting in his downfall as customs collector. The incident that most contributed to his removal occurred on October 27, 1808. The crew of a customhouse boat conspired with a sentry guarding contraband goods in a warehouse. The sentry and the boat’s crew took forty barrels of naval stores and a bale of cotton and delivered it to a British vessel anchored in Snug Cove, just a short row across the harbor from Eastport. The master of the vessel paid them in cash and with 170 pounds of coffee.⁷³ Delesdernier soon found out about the missing goods and was able to recover some of them, and the next day initiated proceedings in the local court against his own men. Nathaniel Sevey, the man in charge of the revenue boat, posted a bond of \$400 for his appearance in court. But sentry Stephen H. Kankey was too poor to post bond, and so was sent to the county jail in Machias. However, he escaped in March and never faced trial.⁷⁴

The timing of this betrayal coincided with the *Eliza* affair, an event that surely alarmed and displeased adventurers and locals alike.⁷⁵ It seems likely that Delesdernier’s popularity waned as the embargo continued. A symptom of his weakening influence in the community was an assault made by Aaron Olmstead, a local blacksmith and trader. Federal court records reveal that on November 17, 1808, Olmstead did “beat bruise

wound insult & ill treat” Delesdernier’s son, Lewis Jr., with “cruel heavy & grievous blows.”⁷⁶ Lewis Jr. was a customs inspector. Like so many other customs collectors at the end of Jefferson’s embargo, Delesdernier found himself less able to enforce the laws as community attitudes hardened against federal interference in their everyday livelihoods.

Delesdernier suffered from the criticism of federal officials as well. On arrival at Eastport, Capt. Swett wrote to the secretary of war that the situation was made much worse by Delesdernier’s initial slackness in enforcing the embargo. President Jefferson himself made inquiries concerning the collector’s abilities; Gallatin had to assure him that “the Collector of Passamaquoddy is, as you perceive, a very bad writer, but he is a man of great integrity, zeal, and activity, and full reliance may be placed on his facts as on his exertions.”⁷⁷ But the treasury secretary’s protection, based on his experiences with the Delesdernier family during the American Revolution, could only go so far.

Like other collectors during the final months of the embargo, Delesdernier found that it became virtually impossible to enforce the draconian measures passed by Congress. Capt. Swett’s garrison had shrunk due to desertion; alcoholism incapacitated one of the two gunboat’s commanders; the revenue cutters were called away to their homeports; his own men could not be trusted. After taking vigorous action in the *Eliza* affair, the collector’s resistance to popular opinions against the embargo seems to have crumbled. He pursued no more actions in Maine’s federal court after August.⁷⁸

Delesdernier was an official torn between community loyalties and state demands. In typical borderland fashion, he attempted to accommodate both sides. He continued to act as a community booster. Even as he seized local shipping for embargo violations, workers completed West Quoddy Lighthouse at the western entrance to Passamaquoddy Bay. During the embargo Delesdernier poured over \$17,000 in payroll into the community, an enormous sum of money in 1808. Delesdernier even went so far as to assist an Eastport smuggler by paying his fines to the federal court.⁷⁹

Despite Gallatin's assurances, Delesdernier's name had been presented in a poor light to the secretaries of war, state, and probably navy as well. After an investigation, Madison removed Delesdernier from office, and instituted federal legal proceedings against the collector that led to his financial ruin. Locals responded by immediately voting the man into office in the state legislature.⁸⁰ The former collector retained local popularity despite his role in attempting to enforce the embargo and his fall from power.

Conclusion: "The Harmony of Social Intercourse"

Delesdernier rejoiced with the rest of Passamaquoddy when the embargo ended in early 1809. After receiving the news he immediately rowed across the border to inform the magistrate on Campobello Island. According to the magistrate, the good news brought Delesdernier "great happiness and peace of mind."⁸¹ When full trade relations were reestablished with Britain on June 10, 1809, residents from both sides of the boundary joined to celebrate at Eastport; undoubtedly Delesdernier was among their number. At noon the cannon of Fort Sullivan and the local militia company fired celebratory salutes, after which some fifty notables gathered for a dinner. Sixteen toasts,

each punctuated by the discharge of a cannon, followed the meal. There were obligatory toasts to the American president and the British king, and a waggish toast to “The American Fair—We prefer Commerce to Non-Intercourse.” But the most relevant toast was, “May the ‘Harmony of Social Intercourse’ remain uninterrupted between the Inhabitants of both sides of the Saint Croix.” Borderland residents here expressed their continuing hope that the border would not divide them, but bring a mutual prosperity.⁸²

The hope was not unfounded. Borderland residents had combined to defeat the embargo at Passamaquoddy and other ports and border communities. But while the embargo was repealed in the last days of President Jefferson’s tenure in office, the underlying diplomatic, commercial, and military problems between the United States and Britain remained unsolved. Congress replaced the embargo with the ‘Non-Intercourse Act,’ which allowed foreign trade except with Britain and France in an effort to wring concessions out of those warring nations. For Passamaquoddy residents this measure solved one problem in that owners and operators of small undecked vessels were no longer required to load or unload in the presence of a customhouse officer, nor did the law require these craft to post expensive bonds to comply with commercial laws. The measure had some initial success when the British minister to Washington supported the measure, but officials in London rejected the measure. President Madison declared trade with Britain and its colonies illegal again on August 9, 1809. Congress allowed that law to lapse on May 1, 1810.⁸³ Within days Congress attempted another effort at peaceful coercion through commercial restrictions in May 1810. Known as Macon’s Bill No. 2, this measure restored commerce with Britain and France if they stopped harassing American shipping. Britain failed to do so, and on February 2, 1811, the American

government once again stopped all commerce with Britain and its colonies. This measure remained in force until early 1812, when Congress passed a complete embargo on American shipping in preparation for its declaration of war on Britain in June.

These measures created enormous problems for American merchants and British merchants. Uncertain of when trade was legal, many began shipping their goods to British North American ports such as Montreal, Halifax, and Saint John. Once there, the goods could either be sent to the American market on short notice if legal trade opened again, or they could be smuggled across the border at places like Passamaquoddy. Between 1809 and the declaration of war, Passamaquoddy remained an important smuggling center.

¹ The details of this account come from *S. Humbert, claimant of Sloop Industry, apt. v. the United States*, May Term, 1812, RG 21/MACC [hereafter as *Humbert v. U.S.*].

² Deposition of Lewis F. Delesdernier, Jr., *Humbert v. U.S.*

³ For the term "Flour War," see Guy Murchie, *Saint Croix: The Sentinel River* (New York: Duell, Sloan and Pearce, 1947), 207.

⁴ Deposition of John Swett, *Humbert v. U.S.*

⁵ Deposition of John Kendall, *Humbert v. U.S.*

⁶ Deposition of Phineas Nevers, *Ibid.* Nevers was the informant in question; probably he was a son of Dr. Phineas Nevers, who fled Maugerville, New Brunswick during the American Revolution and went to Machias, then Bangor, where he died in 1785.

⁷ "Cargo of the sloop Industry," *Humbert v. U.S.*

⁸ Hoh-Cheung and Lorna H. Mui, "Smuggling and the British Tea Trade before 1784." *American Historical Review* 74:1 (1968), 44-73.

⁹ For more on Humbert, see chapter 9.

¹⁰ Adam Smith, *An Inquiry Into the Nature and Causes of the Wealth of Nations* (Chicago: Encyclopaedia Britannica, 1952), 397.

¹¹ Gerald S. Graham, *Sea Power and British North America, 1783-1820: A Study in British Colonial Policy* (Cambridge: Cambridge University Press, 1941; reprint, New York: Greenwood Press, 1977), *Sea Power*, 206.

¹² Burton Spivak, *Jefferson's English Crisis: Commerce, Embargo, and the Republican Revolution* (Charlottesville, VA: University Press of Virginia, 1979) for a monograph on the troubles between Britain and the United States. See also Jeffrey A. Frankel, "The 1807-1809 Embargo Against Great Britain," *Journal of Economic History* 42:2 (June 1982), 291-308, although he concludes that the "embargo was well-enforced" on scant evidence; Douglas Lamar-Jones, "'The Caprice of Juries': The Enforcement of the Jeffersonian Embargo in Massachusetts," *American Journal of Legal History* 24 (1980), 307-330; William Jeffrey Bolster, "The Impact of Jefferson's Embargo on Coastal Commerce," *The Log of Mystic Seaport* 37:4 (Winter 1986), 111-123.

¹³ Spivak, *English Crisis*, 64-66.

¹⁴ *Ibid.*, 71-72.

¹⁵ *Ibid.*, 104.

¹⁶ Geoffrey Gilbert, *Baltimore's Flour Trade to the Caribbean, 1750-1815* (New York: Garland Publishing, 1986); Graham, *Sea Power*, chapter eight, "Wheat," 131-141; W. Freeman Gilpin, "The American Grain Trade to the Spanish Peninsula, 1810-1814," *American Historical Review* 28:1 (October, 1922), 24-44; Jamie H. Eves, "'The Poor People Had Suddenly become Rich' A Boom in Maine Wheat, 1793-1815," *Maine Historical Society Quarterly* 27:3 (Winter 1987), 114-141.

¹⁷ Spivak, *English Crisis*, x.

¹⁸ Reginald C. Stuart, "Special Interests and National Authority in Foreign Policy: American-British Provincial Links During the Embargo and War of 1812," *Diplomatic History* 8:4 (Fall 1984), 311-328.

¹⁹ Graham, *Sea Power*, 179-194.

²⁰ *Ibid.*, 199-201.

²¹ Graham, *Sea Power*, 199-206; MacNutt, *New Brunswick*, 146-147.

²² Graham, *Sea Power*, 202.

²³ See *Alexandria Daily Advertiser*, May 6, 1808, and *Eastern Argus*, July 7, 1808, for Passamaquoddy as a personification of the embargo.

²⁴ *New Brunswick Royal Gazette*, May 30, 1808; Graham, *Sea Power*, 199.

²⁵ *New Brunswick Royal Gazette*, May 30, 1808.

²⁶ *Portland Gazette*, June 20, 1808.

²⁷ Robert Pagan & Co. to John Millar & Co., May 20, 1808, C.O. 217/83; Roger P. Nason, "Meritorious But Distressed Individuals: The Penobscot Loyalist Association and the Settlement of the Township of St. Andrews, New Brunswick, 1783-1821," M.A., University of New Brunswick, 1982, 146.

²⁸ See Spivak, *English Crisis*, 167-169 and Eves, "'Poor People,'" 114-141, for an analysis of flour prices in the West Indies in 1808.

²⁹ William Knox to Winslow, May 4, 1810, and Winslow to George Herrick, late September, 1810, "Edward Winslow Papers," Special Collections, Harriet Irving Library, University of New Brunswick.

³⁰ J.G. Lorimer, *History of the Islands & Islets in the Bay of Fundy, Charlotte County, New Brunswick* (St. Stephen NB: Saint Croix Courier, 1876), 78.

³¹ MacNutt, *New Brunswick*, 148.

³² *New Brunswick Royal Gazette*, August 15, 1808.

³³ Albert Gallatin to Lewis F. Delesdernier, February 25, 1808, PAG; the *New Hampshire* was too small to carry cannon, instead carrying twelve swivel guns, twenty muskets, ten pistols and fifteen cutlasses for an enlarged crew of four officers, five seamen and five boys; see Joseph Whipple to Gallatin, February 10, 1808, PAG.

³⁴ Benjamin Weld to Albert Gallatin, March 22, 1808, quoted in Leonard D. White, *The Jeffersonians: A Study in Administrative History* (New York: The Macmillan Company, 1956), 444.

³⁵ Joseph Whipple to Gallatin, April 9, 1808, PAG;

³⁶ *New Hampshire Gazette*, April 26, 1808;

³⁷ *Alexandria Daily Advertiser* April 13, 1808; the sloop referred to was Stephen Humbert's *Industry*.

³⁸ Gallatin to Delesdernier, March 5 and March 29, 1808, and Gallatin to Delesdernier, April 26, 1808, both PAG.

³⁹ Henry Dearborn to Delesdernier, April 28, 1808, National Archives M-221, "Miscellaneous Letters from the Secretary of War."

⁴⁰ *New York Evening Post*, May 4, 1808

⁴¹ See David Zimmerman, *Coastal Fort: A History of Fort Sullivan, Eastport, Maine* (Eastport, ME: Border Historical Society, 1984), 17-23.

⁴² Zimmerman, *Coastal Fort*, 22; see also Joshua M. Smith, "'So Far Distant from the Eyes of Authority:' Jefferson's Embargo and the U.S. Navy, 1807-1809," in Craig Symonds, ed., *New Interpretations in Naval History: Selected Papers from the Twelfth Naval History Symposium* (Annapolis, MD: Naval Institute Press, 1998), 123-140, for a more detailed account of the naval presence at Passamaquoddy during the embargo.

⁴³ Whipple to Gallatin, May 22, 1808, PAG. Whipple thought this estimate "an exaggerated account."

⁴⁴ *New York Evening Post*, May 18, 1808; *Columbian Centinel*, May 21, 1808.

⁴⁵ Thomas Jefferson to Albert Gallatin, May 20, 1808, PAG; *Suffolk Gazette*, June 4, 1808; *Mercantile Advertiser*, June 28, and June 29, 1808;

⁴⁶ *Alexandria Gazette*, July 12, 1808.

⁴⁷ *Eastern Argus*, June 16, 1808.

⁴⁸ Delesdernier to Gallatin, June 8, 1808; Gallatin to Delesdernier, June 27, 1808, both in PAG; Lt. Edward Trenchard to Secretary of the Navy Robert Smith, July 12, 1808, in National Archives RG45, M148, "Letters Received by the Secretary of the Navy from Officers Below the Rank of Commander, 1802-84" [hereafter as M148].

⁴⁹ *Boston Gazette*, February 2, 1809.

⁵⁰ Kilby, *Eastport and Passamaquoddy*: 148-149; see also George M. Clarke, "Fog Hid the Knaves of 'Quoddy,'" *New England Galaxy* 8:3 (Winter 1967), 30-31. Clarke identified the merchant as Samuel Wheeler.

⁵¹ Joseph Whipple to Albert Gallatin, April 9, 1808, RG 56, M178, "Correspondence of the Secretary of the Treasury with Collectors of Customs, 1789-1833." My thanks to Bill Wells for providing me with transcriptions of Whipple's correspondence during the embargo.

⁵² John Cooper to Thomas G. Thornton, dated Machias, June 10, 1808; Lewis Frederick Delesdernier to same, April 2, 1808; and "Bond for William Coney of Eastport," all in TGT Papers.

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- ⁵³ Kilby, *Eastport and Passamaquoddy*, 145.
- ⁵⁴ Kilby, *Eastport and Passamaquoddy*, 145-147.
- ⁵⁵ *Grand Jury Indictment v. Rueben Glass et al.* September Term, 1808, "Term Papers" RG 21/MeDC.
- ⁵⁶ Christopher McKee, *A Gentlemanly and an Honorable Profession: The Creation of the U.S. Naval Officer Corps, 1794-1815* (Annapolis, MD: Naval Institute Press, 1991), 454.
- ⁵⁷ Zimmerman, *Coastal Fort*, 21
- ⁵⁸ Edward Trenchard to Secretary of the Navy Robert Smith, August 9, 1808 and enclosures, M148; David Erskine to James Madison, September 11, 1808, in William R. Manning, ed., *Diplomatic Correspondence of the United States: Canadian Relations, 1784-1860* (Washington, D.C.: Carnegie Endowment for International Peace, 1940), 606-607.
- ⁵⁹ Zimmerman, *Coastal Fort*, 22-23.
- ⁶⁰ William Frissell to Jonathan Shortland, May 17, 1808, Adm. 1/498.
- ⁶¹ *New Brunswick Royal Gazette*, November 7, 21 and 28, 1808; Joseph Wilson Lawrence, *The Judges of New Brunswick and Their Times* (Fredericton, NB: Acadiensis Press, 1985), 106-109.
- ⁶² See Chapter 6 for more on Hasluck.
- ⁶³ Kilby, *Eastport and Passamaquoddy*, 151; *New England Palladium*, February 28, 1809; *Commonwealth v. John Manmel*, June Term, 1809, "Minutes Book of the Supreme Judicial Court of Hancock and Washington Counties, District of Maine," Maine State Archives, Augusta, ME.
- ⁶⁴ Kilby, *Eastport and Passamaquoddy*, 145-146.
- ⁶⁵ *Ibid.*, 151.
- ⁶⁶ Deposition of Stephen Sumner, *U.S. v. Andrew Webster*, December Term, 1808, RG21/MeDC.
- ⁶⁷ See Joshua M. Smith, "Murder on Isle au Haut: Violence and Jefferson's Embargo in Coastal Maine, 1807-1809," *Maine History* 39:1 (Spring, 2000), 17-40.
- ⁶⁸ Adam Smith, *Wealth of Nations*, 397.
- ⁶⁹ Lewis F. Delesdernier to Silas Lee, June 25, 1810, *U.S. v. John Kinsley*, December Term, 1809, RG21/MeDC.
- ⁷⁰ *Ibid.*
- ⁷¹ William Coney to Silas Lee, June 21, 1810, *ibid.*
- ⁷² *Grand Jury Indictment v. William Sherman*, and *Grand Jury Indictment v. Rueben Glass et al.*, Term Papers, September Term 1808, RG21/MeDC.
- ⁷³ *Commonwealth v. Stephen Kankey*, June Term, 1809, "Criminal Files," Hancock County SJC, June Term, 1809, MeSA.
- ⁷⁴ "Washington County Jail Calendar," Washington County Sheriff's Department Machias, Maine.
- ⁷⁵ See chapter 6 for the *Eliza* affair.
- ⁷⁶ *Grand Jury Indictment v. Aaron Olmstead*, December Term, 1808, RG21/MeDC.
- ⁷⁷ Gallatin to Jefferson, May 16, 1808, quoted in Leonard D. White, *The Jeffersonians: A Study in Administrative History, 1801-1829* (New York: Free Press, 1965), 448.
- ⁷⁸ See "Final Record Book" RG21/MeDC.

⁷⁹ For payroll see newspaper account; *L. F. Delesdernier, Jr. v. Paul Johnston*, June Term 1810, "Minutes Book of the Supreme Judicial Court of Hancock and Washington Counties, District of Maine," MeSA.

⁸⁰ Kilby, *Eastport and Passamaquoddy*, 235

⁸¹ David Owen to Jonathan Odell, April 13, 1809, RS 23, "Provincial Secretary's Correspondence," PANB.

⁸² *New Brunswick Royal Gazette*, June 10, 1809.

⁸³ Herbert Heaton, "Non-Importation, 1806-1812," *Journal of Economic History* 1:2 (November, 1941), 193.

CHAPTER 8: THE WAR OF 1812

The *Venture* Incident

Eastport resident John Burgin had been watching the activities of a large sloop in the harbor for some days. Rumored to be loaded with a valuable cargo destined from Saint John, New Brunswick, to Halifax, Nova Scotia, the vessel had been skulking about Passamaquoddy Bay for about a week.¹ Most recently it had anchored close to two British warships just over a mile from Eastport's wharves and warehouses. On the morning of November 7, 1813, the vessel hoisted anchor and proceeded up the bay, apparently destined for St. Andrews. Burgin recalled the following:

The sloop stood over near the American shore and when nearly opposite the fort at Eastport was very near the shore, so much so I expected they [the U.S. Army garrison] would fire upon her. I looking up to the fort I saw them making preparations to fire, and in about a minute they did fire. The sloop then bore away for the other side. They fired six or seven shots at her when she hove to & some of the officers & soldiers went from the shore and boarded her and brought her into my wharf.²

It was the first time that the cannon of Fort Sullivan had fired in anger, although Britain and the United States had been at war since June 18, 1812. The region had avoided much of the bloodshed that had scarred other regions on the border between the United States

and British North America. When Fort Sullivan fired on this British vessel - the *Venture* of Saint John - it appeared that the peaceful relations in the Passamaquoddy borderlands had come to an end.

But nobody was in a rush to instigate combat at Passamaquoddy. Captain Henry Senhouse, the commander of HMS *Martin*, witnessed Fort Sullivan firing on the *Venture*, and immediately wrote to the American commandant. He expressed his concern that active hostilities had commenced, and outlined how his own actions had minimized the impact of the war on the local population:

As it is the first instance of active hostility that has come within my knowledge on the part of the United States military force stationed on this part of the frontier, I have to request you will be so good as to grant me the following information, that under the present circumstances we may be acquainted how far it may be desirable to abstain from such measures as may be likely to involve the immediate inhabitants of the lines on either side in a predatory war injurious to individuals, but of little general consequence to the two belligerents stated.

Under the impression that you will receive this communication in the favorable light in which it is made, I will frankly state to you that since my anchorage in this roadstead, I have abstained from all hostility within the range of Moose Island, and that I have invariably liberated the property of all the inhabitants of the interior of Passamaquoddy Bay, that has fallen into my hands, making known to them in general that they may continue to trade uncontested in the innocent articles they may hitherto have been accustomed to barter without any interference or annoyance. Other vessels which have been boarded in the Quoddy Passage at a distance from Moose Island, with cargoes from a distant part of the coast, and which are in no way connected as to proprietary right with the inhabitants of the approximating boundaries I have detained; and I conceived they were not entitled to the neutral character of those within the Bay, but these even have been treated with as much leniety in their persons & property as could be observed in such occasions.³

Captain Senhouse's letter is the very model of borderlands accommodation.

Britain and the United States may have been at war, but there was no need to bring that conflict to Passamaquoddy. Senhouse himself permitted local coasters and fishing boats to proceed unmolested. Why, Senhouse demanded, had the American garrison engaged in an act of aggression?⁴

The commander of Fort Sullivan, Capt. Sherman Leland of the United States 34th Regiment, had an ingenious answer to that question. He claimed that his primary mission was to "act as an auxiliary to the revenue department," and that it was "the uniform practice to bring to & examine all boats & small craft of suspicious aspect sailing in the American waters."⁵ Leland suspected the *Venture* was engaged in smuggling, and this belief had been upheld by the curious absence of any ship's papers on board the sloop. Therefore his actions were not an act of military aggression, but of law enforcement. Senhouse replied that he was completely satisfied by Leland's letter, and concluded "It will be my study to promote this spirit of conciliation during my continuation on the frontier, and in prosecuting this object towards the mitigation of the unnecessary penalties of war, I shall be very happy to attend to any communication you may at any future period be willing to make."⁶ Accommodation somehow prevailed over conflict at the Passamaquoddy borderlands.

Accommodation during wartime was one manifestation of how borderland residents thwarted state influence, as the *Venture* incident illustrates. But by looking deeper into the written record one discovers that the event was far more complicated than

mere accommodation, and in fact bordered on treason. Borderlands society not only tempered the state's centralizing tendencies during the War of 1812, but also twisted the state's authority against itself in order to pursue illicit trade.

In the Passamaquoddy borderlands where illicit trade flourished, events were seldom what they appeared to be on the surface. The *Venture* was indeed a smuggling vessel, loaded with a valuable cargo of British manufactured goods - valued at from \$100,000 to \$200,000 - destined for the American market.⁷ Leland's soldiers found the vessel's cargo manifest and other papers concealed between a beam and the vessel's deck in the cargo hold.⁸ The owners of the *Venture*'s cargo were in fact two Eastport merchants. They had arranged for the sloop to come to Passamaquoddy, where a row-boat privateer they owned would conduct a sham capture of the vessel. This would bring the goods into the country legally and at a considerably lower tariff rate than otherwise possible. However, the presence of the Royal Navy prevented the privateer from venturing out, and the strong currents of the bay brought the vessel within range of Fort Sullivan's guns.⁹

The story did not end there. Maine's federal district court awarded Capt. Leland thousands of dollars for capturing the *Venture*. Although he had used the fort's cannon and soldiers under his command to take custody, Leland alone received the "informer's part" of the proceeds of the *Venture*'s cargo. When he and his soldiers left Eastport to join their regiment in Vermont, Leland received his funds from the U.S. marshal at Portland. He promptly resigned his commission after receiving the funds, thus avoiding active combat on the northern frontier. He next appeared in Dorchester, Massachusetts, where he made a patriotic Independence Day speech in which he concluded "None but a

servile wretch would sell his country's honor for gold." Leland's ideals of American patriotism based on the Revolutionary experience appeared to be at odds with his personal experience.¹⁰

Background to the War of 1812

The road to war was a long and complicated one dating back to the conclusion of the American War of Independence. The two nations frequently disagreed over the border with British North America, trade policies, relations with revolutionary and Napoleonic France, the rights and treatment of Native Americans in the continent's interior, and British naval policy toward American merchant shipping. Tension between the two was virtually constant, but could usually be handled through diplomatic channels. Relations took a dramatic turn for the worse in 1807 after HMS *Leopard* fired on USS *Chesapeake* and forcibly removed British deserters from the crippled American naval vessel. While both sides averted war in this episode's aftermath, they also began to prepare for a future military conflict. The American government sent spies into British North America; the British military governors of Nova Scotia and Upper Canada reciprocated by sending their own agents to the United States.¹¹

During this pre-war period, the American federal government attempted several times to force concessions out of the British government by imposing trade sanctions. The first of these was the fourteen-month long Jefferson's embargo, from December, 1807, to March, 1809, which forbade any cargoes leaving American ports. Less sweeping trade restrictions aimed at Britain and its colonies followed under the Non-Intercourse Act, which was in force from August, 1809 to May, 1810, and the Non-

Importation Act, sometimes known as Macon's Bill No. 2, which was in effect from February, 1811, until Congress imposed another total 90-day embargo in the spring of 1812. These laws faced the same problem the embargo did: a popular lack of support that resulted in massive smuggling, especially at Passamaquoddy and other border communities.¹²

Further aggression at sea and ashore exacerbated the situation. On the night of May 16, 1811, USS *President* happened across HMS *Little Belt* off the Virginia coast; the ships fired on one another, with the much smaller British vessel suffering many dead and wounded. Americans felt vindicated for the *Chesapeake* incident, but the British government was outraged. The perceived and sometimes real British support for Native American peoples resisting American expansion in the west irritated the American government and settlers. Revelations that British spies had been operating in the United States gauging popular sentiments against the federal government in New England further excited anti-British sentiments.

Many Americans, especially in the West and South, became increasingly hostile to the British. The picture was less clear in the Northeast, where a long mutual border and commercial and social connections had created fairly close connections between American citizens and British subjects. Many Americans had moved to Upper Canada and New Brunswick even after the Revolution, and Loyalists moved back and forth across the border as well. In general, coastal commercial regions tended to be more pro-British, while inland agrarian areas were often anti-British, although there were notable exceptions to this rule. The Jefferson and Madison administrations never enjoyed warm relations with Britain, and after the *Chesapeake* affair in 1807 struggled to keep the

United States out of war. But by 1812, with the continuing failure of diplomatic efforts, non-importation, a fractured Republican party, and Madison's desire for reelection, anti-British rhetoric escalated. "War Hawks" quickly dominated the twelfth Congress; congressmen and senators from the South and West desired war with Britain, and in June they received what they wanted.¹³

Historians largely agree that the War of 1812 was fought over maritime commercial rights. One of the rallying slogans for Americans was "free trade and sailors' rights!"¹⁴ In asking Congress to declare war on June 14, President Madison listed the numerous American complaints against Britain. The most important and long-standing grievances were the Royal Navy's harassment of American merchant vessels, such as impressing American sailors and interfering with the United States neutral trade with Europe. Congress only narrowly complied with Madison's request, but on June 18, he signed an act declaring war on Great Britain.¹⁵

One of the ironies of the War of 1812 was that just as the Americans declared war, the British became prepared to concede to almost all their demands. The British were fighting against Napoleon, and by 1812 were on the verge of losing their last continental ally as Napoleon marched on Moscow, sweeping aside Russian resistance. North America, including both the United States and the colonies to the north of it, was very much a sideshow as far as the British were concerned. By 1812, the British military situation both in Europe became serious enough that Parliament considered concessions to the United States so that the nation could focus on defeating Napoleon. On June 16, even as Congress was considering its declaration of war, the British foreign secretary announced to Parliament that most of the restrictions on American maritime commerce

were to be lifted. The one notable exception was impressment. The war thus proved to be an unnecessary one, but the American invasion of Upper Canada in the summer of 1812 ensured that the British would finally have to defend their remaining colonies in North America.¹⁶

The military actions were only a part of this conflict. Congress declared war ostensibly because of trade conflicts. These trade issues did not cease with the declaration of war; commerce became another theater of the war. Congress ensured the central role of commerce in the war by doubling tariffs on imported goods when it declared war. The purpose of that measure was to create additional income to fight the war and decrease dependence on foreign manufactures.¹⁷ Jeffersonians had long dreamed of breaking the American reliance on foreign manufactured goods, and the embargo and War of 1812 did succeed partially in encouraging American manufactures.¹⁸ But American merchants generally continued to spurn manufacturing and many continued their mercantile pursuits, even if it meant smuggling or trading with the enemy.¹⁹ The British wanted to ensure their access to American markets after the war. They were suffering from over-production at home, and thus they wanted to continue trade as well; they also needed American foodstuffs.²⁰ While the American Congress attempted to cut off trade with the enemy through legislation, American, British, and colonial merchants eluded government trade restrictions. The American government's efforts to interdict trade operated on a trial and error basis that left most of the initiative to the smugglers, who quickly learned how to elude government measures. Studies of wartime trade have found that such illegal intercourse with the enemy is normal, but that it was a central issue for the American government during the War of 1812.²¹ If trade is considered

another front in the War of 1812, then Passamaquoddy takes on a great importance in that conflict. Smuggling at Eastport would then represent a defeat as profound as the loss of Detroit in 1812, or the capture of USS *Cheasapeake* in 1813.²²

Historiography of the War of 1812

The War of 1812 was an inglorious contest marked by ambiguity, confusion, and incompetence. The titles of scholarly monographs on the subject reflect this confusion. For example, a standard American scholarly title is Donald R. Hickey's *The War of 1812: A Forgotten Conflict*.²³ Another example is the Canadian work by J. Mackay Hitsman: *The Incredible War of 1812*.²⁴ The titles indicate that the War of 1812 is either obscure or difficult to understand. Older titles are scarcely more helpful. The titles to Patrick White's *A Nation on Trial* and Roger Brown's *The Republic in Peril* clearly indicate danger, but who is conducting this trial, and what exactly is the nature of the peril the American republic faced?²⁵

The historiography of the War of 1812 is further complicated by historians who have used it to reinforce nation-building myths. Thus it is a war that everyone can claim to have won.²⁶ The Canadians, for whom the war was an important victory that successfully established their resistance to American military might, have written the most about the conflict and place it high within the events that led to the creation of their nation. The most aggressively nationalistic Canadian works are Pierre Berton's popular *The Invasion of Canada, 1812-1813* and *Flames Across the Border: The Canadian-American Tragedy, 1813-1814*.²⁷ For Americans, the conflict is less important in the nation's development, certainly more ambiguous and therefore less interesting to many.

Some works claim that the war was necessary to establish American identity, seeing it as a second American Revolution.²⁸ Like the Canadians, Americans, too, claim to have won the war. The British tend to ignore the conflict as a sideshow to the Napoleonic Wars but they, too, claim victory.²⁹

The historiography is also heavily slanted toward military aspects of the war, especially tactical-level studies of specific battles fought on or around the Great Lakes. Recent years have seen the publication of many monographs and articles, and it is no longer possible to claim that the subject is under-studied.³⁰ There is a relative overemphasis on military operations, especially in the Great Lakes region, when compared to studies on the social and commercial effects of the war. The exceptions are Canadian studies of the war's impact on Ontario, such as George Sheppard's *Plunder, Profit and Paroles: A Social History of the War of 1812 in Upper Canada*.³¹

New England and the Maritime Provinces, where the primary activity of the war was smuggling, remain largely untouched by scholarly inquiry.³² This is largely because military operations in the region were minimal, with the exception of the 1814 British capture of Eastport in July, and the Castine expedition in September. American scholars have done some work on the Hartford Convention, during which New England's Federalist leadership contemplated secession, but no efforts have been made to understand just how widespread and popular opposition to the war was.³³ Canadian scholars such as Walter Ronald Copp have published articles on military themes, but neither Canadian nor American scholars have published full-length monographs on the social or economic impact of the War of 1812 in New England or the Maritimes.³⁴

Naval operations in the waters off the Maritime Provinces and northern New England are better documented, especially the duels between USS *Chesapeake* and HMS *Shannon* and USS *Enterprise* and HMS *Boxer*.³⁵ But until Faye Kert published her work on Canadian privateers, there were few scholarly works that examined the *guerre de course* as anything but a patriotic endeavor.³⁶ Notably, Kert placed privateering alongside smuggling as a means whereby merchants continued their search for profits.³⁷

The relatively thin historiography of this conflict on both a national and a regional scale reflects the complex background to the war. Especially confounding to historians are the cross-border links that defy easy categorization or placement within larger national frameworks. Smuggling ranked high among those wartime bonds between the people of Canada and the United States, and Passamaquoddy ranked preeminent as a smuggler's haven.

The War of 1812 at Passamaquoddy

The War of 1812 at Passamaquoddy demonstrated the ability of borderlands society to temper the centralizing tendencies of the state. Borderland residents adopted three major tactics to frustrate the American government's attempts to exert control over the border. Those tactics were neutrality, deception, and twisting the law against the federal government. On occasion those tactics required confrontation as well, including physical violence against government officials or soldiers. Using these tactics, borderland residents paralyzed and ultimately destroyed an entire regiment of soldiers

sent to stop smuggling. Accommodation rather than conflict was the rule at Passamaquoddy during the War of 1812. Much of that accommodation involved trade with the enemy.

As political scientists have noted, trading with the enemy is a manifestation of international, domestic, and personal relationships that are simultaneously cooperative and conflictual.³⁸ Because this ambiguity and accommodation clashed with later ideals of patriotism, participants and historians writing about the war have skewed many of its events. Scholars should be aware that when considering the War of 1812 at Passamaquoddy, events were seldom what they appeared to be on the surface.

Researching the War of 1812 at Passamaquoddy is a difficult task, in large part because so much of what happened there was covert or illicit. While local histories have emphasized the cross-border accommodation and peacefulness of the region, primary documents detail a region rife with treason. For example, many Americans suspected that John Brewer of Robbinston, Maine, was a traitor. Despite his military rank as a major in the Massachusetts militia and his position as a federal postmaster, some Americans suspected he could not be trusted. An American army officer wrote of Brewer, "No man in this part of the country has manifested more inveterate hostility to the country than he has."³⁹ Across the river in New Brunswick, some people also engaged in traitorous activity. In particular, Aaron Rogers, a nearly illiterate American who had moved from the Kennebeck region in Maine to St. David in 1809, claimed that New Brunswick's population was divided. Rogers believed that the ordinary settlers were "for the States which I believe is true republikins the other party is strong for king Gorge witch they consist of old Torys and Scotch men." Rogers encouraged Maine's

militia commander to invade, claiming that the colony's poor would rise up and assist the American forces.⁴⁰ British regulars placed little reliance on Charlotte County's militia; one officer estimated less than half were reliable and even Grand Manan's militia commander doubted the loyalty of his own men.⁴¹

While not all settlers at Passamaquoddy plotted treason, most seemed to have opposed the war and more especially the efforts of governments to extend their influence over the everyday lives of locals. People at Passamaquoddy resisted the centralizing tendencies of the state via neutrality, deception, and twisting the law in order to continue illicit trade. The goal of these tactics was to ensure that trade remained uninterrupted during the war, a pragmatic accommodation that sought to ensure the safety and continuing prosperity of borderland residents. When these attempts at accommodation failed, locals occasionally resorted to violence against the agents of state authority.

Neutrality was the first and most popular option. News of the declaration of war reached Passamaquoddy on June 25 by a U.S. government courier, who roused Collector Trescott out of bed to inform him. Trescott's reaction, and that of Passamaquoddy's residents in general, was to attempt to see to the safety of the community through accommodation. The morning after the news arrived, Eastport residents gathered in a meeting and "unanimously agreed to preserve a good understanding with the Inhabitants of New-Brunswick, and to discountenance all depredations on the property of each other." Toward that end, a committee of safety was formed, with Trescott as its chairman. This committee drafted a letter assuring their New Brunswick counterparts of their peaceful intentions. They sent it to Robert Pagan in St. Andrews, who in turn forwarded it to the lieutenant governor in Fredericton. In the meantime, a number of

Eastport's inhabitants fled for fear of attack by the Royal Navy, and sought safety in Portland, Portsmouth, and Boston. Merchants removed their merchandise, and many goods from Indian Island were smuggled across the border in the confusion.⁴²

A few miles to the north on the St. Croix River, the reaction to war was similarly unhappy. The day after the news of war reached the area, parishioners from both sides flocked to the Methodist meeting house in St. Stephen. The Methodist minister found that his congregation, both American citizens and British subjects wept and sobbed loudly, "thinking withal that this should be the last time they could see each other in peace."⁴³ The Methodist minister, however, soon discovered that he could continue to freely cross the border to visit parishioners. Here, too, neutrality and accommodation appeared to be the rule.

Neutrality involved the region's Native American population as well. At the outbreak of the war, many of the Passamaquoddy withdrew into the interior. Both Americans and Loyalists hastened to make overtures with the Indians, who had played an important role in the American War of Independence. New Brunswick council member Robert Pagan agreed to protect the Indian's chapel at Pleasant Point; American representatives provided gifts. The Passamaquoddy remained neutral and played little part in the war.⁴⁴

The proprietors of Campobello and Grand Manan sought neutral status as well; both resisted the province's efforts to drill militia off-island. David Owen, Campobello's proprietor, initially feared privateering attacks on his island estate, and went so far as to place all his valuables and documents in a dry well. He also kept loaded muskets in every room of his home. Early in the war, Owen captured an American privateersman

who was raiding his island estate. Instead of turning the man over to provincial authorities, Owen returned the man to his vessel earning the gratitude of the crew. As a result of this act, Owen was no longer plagued by American raiders.⁴⁵ Moses Gerrish, the proprietor of Grand Manan, also resented efforts to take local militia off-island. Owen and Gerrish occasionally joined forces to resist provincial demands for militia.⁴⁶

Some of the most jarring evidence of the strength of borderland neutrality was the continued acceptance of the enemy at Passamaquoddy. Americans and colonials continued to mix at church, at Masonic meetings, and dinners. Among those who continued to cross the border freely was the American sheriff of Washington County, who also held a commission as a general in the Massachusetts militia. Sheriff John Cooper made such traitorous statements during after-dinner toasts at St. Andrews that he offended even English observers who thought he should have displayed more loyalty to his nation.⁴⁷ But the most common form of accommodation was commercial intercourse. The war was seldom allowed to interfere with trade.

Eastport, the commercial center of Passamaquoddy, offers the most vivid examples of tolerance for the enemy. The American Department of State ordered that all “enemy aliens” register with deputy marshals to prevent any mischief such as espionage; similar provisions were made in the Maritime Provinces.⁴⁸ At Eastport, some 35 heads of households registered as enemy aliens; with their families the number was at least 208 (see Appendix C) out of a total population of approximately 1,200. Many of these enemy aliens were merchants engaged in smuggling. Yet the numbers are more dramatic than that, for many so-called enemy aliens did not register for fear of persecution. For example, Ethel Olmstead, a merchant and captain of Eastport’s militia artillery company,

was an enemy alien. He begged a correspondent not to reveal his true nationality, as “I am an Englishman & would be delt [sic] with roughly should some people in this country hear of it.”⁴⁹ Olmstead was not alone in serving in the Massachusetts militia; at least four others in Eastport served in local militia companies as well (See Appendix E). Moreover, these militia units had a reputation for permitting smuggling to proceed unmolested. One complaint to Maine’s militia commander complained that local militia officers encouraged smuggling.⁵⁰

The continued presence of enemy aliens at Eastport and their clandestine activities indicates a link between neutrality and borderland residents’ active deception of the state. Like Olmstead, other enemy aliens took advantage of their ambiguous status to conduct illicit trade. Thomas H. Woodward had been living in Eastport with his family, but left for his father-in-law’s hometown of Horton, Nova Scotia, after the war broke out. Woodward soon returned to Eastport to continue smuggling flour into the Maritime Provinces. He invested everything he had in a scheme to bring flour from Baltimore to Eastport in two schooners, and even traveled to Maryland to oversee the matter. Posing as an American, he purchased approximately 1,200 barrels of flour that he planned to sell at Halifax. Sadly for Woodward, the Royal Navy captured his two American-flagged schooners and burned them, despite his protests that he was a British subject.⁵¹

Another mixture of neutrality and deception was the use of neutral-flagged vessels, especially Spanish and Swedish, to introduce British manufactured goods into the American market. Because the United States was not at war with Spain or Sweden, trade was legal with those nations. The United States had been a major neutral carrier during the Napoleonic Wars. For many years, American officials had argued that the

cargoes of American-flagged vessels were American, no matter what their origin or destination had been. This policy, known as “free ships—free goods,” was strongly opposed by the British. During the War of 1812 smugglers used the principle against the government. Swedish merchants, often Americans who became naturalized Swedish subjects at St. Bartholomews in the West Indies, bought cargoes of British manufactured goods in Halifax and Saint John. Under the “free ships—free goods” policy those British manufactured goods now became Swedish, and therefore could freely enter the United States.⁵²

Another way to abuse neutral rights was for an American vessel to file clearance papers for a neutral port, but then sail for Halifax. The schooner *Rebecca* sailed with a cargo of 570 barrels flour from New York with a stated destination of Cadiz, Spain. However, HMS *Boxer* captured the *Rebecca* off West Quoddy Lighthouse, hundreds of miles off course from New York to Cadiz. The captain’s excuse for his ship’s presence at Passamaquoddy stressed a leak in the vessel’s hold. When American privateersmen boarded the vessel suspecting it was smuggling flour to New Brunswick, the captain opened a pre-prepared leak; after twenty minutes of hard work at the pumps, the privateersmen left the vessel to its original crew, convinced that the vessel would sink. The captain quickly repaired the leak, but soon fell into the hands of the British warship *Boxer*, upon which he presented his importation license from the lieutenant governor of Nova Scotia. The *Boxer*’s commander sent the *Rebecca* into Saint John where the vice-admiralty court could sort out the legal technicalities. In court the *Rebecca*’s captain claimed he had to change course to Saint John because the license would expire before he

could arrive at Halifax. The court found however that the *Rebecca* was liable to seizure, and condemned it.⁵³

The neutral trade brought adventurers such as Constantino Llufrío, a Spanish subject, to Passamaquoddy where they used their nationality to cover their smuggling activities. Jonathan D. Weston, an Eastport lawyer, even went so far as to become a Swedish vice-consul to facilitate this trade. When the British captured Eastport in 1814, they found considerable amounts of allegedly neutral goods stored there. Besides Llufrío, fellow Spaniards Joze Deganttes and J. De Sola, and Swedes Johan Nymann and Andros Armidson made Moose Island their smuggling base, aided and abetted by American and colonial merchants.⁵⁴

The use of licenses furnished by the British became another form of deception. The British military was reliant on American provisions, and encouraged American merchants to ship flour to destinations such as Saint John or Halifax. An example of these licenses follows:

I the undersigned George Stacey Smyth President and Commander in Chief of the Province of New Brunswick and the territories thereunto belonging in America, in pursuance of the authority given to me by order of Council bearing date the 13th day of October 1812.—do hereby Grant this License, and do hereby authorize and permit Mr. James Congdon to import in any ship or vessel, excepting a ship or vessel belonging to France, or the subjects thereof, into the Ports of Saint Andrew and St. John in New-Brunswick, from any Port in the United States of America, from which British vessels are excluded, a Cargo of wheat, grain, bread, biscuit, flour, pitch, tar or turpentine, without molestation on account of the present hostilities and notwithstanding the said ship or goods shall be the property of any subject or inhabitant of the United States of America, or of any British subjects trading therewith.

This license to continue in force for Four Months,
dated the eighth day of August one thousand eight hundred
& thirteen.

[Signed] G.S. Smyth

By his Honor Command.
Signed Jon. Odell.⁵⁵

Smyth was the military governor of New Brunswick. In this license for James Congdon, an Eastport smuggler, Smyth permitted him to import provisions or naval stores into the province for four months. Unfortunately for Congdon, this license fell into the hands of American federal authorities. Figure 8.1 displays just how much American flour reached Halifax during the war. Halifax flour importation peaked in the fourth quarter of 1813, when more than 22,000 barrels entered the port from the United States.⁵⁶ Most of that flour remained in Halifax, feeding not only the local populace, but the burgeoning British military and naval forces there. Out of that number, 21,474.5 barrels came in American vessels that sailed under British licenses.⁵⁷

After December 1813, a number of factors combined to lessen both the supply and demand for American flour. Congress passed another American embargo that forbade all ships except privateers from leaving port.⁵⁸ An increasingly effective British blockade prohibited even licensed vessels from leaving American ports, and made it easier for American merchants to supply the British fleet directly. Finally, the war in Europe turned against Napoleon and freed the Baltic grain lands that traditionally supplied Britain's flour demands.⁵⁹ Passamaquoddy's role in the Halifax flour trade peaked in the fourth quarter of 1812. During that period, 2,236 barrels - just over fifty percent of the total for that quarter - entered at Halifax.⁶⁰

Figure 8.1: Nova Scotia Flour Imports, 1812-1815

Source: C.O. 221/ 32, "Nova Scotia Shipping Returns"

Table 8.1: Flour Prices at Boston v. Halifax, 1812-1815

<i>Date</i>	<i>Boston</i>	<i>Halifax</i>
January 1812	\$10.25	N/A
June 1812	\$9.50	N/A
January 1813	\$12.50	\$20
June 1813	\$15.25	\$22.20
January 1814	\$14.50	\$22.20
June 1814	\$12.50	\$18.87
January 1815	\$11.75	\$22.20
June 1815	\$7.50	\$16.65

Source: *Boston Gazette* and *Halifax Journal*.⁶¹

However, that number is considerably less than the 17,792 barrels of flour exported from Saint Andrews during the second quarter of 1812, despite an American embargo.⁶²

The licensed flour trade could be very profitable for those willing to take risks. British demand inflated prices for much of the war, but by mid-1814 the increased availability brought flour prices down considerably. Table 8.1 indicates the profits a Boston merchant could make if he engaged in the licensed flour trade with Halifax.⁶³

British licenses could be problematic for smugglers, however. If American officials, privateersmen, or naval units found an American ship with such a license they would seize the vessel and send it back to the United States for trial. Early in 1813, the Supreme Court ruled that such licenses were grounds for seizure.⁶⁴ Congress reinforced that ruling by outlawing licenses. Masters of merchant vessels concealed their licenses when boarded by armed vessels until they determined the nationality of the boarding party. If the boarders were British, it was important to produce the papers; if American, they had had to be kept concealed. An example is the case of the American schooner *Joanna*, captured by the New Brunswick privateer *Dart* in June 1813. The *Joanna*'s papers stated that the vessel was sailing for Eastport with a cargo of corn. Captain Alexander Newcomb of the *Joanna*'s claimed he really intended to sail for Halifax, but filed a clearance with American customs officers "in order to deceive any American Cruizers [privateers or warships] that might chance to fall in with them." At first Newcomb thought the *Dart* was an American privateer and concealed his license. When he found out it was a colonial vessel, Newcomb rowed over to his captor in a small boat and presented his license to sail to Halifax with provisions. But Captain John Harris of the *Dart* said "he did not care for it, that it was good for nothing, and that he would take

all vessels worth sending in and told this Deponent if he did not pull away from the Privateer he would sink the Boat in which he was and positively refused to give him a Passage in either of said vessels.”⁶⁵ Licenses thus offered only limited protection.

The license trade was a ticklish business; American naval officers often pretended to be British officers, and sometimes British naval officers and privateersmen did not accept the licenses and sent the vessel into a British port as a prize.⁶⁶ A typical example of this is the case of the American schooner *Lucy*, captured by HMS *Martin* off West Quoddy Light in March 1813. The captain of the *Martin* seized the *Lucy* and took the vessel to Saint John, but when the *Lucy*'s captain produced a British license, the court released the vessel.⁶⁷

If deception failed, smugglers could turn to other methods that relied on manipulating the legal system to their own benefit. One such scheme was to use regional hostility against the national government by pressing cases against federal officials in local courts. The use of local courts devastated an American unit known as Ulmer's Volunteers, while the second method was an especially well-documented phenomenon known as “collusive capture.” Both methods built directly upon the long tradition of smuggling at Passamaquoddy.

George Ulmer's War and Woes

The American military had little interest in Passamaquoddy; in strategic terms the region was a backwater. The Madison administration and its generals had determined that the Great Lakes region and Upstate New York would be the springboard for an invasion of British North America, and thus dedicated most of its resources there.

Alarmed by the massive smuggling occurring at Passamaquoddy, however, the War Department belatedly assigned a regiment of one-year volunteers to guard what was termed the "Eastern Frontier." Its primary mission was to suppress smuggling.

The commander of this unit was George Ulmer, a Revolutionary War veteran, failed merchant, and Jeffersonian politician.⁶⁸ Ulmer received his commission in November, 1812, and immediately proceeded for Eastport, where he relieved several companies of Massachusetts militia commanded by his kinsman, Jacob Ulmer. Ulmer made an effort to bring the Passamaquoddy borderland under control and to stop smuggling entirely. His efforts raised the ire of local residents, who successfully struck back through a variety of tactics.

Ulmer faced a number of difficulties. Eastport was packed with adventurers and enemy aliens, many of them smugglers who openly wore arms. Ulmer estimated that almost two hundred people in Eastport were involved in supplying the British with provisions.⁶⁹ Among these was Jabez Mowry, one of the region's most active smugglers. Early in the war, he successfully smuggled \$50,107 worth of beef and pork to the British commissary at Halifax.⁷⁰ He also supplied the American garrison on Moose Island, and then reported information about American troop strengths to the British commander at St. Andrews.⁷¹

Ulmer faced more problems than just smugglers, however. For example, the regular Army officer who commanded Fort Sullivan did not cooperate with a force of undisciplined volunteers, and quarreled with Ulmer.⁷² Furthermore, supply routes to Passamaquoddy were tenuous at best, and the Royal Navy and privateers from Maritime ports controlled the ocean approaches to Passamaquoddy.⁷³ On at least one occasion the

master of a vessel destined to Eastport with supplies for Ulmer instead simply sailed for New Brunswick, and sold the provisions to the British.⁷⁴ His troops largely consisted of old men and young boys with little equipment and no uniforms, and his officers bickered among themselves. Provisions were scarce and expensive. The local contractor who supplied them was a prominent local smuggler named Jonathan Bartlett. Ulmer accused Bartlett of informing the British about the quantity of provisions he supplied Ulmer, and of giving the American soldiers spoiled flour and substandard meat, the salted pork mostly pig heads, the salt beef including internal organs.⁷⁵

Despite these obstacles Ulmer attempted to perform his duty. His primary mission was to suppress smuggling; otherwise his orders were to act strictly on the defensive.⁷⁶ He even refrained from attacking the British when a Royal Navy warship lay helpless under the guns of his fort one morning.⁷⁷ Ulmer was more aggressive in acting against Eastport's smuggling community. He required all enemy aliens to register with him and take an oath of loyalty or face trial for treason. All persons crossing the border required a pass from him; his officers examined all mail going to New Brunswick. His actions resulted in a substantial reduction in smuggling, but deeply offended the borderlands community, which initiated a campaign to harass him.⁷⁸ These efforts included threats made by smugglers to tar and feather the colonel.⁷⁹

Standard techniques used during the embargo were reinitiated, such as bribing soldiers who guarded impounded contraband with both liquor and money.⁸⁰ Local merchants and magistrates, adventurers, and even the port's deputy customs collector colluded against Ulmer's anti-smuggling campaign. When one of Ulmer's soldiers shot and wounded a smuggler, Sheriff Cooper arrested the soldier and sent him to jail at

Castine to await trial for attempted murder.⁸¹ Ulmer eventually forbade magistrates to arrest his soldiers.⁸² Merchants engaged in a letter writing campaign against Ulmer. Smugglers actively defied his edicts; on March 20, 1813, smugglers took nine barrels of tobacco from Josiah Little's wharf in Eastport. One of Ulmer's patrol boats pursued, but was unable to seize the craft when a nearby British vessel opened fire on them. Nonetheless, the officer was able to identify the smugglers and Ulmer ordered his troops to keep an eye out for them.⁸³ The post at Robbinston observed the men trying to cross back into the United States a few days later, and captured them and the boat they were in. Ulmer's men took possession of the boat and made the men prisoners. As one of the young soldiers recalled, "We boarded her & found Robert Nowlin Capt. Hutchins a Mr. Fowler & a Mr. Monroe. We took possession & the sargeant put myself & Dickey another man into Nowlin's boat. Nowlin was still at helm the boat jibed at which Hutchins caught & threw our gun over board & with Fowler ketch the other gun & Fowler discharged the priming-- They carried us to St. Andrews & delivered us to the commd't."⁸⁴ Not only did the smugglers turn the table on the soldiers, but they handed them over to the British garrison at St. Andrews. The British commander quickly returned one, but discovered that Private John Dicky had only recently emigrated from New Brunswick to the United States. Dicky was in fact a British subject bearing arms against his king. The British officer therefore kept Dicky a prisoner and made him face trial for treason.⁸⁵

The masterstroke against Ulmer was a piece of legal trickery made possible by the remoteness of Fort Sullivan. The federal government failed to supply Ulmer's troops adequately, and thus he went into personal debt to buy them provisions. In addition, he

had many old debts remaining from before the war. In mid March 1813, several merchants pressed Ulmer to pay his debts to them.⁸⁶ When he failed to pay, they had him incarcerated for debt in the Washington County jail at Machias. Ulmer remained there for a few weeks until he persuaded local justices that it was illegal to prevent a military officer from performing his duties during wartime. When Ulmer returned to Fort Sullivan, he found the garrison in chaos. He attempted to reestablish order through a draconian decree that banned civilians from Fort Sullivan, strictly prohibited all cross-border traffic, and forbade civilian officials arresting his troops. In effect he declared martial law.⁸⁷ But Ulmer's power to control the region was slipping away; even his command over the soldiers was rapidly eroding. Ulmer also apparently took to drinking too much, further diminishing the confidence of his officers and men.⁸⁸

During Independence Day celebrations in 1813, Ulmer's troops and locals clashed in a riot.⁸⁹ Local residents celebrated the day by forming a procession that wound its way to Eastport's sole schoolhouse, where local worthies read aloud the Declaration of Independence and George Washington's "Farewell Address." While locals did this, some of Ulmer's troops disrupted the proceedings by celebrating the holiday in their own manner, by shooting their muskets in the air, and thereby halted the event in the schoolhouse. When the locals continued their parade, some of Ulmer's troops gathered to shout insults and hurl pieces of brick, broken kettles, and stones at them. Determined to continue their celebrations, the locals proceeded to Young's inn to drink toasts and fire salutes from the local militia artillery company's cannon. Notably, Ulmer had complained that inn keeper Young was one of the individuals who was most troublesome to him, and the commander of Eastport's artillery company was Ethel Olmstead, a

smuggler and enemy alien.⁹⁰ About one hundred soldiers vented their many frustrations by surrounding Young's inn and terrifying the locals within, throwing rocks and gravel at the windows, and shouting that only the American flag displayed for the holiday protected the terrified celebrants within. Furthermore, the soldiers seized the militia cannon and fired it, and even threatened to throw it over a cliff. The efforts of Ulmer's officers to control the rioting troops proved fruitless.⁹¹

When local officials approached Ulmer to do something, he intervened personally to stop the rioting. Ulmer went to the barracks where his men were firing muskets in the air, and ordered the soldiers to stop. When the soldiers continued to fire their guns, Ulmer ordered cannons "to be charged with grape shot & pointed to the barracks, and went himself and told the men as sure as they fired again he would have the field pieces discharged at them. He had scarcely got at the distance of fifty rods from the barracks before they began to fire."⁹² The soldiers manning the cannon refused to fire on their comrades, and the rioting continued into the night, and culminated in the burning of figures in effigy.⁹³

Ulmer's own officers turned on him as well. Capt. Sherman Leland, a local attorney who joined the Volunteers for one year, abruptly left Ulmer's unit when he acquired a regular commission in the 34th U.S. Infantry. Leland then began recruiting troops away from his former regiment, not only taking away his former commander's men, but their equipment as well. Leland had a grudge against Ulmer; perhaps because Leland as an Eastport resident resented the heavy-handed tactics of an outsider like Ulmer. According to one soldier, Leland complained openly about his former commander, saying "he believed Ulmer had taken bribes of smugglers to pay his private

debts, adding that he did not calculate he would hold his station long, but would soon be removed from his post—I have also heard sd. Lealand say, that Ulmer was a Rascal.”⁹⁴

With some fellow officers, Leland complained to the district commander about Ulmer’s conduct.⁹⁵ In August 1813, the region’s commander relieved Ulmer of his command and placed him under arrest. Leland eventually succeeded Ulmer as the commander of Fort Sullivan, and anti-smuggling operations were reduced to a minimum, with the exception of the *Venture* incident in which Leland profited so handsomely. A military court of inquiry held in May 1814, found Ulmer innocent of any criminal charges, but the damage was already done: the federal government had disbanded his regiment entirely in December 1813.⁹⁶

Ulmer’s downfall was the product of borderland hostility to his anti-smuggling measures. No matter whether one blames the adventurers, local magistrates, or his own subordinates, borderland residents effectively removed him from power. Notably, locals used local courts to harass a federal official, and even used the military justice system against itself; very little direct action had to be taken against Ulmer, although borderland residents did threaten to tar and feather him once.⁹⁷ Eastport continued to be a smuggler’s haven for the remainder of the war despite the continued presence of a diminished American garrison at Fort Sullivan. One of the most aggressive methods used was to subvert the legitimate practice of privateering into a form of smuggling.

Collusive Capture

Collusive capture was a method of smuggling whereby borderland residents and others distorted the state's manner of waging war and turned it against itself. In a collusive capture, merchants arranged for a privateer to conduct a pre-arranged sham capture of an enemy vessel. Privateers were privately-owned vessels commissioned by the government to conduct war against the enemy. Privateers were a means whereby a young and relatively poor nation such as the United States could mount a sort of naval guerilla warfare, or *guerre de course* in the terminology of the day, against a superior force such as the Royal Navy. Americans used privateers extensively during the war of 1812, and the Maritime Provinces commissioned many privateers as well.⁹⁸

Conducting collusive captures took enormous coordination between American privateersmen and Maritimes merchants, and speaks to a tight bond between the two regions. While published court records are available in the United States that go into great detail concerning this practice, American scholars have overlooked the issue; credit is due to Canadian historian Faye Kert for rediscovering the practice.⁹⁹ A number of collusive capture cases went to the United States Supreme Court, all of them concerning small privateers operating in northern New England waters. The waters of Passamaquoddy, especially around Grand Manan, seem to have been the most popular for conducting such operations. These collusive captures were often so blatant as to insult the intelligence of the courts. For example, virtually all privateers operated on a shares system whereby the crew received a portion of the proceeds from the vessels they captured. If the privateer did not capture any enemy vessels, then the crew received no prize money. But on board privateers that conducted collusive captures, the crews

received wages rather than shares. Typically the privateers involved in sham captures were also very small; sometimes they were mere open boats. Collusive captures and other misdeeds became such an infamous practice that President Madison revoked the commissions of all privateers carrying crews of less than twenty.¹⁰⁰

In the United States privateering was less popular the closer one traveled toward the border. In eastern Maine the opposition was particularly bitter; one state legislator even suggested that American privateers be burned at the wharf, and their crews tarred and feathered. The streets of Eastport were reported to be unsafe for privateersmen even in daylight.¹⁰¹ The basis of this opposition was not political, ideological, or moral, but pragmatic.¹⁰² Private armed vessels interfered with their livelihoods and trade, created an enormous number of awkward problems for these isolated communities, and brought about the possibility of British reprisals. These problems occurred in the Maritimes as well, but their impact was less important both because the British navy provided better protection and provincial politics were less discordant than in the United States.

The *Venture* incident was really a case of collusive capture gone awry. First the Royal Navy suspected the vessel of being a smuggler, but had to let it go for lack of evidence, and then the U.S. Army captured the craft. Meanwhile a small American privateer called the *Mary* had been skulking about Passamaquoddy Bay, waiting for an appropriate moment to make a sham capture of the *Venture* and its rich cargo. Virtually everything about the *Mary* was suspicious. It was the only American privateer commissioned in the Passamaquoddy district during the entire war. The vessel was tiny, a mere six tons. Its captain was a former customhouse inspector at the Passamaquoddy district who was sure to have known the best way to smuggle goods into the country.¹⁰³

The two merchants who gave bonds for the *Mary* were two Eastport merchants, Jabez Mowry and Benjamin Bucknam, both notorious smugglers who previously had been outspoken opponents of privateering. The captain of the *Mary* had even bought his gunpowder from colonial merchants in St. Andrews.¹⁰⁴

Collusive captures were perhaps the ultimate distortion of privateering and the state's desire to wage war. Rather than hampering enemy trade, borderland residents facilitated it through this deviant form of privateering. Far from acting as patriots, some privateersmen actually acted as smugglers. The power of illicit trade thus twisted the concept of warfare in the Bay of Fundy. Indeed, the pull of profit proved so strong in this periphery that even Royal Navy captains participated in orchestrating collusive captures off Campobello.¹⁰⁵

Conclusion

War brought confusion and crisis to Passamaquoddy residents, who wanted no part of the conflict. New Brunswick, despite its Loyalist heritage, did not spring to arms against the American foe. In fact most people in the province seem to have been "well-disposed towards the United States." Despite modern feeling that Maritimers showed their loyalty to Britain during the War of 1812, rigorous examination reveals little enthusiasm for the war.¹⁰⁶ The situation was similar in Maine, which like much of New England had deep misgivings about the war, especially given the overwhelming superiority of the Royal Navy and the region's vulnerable coastline. For borderland residents, moreover, the stakes were even higher; the state of war threatened the intricate system of accommodation that defined local life.

Borderlands society attempted to suppress friction between British subjects and American citizens. This tactic of accommodation took many forms, including formal and informal transborder agreements to discourage violence, non-compliance of local militia units to serve outside of their immediate community, personal agreements with the enemy, and a continued tolerance for “enemy aliens” to live on either side of the border as they chose. The background against which all these accommodations operated was a continuation of illicit trade across the border.

In the end, the War of 1812 made little material difference to Passamaquoddy residents. The British retained possession of Moose Island until 1818, when arbitration by the King of the Netherlands restored the border to its pre-1814 form. Perhaps the only tangible difference was that a commercial center sprung up in Lubec, Maine, during the British occupation of Eastport. There Jabez Mowry and fellow smugglers resumed their business, especially in the plaster trade. Less tangible was a renewed determination by American, colonial, and imperial officials to assert their control over trade and the border. While during the embargo and War of 1812 American officials faced hostile crowds of smugglers, after the war New Brunswick learned how difficult it was to control the illicit trade at Passamaquoddy.

¹ *Boston Repertory*, November 24, 1813.

² Deposition of John Burgin, *U.S. v. Sloop Venture & Cargo*, June Term, 1814, RG 21/MeDC [Hereafter as *Venture Case*].

³ H. Henry Senhouse, Captain HMS *Martin* to Col. Learned, Commandant of Moose Island, November 7, 1813, National Archives RG 107 M222, “Letters Received by the Secretary of War, Unregistered Series, 1789-1861” [hereafter as M222].

⁴ *Ibid.*

⁵ Sherman Leland to Captain Senhouse, November 8, 1813, M222.

⁶ Senhouse to Leland, November 8, 1813, M222.

⁷ *Boston Repertory*, November 24, 1813.

⁸ Deposition of Salathiel Nickerson, *Venture Case*.

- ⁹ Leland to Senhouse, November 8, 1813, M222; Lemuel Trescott to William Pitt Preble, May 24th 1814, *Petition of Sherman Leland*, June Term, 1814, RG21/MeDC.
- ¹⁰ Sherman Leland, *An Oration Pronounced at Dorchester, July 4, 1815* (Boston: Rowe and Hooper, 1815), 10.
- ¹¹ Hickey, *Forgotten Conflict*, 37-39.
- ¹² Herbert Heaton, "Non-Importation, 1806-1812," *The Journal of Economic History* 1:2 (November 1941), 178-198.
- ¹³ J.C.A. Stagg, *Mr. Madison's War: Politics, Diplomacy, and Warfare in the Early American Republic* (Princeton NJ: Princeton University Press, 1983), 16-47; Hickey, *Forgotten Conflict*, 7-28.
- ¹⁴ Hickey, *Forgotten Conflict*, 1.
- ¹⁵ Hickey, *Forgotten Conflict*, chapter 2, "The Declaration of War," 29-51; J.C.A. Stagg, *Mr. Madison's War*, 110-118.
- ¹⁶ Hickey, *Forgotten Conflict*, 42-43.
- ¹⁷ Hickey, *Forgotten Conflict*, 50.
- ¹⁸ Charles Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (New York, Oxford University Press, 1991), 28.
- ¹⁹ Hickey, *Forgotten Conflict*, 168-171.
- ²⁰ Walter Ronald Copp, "Nova Scotian Trade During the War of 1812," *Canadian Historical Review* 18 (1937), 145.
- ²¹ Jack S. Levy and Katherine Barbieri, "Trading with the Enemy During Wartime: Theoretical Explanations and Historical Evidence," 22, paper presented at the 2000 Annual Meeting of the American Political Science Association, Washington, D.C., August 31-September 3, 2000. Used with permission of Jack S. Levy.
- ²² Levy and Barbieri, "Trading with the Enemy," passim.
- ²³ Hickey, *Forgotten Conflict*.
- ²⁴ J. Mackay Hitsman, *The Incredible War of 1812: A Military History* (Toronto: University of Toronto Press, 1965); see Donald E. Graves's excellent revised edition of this work (Toronto: Robin Brass Studio, 1989).
- ²⁵ Patrick White, *A Nation on Trial: America and the War of 1812* (New York: Wiley, 1965); Roger Brown, *The Republic in Peril: 1812* (New York: Columbia University Press, 1964).
- ²⁶ C.P. Stacey, "The War of 1812 in Canadian History," *Ontario History* 5 (1958), 153-159.
- ²⁷ Pierre Berton, *The Invasion of Canada, 1812-1813* (Markham, ON: Penguin, 1988), and *Flames Across the Border: The Canadian-American Tragedy, 1813-1814* (Boston: Little, Brown, 1981).
- ²⁸ White, *A Nation on Trial: America and the War of 1812*; Brown, *The Republic in Peril: 1812*.
- ²⁹ W.A.B. Douglas, "Marching to Different Drums: Canadian Military History," *Journal of Military History* 56:2 (April 1992), 245-260.
- ³⁰ Donald R. Hickey, "The War of 1812: Still a Forgotten Conflict?" *Journal of Military History* 65:3 (July 2001), 741.

- ³¹ George Sheppard, *Plunder, Profit and Paroles: A Social History of the War of 1812 in Upper Canada* (Montreal: McGill-Queen's University Press, 1994); see also R. Arthur Bowler, *War Along the Niagara* and "Propaganda in Upper Canada," *American Review of Canadian Studies* 18:1 (Spring, 1988), 11-32.
- ³² Hickey, "Still a Forgotten Conflict?" 741-770; George Sheppard, *Plunder, Profit and Paroles: A Social History of the War of 1812 in Upper Canada* (Montreal: McGill-Queen's University Press, 1994).
- ³³ James M. Banner, *To the Hartford Convention: The Federalists and the Origins of Party Politics in Massachusetts, 1789-1815* (New York, Knopf, 1970).
- ³⁴ Walter Ronald Copp, "Military Activities in Nova Scotia During the War of 1812," *Collections of the Nova Scotia Historical Society* 24 (1938), 57-74.
- ³⁵ See H. F. Pullen, *The Shannon and the Chesapeake* (Toronto: McClelland and Stewart, 1970), and Sherwood Picking, *Sea Fight Off Monhegan: Enterprise and Boxer* (Portland, ME: Machigonne Press, 1941).
- ³⁶ Faye Margaret Kert, *Prize and Prejudice: Privateering and Naval Prize in Atlantic Canada in the War of 1812* (St. John's, NF: International Maritime Economic History Association, 1997).
- ³⁷ Kert, *Prize and Prejudice*, 19-22.
- ³⁸ Levy and Barbieri, "Trading with the Enemy," 3.
- ³⁹ Sherman Leland to William King, Eastport, September 17, 1812, WKP.
- ⁴⁰ Aaron Rogers to William King, September 13, 1812, WKP.
- ⁴¹ G. Nicolls to Lieut. General Mann, n.d. [circa 1813], W.O. 55/860; Howard Temperley, *Lieutenant Colonel Joseph Gubbins: New Brunswick Journals of 1811 & 1813* (Fredericton, NB: Kings Landing Corporation, 1980), 58.
- ⁴² "Recollections of an Old Resident," *Eastport Sentinel*, February 23, 1859; *New Brunswick Royal Gazette*, June 27, 1812; PANB RS 24 Legislative Assembly: Sessional Records, 1813. S22-P2: "Petition of John and Simeon Perkins, merchants, Liverpool N.S., requesting a drawback on rum shipped to New York;" January 19, 1813; S22-P3: "Petition of John Barss and Co. of Liverpool, N.S., merchants, praying for drawbacks on rum seized at Bath on the Kennebeck River," January 19, 1813; S22-P5: "Petition of Robert Cumming, merchant, requesting drawback on dutiable articles," January 25, 1813, all PANB.
- ⁴³ Duncan McColl, "Memoir," *British North American Wesleyan Magazine* 1: 13 (1841), 496-497; quoted in Harold O. Davis, *An International Community on the St. Croix (1604-1930)* (Orono, ME: University of Maine Studies, 2nd Series, No. 64, 1950; reprint, 1974), 104-105.
- ⁴⁴ *New Bedford Mercury*, July 17, 1812; *Salem Gazette*, July 21, 1812; Davis, 14-15.
- ⁴⁵ R.D. Jones to Bathurst, March 1, 1813; David Owen to Earl Liverpool, April 27, 1813, with enclosure Moses Gerrish to David Owen, April 13, 1814, all C.O. 188/19; David Owen to T. Howell, May 5, 1818, "Glansevern Collection," NAC.
- ⁴⁶ Moses Gerrish to David Owen, April 13, 1814, C.O. 188/19.
- ⁴⁷ *Boston Reportory*, August 11, 1812; *Boston Patriot*, January 4, 1815. Cooper became infamous as a collaborator with British forces occupying eastern Maine in 1814.
- ⁴⁸ See "Proclamation of Major General George Stracey Smyth," *New Brunswick Royal Gazette*, November 9, 1812.

- ⁴⁹ Olmstead's brother Aaron beat Lewis F. Delesdernier, jr. during the embargo. Ethel Olmstead to Jonathan and Michael Tobin, April 13, 1813, RG8, IV, "Nova Scotia Vice-Admiralty Court Prize Records," vol. 95.1, *The Richmond*.
- ⁵⁰ Sherman Leland to William King, August 22, 1812, "William King Papers," Maine Historical Society, Portland, ME.
- ⁵¹ RG8, IV, "Nova Scotia Vice-Admiralty Court Prize Records," vol. 77.8, *The Arab*.
- ⁵² Hickey, *Forgotten Conflict*, 169.
- ⁵³ RG8, IV, "Nova Scotia Vice-Admiralty Court Prize Records," vol. 94, the *Rebecca*.
- ⁵⁴ Harvey Strum, "Smuggling in Maine During the Embargo and the War of 1812," *Colby Library Quarterly* 19:2 (June 1983), 95-96; Jonathan D. Weston, Swedish Consul Papers, Border Historical Society, Eastport, Maine; RG8, IV, "Nova Scotia Vice-Admiralty Court Prize Records," vol. 129.2, "Petition to Capt. Hardy and Lt. Col. Pilkington from Spanish and Swedish owners of property on Moose Island," n.d.
- ⁵⁵ License from Lt. Gov. George S. Smyth to James Congdon, 1813, National Archives RG 59: M179, "Miscellaneous Letters of the Department of State, 1789-1906."
- ⁵⁶ C.O. 221/ 32: "Nova Scotia Shipping Returns."
- ⁵⁷ C.O. 221/32, "Nova Scotia Shipping Returns."
- ⁵⁸ Hickey, "American Trade Restrictions," 531-533.
- ⁵⁹ W. Freeman Gilpin, "The American Grain Trade to the Spanish Peninsula, 1810-1814," *American Historical Review* 28:1 (October, 1922), 43.
- ⁶⁰ C.O. 221/32, "Nova Scotia Shipping Returns."
- ⁶¹ Thanks to Prof. Julian Gwyn for providing Halifax prices.
- ⁶² C.O. 193/2: New Brunswick, Miscellaneous, Shipping Returns.
- ⁶³ Copp, "Nova Scotian Trade," 143-147; Hickey, *Forgotten Conflict*, 115-118.
- ⁶⁴ Hickey, "American Trade Restrictions," 529.
- ⁶⁵ RG8, IV, "Nova Scotia Vice-Admiralty Court Prize Records," vol. 88, the *Joanna*.
- ⁶⁶ Hickey, *Forgotten Conflict*, 123; Michael J. Crawford, "The Navy's Campaign Against the Licensed Trade in the War of 1812," *American Neptune* 46:3 (1986), 165-172; Kert, *Prize and Prejudice*, 24-33.
- ⁶⁷ RG8, IV, "Nova Scotia Vice-Admiralty Court Prize Records," vol. 89, the *Lucy*.
- ⁶⁸ Alan Taylor, "Centers and Peripheries: Locating Maine's History," *Maine History* 39:1 (Spring 2000), 4.
- ⁶⁹ George Ulmer to Secretary of War John Armstrong, March 29, 1813 "Eldridge Collection," *Eastport Sentinel*, September 18, 1907.
- ⁷⁰ David Owen to Lt. Gov. George S. Smyth, July 3, 1821, NB "A," vol. 27, NAC.
- ⁷¹ Joseph Gubbins to George Prevost, February 27, 1813, "C" Series, "British Military and Naval Records," National Archives of Canada.
- ⁷² George Ulmer to Henry Dearborn, March 3, 1813, National Archives RG 107, M221, "Letters Received by the Secretary of War, Registered Series, 1801-1870."
- ⁷³ George Ulmer to William King, December 27, WKP.
- ⁷⁴ George Ulmer to John Armstrong, March 29, 1813, "Eldridge Collection," *Eastport Sentinel* (Eastport, ME), September 18, 1907.
- ⁷⁵ George Ulmer to William King, February 12, 1813, WKP
- ⁷⁶ George Ulmer to William King, December 27, 1812, WKP.
- ⁷⁷ George Ulmer to William King, WKP.

- ⁷⁸ Taylor, "Centers and Peripheries," 6-7; David Zimmerman, *Coastal Fort: A History of Fort Sullivan, Eastport, Maine* (Eastport ME: Border Historical Society, 1984), 30-34; Kilby, *Eastport and Passamaquoddy*, 161-162.
- ⁷⁹ George Ulmer to Secretary of War John Armstrong, March 29, 1813 "Eldridge Collection," *Eastport Sentinel*, September 18, 1907.
- ⁸⁰ Deposition of John Stevens, *United States v. Sloop Sally of Portland* May Term, 1813, RG 21/MeDC.
- ⁸¹ *Commonwealth v. John Campbell*, "Minutes Books of the Supreme Judicial Court of Hancock and Washington Counties," vol. 2, MeSA; Zimmerman, *Coastal Fort*, 33-34.
- ⁸² *Merrimack Intelligencer* (Haverhill, Mass.), May 8, 1813.
- ⁸³ George Ulmer to William King, March 3, 1813, "William King Papers," MeHS.
- ⁸⁴ Deposition of George Manser, *United States v. William Hume et al.*, December Term 1814, National Archives RG 21/MeDC.
- ⁸⁵ J. Maule to George Ulmer, March 1, 1813, National Archives RG 107, M221, "Letters Received by the Secretary of War, Registered Series, 1801-1870."
- ⁸⁶ George Ulmer to William King, March 19, 1813, "William King Papers," MeHS.
- ⁸⁷ Zimmerman, *Coastal Fort*, 34.
- ⁸⁸ William Stern to William King, July 31, 1813, "William King Papers," MeHS.
- ⁸⁹ *Columbian Centinel*, July 24, 1813.
- ⁹⁰ George Ulmer to William King, February 12, 1813, "William King Papers," MeHS.
- ⁹¹ Capt. Sherman Leland to Col. J.D. Learned, July 10, 1813, *Ulmer v. Leland*, June Term, 1818, Hancock County Supreme Judicial Court, MeSA; *Columbian Centinel*, July 24, 1813.
- ⁹² Capt. Sherman Leland to Col. J.D. Learned, July 10, 1813, *Ulmer v. Leland*, June Term, 1818, Hancock County Supreme Judicial Court, MeSA.
- ⁹³ *Columbian Centinel*, July 24, 1813.
- ⁹⁴ Taylor, "Centers and Peripheries," 8; deposition of Frederick Crone, *Leland v. Ulmer*, June Term, 1821, Hancock County Supreme Judicial Court, MeSA.
- ⁹⁵ Sherman Leland to J.D. Learned, July 10, 1813, *Ulmer v. Leland*, June Term, 1818, Hancock County Supreme Judicial Court, MeSA.
- ⁹⁶ Taylor, "Centers and Peripheries," 8.
- ⁹⁷ George Ulmer to John Armstrong, March 29, 1813, "Eldridge Collection," *Eastport Sentinel*, March 29, 1813.
- ⁹⁸ See Kert, *Prize and Prejudice*, 80-81 and passim for a Canadian view; see Jerome Garitsee, *The Republic's Private Navy: The American Privateering Business as Practiced by Baltimore during the War of 1812* (Middletown CT: Wesleyan University Press for Mystic Seaport, Inc., 1977), passim, for the standard scholarly work on American privateering.
- ⁹⁹ Kert, *Prize and Prejudice*, 120. For detailed accounts of collusive capture at Passamaquoddy see U.S. Supreme Court Reports Wheaton 2, "The *George*" and Cranch 8, "The *Rapid*, Perry, Master."
- ¹⁰⁰ Garitsee, *Republic's Private Navy*, 113.
- ¹⁰¹ *Eastern Argus*, July 16, 1812; for Eastport see deposition of Samuel A. Morse, *United States v. Sloop "Venture" and Cargo*, May Term 1814, RG 21/MeDC.

¹⁰² See John G. Reid, "An International Region of the Northeast: Rise and Decline, 1635-1762," in Stephen J. Hornsby, Victor A. Konrad, and James J. Herlan, eds. *The Northeastern Borderlands: Four Centuries of Interaction* (Fredericton, NB: Acadiensis Press, 1989), 15, for an exploration of borderland pragmatism.

¹⁰³ The captain was Noah Edgecomb.

¹⁰⁴ Deposition of Charles Beeman, Case File, *U.S. v. Sloop Venture & Cargo*, June Term, 1814, RG 21/ MeDC.

¹⁰⁵ RG 21, *U.S. v. The Traveller*. Captain Byth of the ill-fated HMS *Boxer* participated in the collusive capture of the vessel *Traveller* out of Saint John, New Brunswick, by the American privateer *Lark*.

¹⁰⁶ The American government seemed to be aware of this. See "Extract of a letter from a Gentleman in New Brunswick," *Eastern Argus* (Portland ME), April 1, 1813. This unidentified person stated: "When the war first commenced, a large proportion of the people of this Province, indeed all except the old tories and Scotchmen, were well disposed towards the United States." For a modern patriotic interpretation, see Phillip Buckner, "The Borderlands Concept: A Critical Appraisal," in Stephen J. Hornsby, Victor A. Konrad, and James J. Herlan, eds., *The Northeastern Borderlands: Four Centuries of Interaction* (Fredericton, NB: Acadiensis Press, 1989), 157.

CHAPTER 9: THE PLASTER WAR

Introduction

It was the sort of report every colonial administrator dreaded receiving. In a letter to Lieutenant Governor George Stracey Smyth, New Brunswick officials on the border with the United States in the summer of 1820 reported “a state of actual and unqualified Rebellion against His Majesty’s Government of this Province.”¹ But Smyth was in a ticklish situation; overt military action on the border might arouse the ire of the United States, with which Britain had been at peace only a few years since the conclusion of the War of 1812. Furthermore, Smyth had only a handful of troops in the colony, and they were needed in the provincial capital at Fredericton where they had suppressed a riot only a month before.² Beyond that, prudent colonial administrators who wished to continue their careers hesitated before reacting to reports from panicky officials.

Smyth knew that smuggling lay at the heart of this revolt, but like other colonial administrators he knew that there was more to this problem than simply upholding the majesty of the law. Stopping the smugglers and now rebels in the Passamaquoddy region was part of a bigger struggle in which the port city Saint John, New Brunswick, attempted to assert economic dominance over the Bay of Fundy. In some ways this struggle marked New Brunswick’s departure from pre-capitalist economics into

capitalism. Canadian scholars such as Eric Sager, Gerald Panting, and T.W. Acheson have outlined the process whereby Saint John merchants assumed control over the Bay of Fundy's economic output even when they did not directly control the production process.³ But the struggle to stop the plaster trade was more than an economic or political contest, it was also closely related to the Loyalist identity of the province. More than one observer noted that the smugglers involved in the plaster trade introduced American ideas of free trade and democracy into the province.⁴

The year 1820 was an important one for New Brunswick, and may be considered the date in which it began to develop capitalist institutions, such as the Bank of New Brunswick.⁵ Would the colony become more "American" (egalitarian, tied to American markets), or would it retain a more "British" (hierarchical, tied to British markets) character? The question was a crucial one in a province founded by American loyalist refugees after the American Revolution. The colony had always possessed some self-contradictory attributes; a British colony, many of its inhabitants were native-born North Americans, whether Acadian, pre-loyalist, loyalist, or later immigrants. While the colony was part of the British mercantile system, from its very founding in 1784 it had trouble divorcing itself from United States markets, especially American foodstuffs such as flour.⁶ New Brunswick was a remote pioneer society similar to much of the United States and British North America, yet it looked to British institutions as social models. No small amount of confusion arose out of the question of New Brunswick's search for its identity, and on occasion the contradictions within the province's loyalist society resulted in violent confrontations, of which the Plaster War was but one.

Violent crowd protest was not unusual in the Atlantic Provinces in the nineteenth century, in either urban or rural settings. Scholars have studied unrest in the region to reveal patterns of ethnic tensions, class divisions, social injustice, labor relations, and other issues.⁷ An analysis of the so-called Plaster War contributes to this body of knowledge by examining crowd protest as a reaction to the rise of capitalism in the region.⁸ The plastermen did not willingly give up the means of production to the Saint John merchants; it was a struggle that occasionally broke into violence.

Background to the Plaster War

Stephen Humbert's problems were the result of a new provincial policy to take control of the plaster trade. The plaster trade had been a mixed blessing to both New Brunswick and Nova Scotia for decades. While it provided a valuable export to the United States that supported many farmers, mariners, and small merchants, it also encouraged large-scale smuggling as these same entrepreneurs returned from the border with holds full of American produce illegally brought into the province without paying the stiff customs duties placed on foreign goods.⁹ This problem was not small; economic historians estimate that plaster was British North America's most valuable export to the United States in the first decades of the nineteenth century.¹⁰

But why should plaster be such a widely smuggled item? The answer lies in the needs of American agriculture. Plaster, usually known as plaister or plaister paris, is now better known as gypsum, the material that fills sheetrock panels in home construction.¹¹ But in the eighteenth and early nineteenth centuries plaster was the first chemical fertilizer, a miracle substance that when ground up and scattered over fields substantially

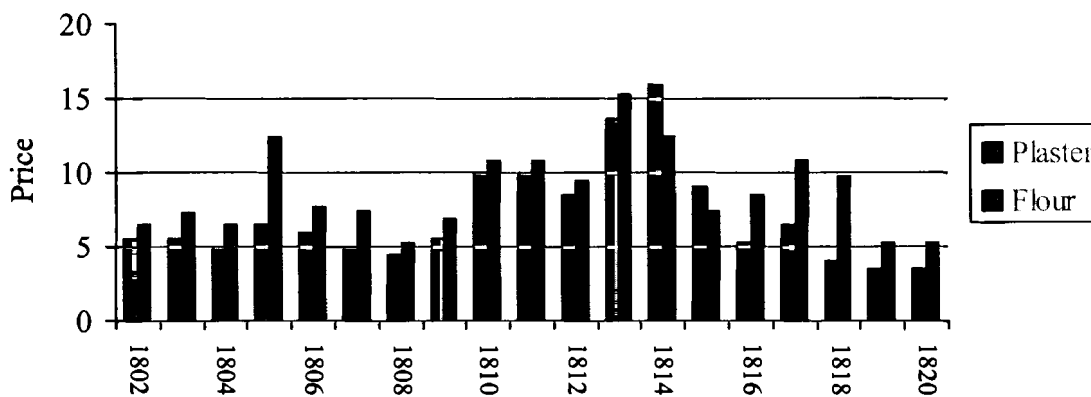
increased harvests, especially of wheat. Farmers in the American wheat-raising heartland in Pennsylvania, Maryland, and Virginia demanded huge amounts of plaster, as did farmers as far north as Maine.¹² The American market demanded plaster to support commercial wheat farming, and consumer demand is an important aspect of the smuggling dynamic. But supply, too, played a role in smuggling. Before the 1820s, the only known source of plaster in North America was at the head of the Bay of Fundy, mostly along the Fundy shore of Nova Scotia, but also in Westmorland County, New Brunswick.

The scale of this trade was large in its day, neither British North America or the United States customs officials recorded statistics concerning the gypsum trade. Colonial customs administrators largely ignored the smaller coasting craft engaged in the plaster trade, except to extract heavy fees from those engaged in it.¹³ American custom regulations allowed plaster to enter duty free, and thus unrecorded. But New Brunswick officials knew the trade was growing, and periodically estimated the size of the trade. In 1794, approximately 100 tons were exported via Passamaquoddy; by 1802 about 13,000 tons, by 1806, 50,000 tons, and by 1820 over 100,000 tons.¹⁴ In 1820, the average price of plaster in Eastport was \$2.50; in Boston at this time was about \$3.12, and in Philadelphia about \$4.00.¹⁵ In 1802, the *Boston Gazette* began to regularly report the current price of plaster on a per ton basis, an indication of the growing importance of plaster to the American market.

The fluctuating price of plaster also reflects the diplomatic difficulties between British North America and the United States and even the state of world markets. Prior to 1807, the Napoleonic Wars raging in Europe created a huge demand for American

flour, which in turn created a demand for gypsum from the Bay of Fundy even as it cut off the traditional French supply. Prices rose steadily for gypsum with greater demand until 1807, when a crisis in relations between Britain and the United States arose in the aftermath of the *Chesapeake* incident. Jefferson's embargo further depressed both flour and gypsum prices. When trade resumed in 1809, prices quickly rebounded, and in response to the War of 1812 soared even higher, encouraging the plaster trade even when it constituted trade with the enemy. The Nova Scotia Assembly even went to the length of legalizing the plaster trade during the War of 1812.¹⁶ Plaster demanded the highest prices at the end of the war, when British naval strength cut off supplies from the Bay of Fundy. For a few months the price of a ton of plaster even exceeded that of a barrel of flour.

Figure 9.1: Boston Plaster Prices, 1802-1820



Source: *Boston Gazette*. All prices reflect low wholesale prices in U.S. dollars as of June 1 for each year.

After 1815, plaster prices declined, reflecting the decline of flour prices after the end of the Napoleonic Wars, and possibly the reappearance of French gypsum on the market. By 1820, plaster sold for as little as \$3.00 per ton. A closer analysis of the Boston price of gypsum in 1820 reveals a surprise: New Brunswick's war on gypsum smuggling was so ineffectual that it did not stem the supply enough to raise its value in American markets, either in Boston or at Passamaquoddy, where nine-tenths of the gypsum entered the United States.

Comparing Eastport prices to Boston prices also reveals one of the sources of profit in the plaster trade; the commodity itself was valuable, but transporting it reaped just as much profit. Plaster bought at \$2.00 per ton in Eastport was worth \$1.25 more in Boston, and yet more in Baltimore and Philadelphia. Transporting gypsum, or "the carrying trade" in the parlance of the times, was worth potentially as much as the material, a fact that the ambitious merchants of Saint John, New Brunswick were very aware.¹⁷

The Plaster Trade in Operation

The plaster trade operated in a pre-market mode whereby small independent producers individually brought their product to market. The producers controlled the production, transportation, and marketing of the product. While these small gypsum quarries were not efficient in capitalist terms, they provided additional means to augment the meager rewards of Nova Scotia agriculture. After 1805, plaster became an increasingly important export item.

Table 9.1: Boston Plaster Prices, 1820

Date	Plaster Low/Ton	Plaster High/Ton
January 1820	\$3.50	\$3.62
February 1820	\$3.50	\$3.62
March 1820	\$3.50	\$3.62
April 1820	\$3.50	\$3.62
May 1820	\$3.50	--
June 1820	\$3.50	--
July 1820	\$3.50	\$3.75
August 1820	\$3.50	\$3.75
September 1820	\$3.50	\$3.75
October 1820	\$3.00	\$3.25
November 1820	\$3.00	\$3.25
December 1820	\$3.00	\$3.25

Source: *Boston Gazette*, 1820

Table 9.2: Eastport Plaster Prices, Summer 1820

Date	Plaster Low/Ton	Plaster High/Ton
August 5, 1820	\$2.50	--
August 26, 1820	\$2.00	\$2.25
September 2, 1820	\$2.00	\$2.25
September 14, 1820	\$2.00	\$2.25
September 20, 1820	\$2.00	\$2.25

Source: *Eastport Sentinel*, 1820

Gypsum is a soft rock usually found close to the surface, or even exposed on banks and hillsides. Locals mined it using gunpowder, which was often bought illicitly at the border. Farmers blasted the plaster loose and transported it by the cartload to small vessels, where it was dumped into their holds, still in loose, rocky form. The vessel then delivered the gypsum to Passamaquoddy, where it was either lightered ashore in small vessels and dumped into piles on shore, or transferred directly to an American vessel, either by small boats or actually coming alongside, preferably under cover of night. Once in America, the plaster was delivered still in its raw state, and finally at the retail level was ground first in a stamping mill and then in a common gristmill into a fine powder, placed in casks or barrels, and delivered to farmers for fertilizer or builders for plaster.¹⁸ Experts deemed six to eight bushels of plaster sufficient to fertilize an acre of wheat.¹⁹

While the gypsum trade was modestly profitable for those who lived in the Bay of Minas area, their actions were those of a premarket people taking advantage of a local resource, rather than of true capitalists. The gypsum trade was never very well organized. Wealthier landowners, such as Thomas Chandler Haliburton of Windsor, largely conceded control of plaster mining by leasing out their deposits to local farmers who mined them part time.²⁰ The quarries themselves were small, described as “kettle holes,” and frequently abandoned for newer, easier to work sites.²¹ In order to reduce competition among themselves, some gypsum producers chose to band together and hire an agent to conduct all their buying and selling for them, although this does not seem to be the rule.²² Furthermore, despite some official feeling that the plaster should be processed before exportation, the plastermen seldom ground and barreled their product; John DeWolf built the first plaster mill in Nova Scotia in 1812.²³ However, despite their

lack of organization, these small producers were shrewd enough to appreciate cheap labor, and during the Napoleonic Wars were able to hire a number of Bohemian and Hungarian laborers. These laborers were termed “Germans” by the locals, but it seems more likely that they were Austrian soldiers captured by the French, but liberated by the Royal Navy and set at liberty in Halifax.²⁴

The mariners who transported the plaster were the neighbors and kinsmen, and undoubtedly in some cases the same individuals who quarried it.²⁵ This was somewhat unusual; generally cargo producers and ship owners were not the same individuals, but the low unit value of plaster, combined with high freight rates - generally higher than the value of the plaster itself - encouraged ship ownership by the plaster producers.²⁶ The vessels they operated were primarily small schooners of around forty tons burthen, operated by a master and a few deckhands. This upset the merchant capitalists of Saint John, who wanted to see the plaster carried in their larger vessels directly to market in New York and Philadelphia.²⁷ The small schooners went back and forth from the Minas Basin to Passamaquoddy several times a year as convenient. Once at Passamaquoddy, they generally anchored in the waters between Moose Island and Campobello, deposited their ship’s paperwork with the customhouse officer there, and arranged to sell and transfer their cargo either to the American shore, especially Allan’s or Rice’s Islands, or directly into an American vessel.²⁸ Often the plastermen conducted these transfers at night, in contravention of both American and British laws, but the dark offered partially cloaked their activities. Ideally, the two vessels moored alongside one another and

transferred their cargo from hold to hold. If that was not possible, the crew transferred the cargo in small boats. Working in the dark was far more dangerous than during the day; injuries and drownings were common.²⁹

Assisting the plastermen in these transactions were a number of merchants who specialized in the plaster trade. Among the Americans were Jabez Mowry and the firm of Dana, Wheeler, & Bartlett. Among the New Brunswick merchants were the firm of Andrews and Campbell of Campobello. Notably, the senior partner was Israel Andrews, who lived in the same household as Thomas Henderson, the British customs officer who turned a blind eye to the smuggling trade at Passamaquoddy.³⁰ His junior partner, Colin Campbell, Jr., was the son of the region's creole surveyor and searcher of customs, Colin Campbell, Sr. Clearly these two had little to fear from the local customs authorities. Andrews and Campbell arranged for American provisions, gunpowder, sails, iron, tea, and brandy, wine, and gin to be sent to Passamaquoddy in return for their plaster, timber, and fish.³¹ The amount of plaster they moved was large. In July 1805, this firm alone had five hundred tons of plaster on hand, and was daily purchasing more.³² While immune from the local customs authorities, Andrews and Campbell did have to deal with George Leonard's efforts to break up smuggling in Passamaquoddy Bay. In 1805, Leonard seized the sloop *Falmouth* and one hundred and seventy tons of plaster on board that belonged to Andrews and Campbell.³³ Andrews also suffered arrest when HMS *Porgey* attempted to halt smuggling at Passamaquoddy in 1807. A midshipman who seized a plaster vessel Andrews happened to be on ordered the merchant into *Porgey's* boat. Andrews replied that he would get into his own boat, upon which "the midshipman damned him, and told him he should go into the cutter's boat—a quarrel ensued, when

the midshipman knocked down Andrews, then put a pistol to his breast, and told him if he did not immediately comply, he would blow him thro.”³⁴ Andrews complied, and later the commander of the *Porgey* released him.

Leonard was correct in that the plastermen were indeed smuggling American goods and produce illegally into both New Brunswick and Nova Scotia. Leonard reported in 1803 that Americans paid for the plaster not with cash, but with “Teas and coarse cottons imported from the East Indies by the Americans, adulterated brandies, and other spirits, coarse shoes and Boots, and other articles, principally the manufactures of the United States, received in return for the Plaister and Grindstones. These contraband articles, thus received, are afterwards easily distributed by boats and small craft thro’ every part of this Province, and also thro’ that valuable and populous part of the Province of Nova Scotia lying upon the Bay of Fundy.”³⁵ By the end of 1810, British officials complained that the plaster trade was “most ruinous,” and that it was “the means of corrupting the morals of the diggers & carriers. It is a cloak for smugglers, and it takes off the Farmer from improving and raising grain.”³⁶

By 1811, American customs officials became equally alarmed by the plaster trade. Lemuel Trescott, the American customs collector at Passamaquoddy, reported the following:

there never was a greater quantity Plaister carried to the westward in one year than there has been this so far.—This Plaister, the greater part of it, has been either taken from British vessels in our waters in the night time, or taken on board in the British waters, in either case the Americans goes immediately to sea after obtaining their cargoes to avoid the British Cutter on one side and the American on the other.—I have done all in my power to check this growing evil, but when it is considered that this Plaister on the British side brings only 4\$ the ton, it is worth 8\$ in our

waters and when it is seen this District has in it men of enterprise in pursuit of gain, and well versed in eluding the officers of the Custom House, add to this, there now in this place not less by estimation than one hundred Merchants from New York and other places, after Plaister to lade their vessels I fear it will be impossible to check the unlawful intercourse while the Plaister is freely admitted into all the ports westward except yours.³⁷

The problem was not so much the plaster itself, but that smugglers hid British manufactured goods underneath the plaster to introduce them into the forbidden American market. Newspapers lampooned merchant tailors, dry-goods merchants, from Baltimore, Philadelphia, and New York rushing off to Boston where they claimed to buy plaster, when in fact they were buying smuggled goods.³⁸ This trade was entirely in violation of the American non-intercourse laws that forbade all British and colonial goods and produce from entering the United States, both the plaster and the dry goods. By 1811, Secretary of the Treasury Albert Gallatin issued a circular to all customs collectors in the nation warning them to be especially vigilant when dealing with vessels from Passamaquoddy, and even more so with those carrying plaster.³⁹

During 1812, Trescott seized a staggering 2,684 tons of plaster on beaches, wharves, and on board vessels at Passamaquoddy (see Appendix C). The problem continued even after the declaration of war in late June. Col. George Ulmer found that

I soon found that a system was adopted by the citizens to smuggle by ruse and with the knowledge of the Custom House officers. A Quantity of Plaister Paris would be landed by a British vessel in the night upon the American shore, the Collector is informed of it, seizes it, the owner call it four times what it is, appraisers are appointed to appraise it, that it may be bonded and generally appraised at a quarter of what it is worth, and so with every article they judge upon.— A vessel comes in from the westward, loaded with provisions, but enters twenty or thirty tons of Plaister, and clears the same. Immediately after she enters,

heaves up her anchor and drifts to the British side, there sells and takes a load of Plaister and English goods, & proceeds to the westward.⁴⁰

Plaster was thus intimately linked with smuggling from the trade's inception through the War of 1812. Prior to 1817, both the American and colonial governments failed to control the plaster trade. Accustomed to the use of a "neutral zone," official corruption, and popular support, the plaster trade continued unabated at Passamaquoddy.

New Brunswick's Plaster Law

There were several problems with the plaster trade for colonial administrators and those with an interest in economic development. First, the plaster trade produced no revenue for the colonial government. Outgoing products seldom had to pay an export fee in mercantilist political economy; the idea was that exports would either be exchanged for specie, or less ideally, foreign goods taxed at the customhouse on arrival. Unfortunately the plaster trade does not seem to have produced much specie payment. Instead plaster was traded for goods, such as American flour and provisions, tobacco, rum, naval stores, or goods imported to North America in American bottoms, such as tea and molasses.⁴¹ These goods entered the Maritime Provinces clandestinely without paying imperial duties. The customs officer at Windsor, Nova Scotia, one of the great centers of gypsum smuggling, collected a mere eighteen shillings and ten pence in duties on imported goods between 1816 and 1819.⁴²

The Plaster War was partly the result of provincial governments attempting to assert their authority in new ways. Obviously the plaster traders resented this, but so did imperial customs officers who fiercely defended their sinecures. New Brunswick's

Council and Nova Scotia's Legislative Assembly launched investigations into customhouse corruption in 1820. The investigations produced some startling results. For example, Windsor, Nova Scotia, may have produced only eighteen shillings in revenue for the crown between 1816 and 1819, but it produced an estimated £3,000 in fees that went directly into customs officials' pockets in the same time.⁴³ Customs officers thus opposed regulating the plaster trade, a fact that was to embarrass Stephen Humbert time and again during the Plaster War.

The second problem with the plaster trade was that the profits in terms of eighteenth-century political economy were squandered on small producers. The merchants of Saint John wanted to control the plaster trade to capture its profits. This would not only provide the modest profits offered by the gypsum itself, but the more alluring gain from the carrying trade as well. There lay yet another allure to the gypsum trade; if the Saint John merchants controlled the plaster trade, the immense traffic in American goods, especially provisions, would be stripped from the plastermen and placed in their hands. Saint John would become the marketplace for the entire Bay of Fundy, concentrating wealth and mercantile power in the hands of the great merchants at the expense of self-sufficient independent producers.⁴⁴ For many years before 1820 Saint John merchants expressed a desire to control the plaster trade through legislation. This legislation attempted to forbid carrying plaster to any American ports east of either Boston or Portland, thereby restricting the trade to the larger vessels only Saint John merchants could afford to build, maintain, man, and insure.⁴⁵ The plaster war was thus truly a battle over the means of production, not just involving the vague economic forces described in the works of Sager and Panting, but using fists, muskets, and cannon.

The third problem with the plaster trade was a perception that it induced otherwise loyal provincials to conduct themselves in “the manners of sentiments of modern democrats.”⁴⁶ Even after the War of 1812, New Brunswick officials constantly fretted over the “Americanization” of Charlotte County.⁴⁷ Smuggling, trading as one wanted without regard for the state, was feared as a harbinger of egalitarian politics by the political and economic leaders of New Brunswick and Nova Scotia—except, apparently, when they engaged in it themselves, which was frequently.⁴⁸ Plaster smugglers certainly were not afraid to flaunt the authority of political appointees, as Stephen Humbert found out to his dismay in 1820. In 1817, plastermen at St. Andrews, New Brunswick, overwhelmed an official who attempted to interfere with their smuggling. The hapless official not only had his boat taken from him, but it was pointedly used to smuggle plaster as well.⁴⁹ Even the Royal Navy was not free from this abuse.⁵⁰ The plaster trade undoubtedly did undermine respect for authority; by 1820 Crown customs officers in Passamaquoddy seem to have given up attempting to regulate the plaster trade, instead accepting the trade in order to skim off small fees for their own enrichment.

Government and mercantile interests thus joined to curb the illicit plaster trade in the name of good government and greater profits, using worries over provincial identity and loyalty as a further excuse to implement the plaster laws. Stephen Humbert, a minor government official, Saint John merchant, and loyalist is thus highly representative of the sort of people concerned with controlling the plaster trade. Were he successful, Humbert had a great deal to gain from New Brunswick plaster regulations.

Humbert's Dilemma Begins

Stephen Humbert's problems began even before he left for Passamaquoddy. New Brunswick's Lt. Governor charged Humbert with enforcing a new set of laws passed by the provincial assembly that regulated the plaster trade at Passamaquoddy, a commerce that was well known to encouraging smuggling from the United States into the province.⁵¹ New Brunswick's 1820 plaster law appointed a "preventative officer" with wide powers to control this trade, especially as it existed in Charlotte County, which abutted the border with Maine in the United States. Humbert accepted his appointment as the provincial preventative officer, had his son John appointed as his deputy, and converted his forty-ton vessel into a government cutter by hoisting a distinctive red burgee with the word "preventative" stitched on it.⁵² Yet even before Humbert set sail for Passamaquoddy, plaster smugglers had seriously embarrassed him by kidnapping his son and assistant John.

The kidnapping was not a plot against Humbert, but it was a painful experience nonetheless. The incident began innocently enough; in a spate of dirty weather a Nova Scotia schooner loaded with plaster (or a "plasterman," a term describing both the vessels and the individuals engaged in the plaster trade), took refuge within Partridge Island in the outer reaches of Saint John harbor after having lost its rudder. Humbert and his son boarded the schooner to ensure its compliance with the new plaster law. The master however refused to cooperate by providing his ship's papers, and the preventative officers managed to take the vessel into custody only after some resistance.

Humbert acted well within the law when he seized the schooner, which turned out to be the *Mary*, a forty-ton coasting schooner from Windsor, Nova Scotia, a community notorious for its smuggling. The schooner's captain violated three legal requirements of provincial and British law. First, the vessel's master refused to present his papers as required by New Brunswick's plaster law. Second, the vessel's name did not appear on its stern as British navigation law required. Third, the master had actually lied about his intentions to report to the preventative office and attempted to escape by sailing out of the harbor. Humbert placed his son John on board with orders to secure the *Mary* by remaining on board with another guard. The elder Humbert then set sail for Passamaquoddy to attend to other duties. That same night, the plaster smugglers overwhelmed John and the other guard, and escaped from Saint John with the preventative officers as their prisoners. The smugglers inflicted no further violence on the two officials, instead choosing a practical and effective alternative. They dumped John Humbert and his assistant on the shores of Nova Scotia, some twenty miles below Annapolis. Out of their jurisdiction, lost and without nearby help, the preventative officers had to begin the long and embarrassing process of finding their way home.⁵³

The kidnapping of Humbert's son was but the first of a series of embarrassments for the preventative officer. Even as Humbert's son landed on a bleak shore in another province, the elder Humbert faced peril in his own duties. Within minutes of anchoring his vessel with its distinctive flag in Passamaquoddy Bay, a sailor on a nearby plasterman fired a musket at Humbert's craft. The shot missed, but naturally it alarmed Humbert, in no small part because he apparently was not armed himself. Furthermore, the plasterman lay in American waters, outside of Humbert's jurisdiction. An informant soon told

Humbert why the shot was fired. The captain of the plasterman *Shannon*, James McArthur, challenged his crew to fire at the preventative vessel, promising to “treat one of his men [give him a drink] if he would fire at that D . . .D flag.” McArthur then boasted of his act in front of several witnesses in the local customs office, including the area’s deputy customs officer (who notably was not the informer who told Humbert what transpired).⁵⁴

Faced with violent resistance, Humbert acted with prudence. Instead of creating an international incident by entering American waters, Humbert bided his time, waiting until McArthur re-entered New Brunswick waters a few days later and seizing the *Shannon* off Head Harbor. McArthur was not prepared to give up so easily. He refused to show his ship’s papers, and would not give up the *Shannon*’s tiller. McArthur and Humbert scuffled briefly for control of the helm; the plasterman retained control of the helm, but steered for Humbert’s office at Indian Island, possibly at gunpoint.⁵⁵ Humbert secured the vessel at the customs wharf on Indian Island, seizing the vessel for violations of New Brunswick’s plaster law. But the law left McArthur free to do as he pleased; the law only provided that the *Shannon* be arrested, and so McArthur borrowed the deputy collector’s boat and went to Eastport, Maine, in the United States to seek help.

McArthur soon returned, leading about fifteen men from Eastport with the intention of repossessing the *Shannon*. McArthur had a pistol in his coat, as did the men accompanying him. Humbert was well prepared; he had a local constable with him, and had hired and armed extra men to back up his crew of four. Hard words followed; the constable stepped forward to arrest McArthur, who drew his pistol and fled to the cabin of the *Shannon*. McArthur’s confederates engaged in more hard words, but balked at

initiating violence, and eventually returned to Eastport. McArthur in the meanwhile was cornered in the *Shannon*'s cabin. A man pointed a musket down the scuttle and said: "you damned rascal come up." Finally Humbert's men beat in the cabin door and arrested McArthur. McArthur somehow escaped the constable, and fled for the shelter of Eastport.

McArthur, who was nothing if persistent, continued to make trouble for Humbert from the safety of Eastport. First, he immediately lodged a legal complaint against Humbert with a New Brunswick justice of the peace. The justice was David Owen, the proprietor of Campobello. Owen's sympathies lay with the plaster smugglers, for he hoped that the plaster trade would bring prosperity to him at last. Furthermore, Owen had a long-standing grudge with the colony's loyalist elite, and this opportunity permitted him to strike back. Owen further complicated matters by sending a copy of McArthur's protest to imperial officials in London.

Bolstered by Owen's support, McArthur then again recruited armed confederates to rescue his vessel from Humbert, hoping to ambush the preventative men as they escorted the *Shannon* to Saint John for adjudication. Another informer told Humbert what to expect; the preventative officer responded by hiring ten extra men, placing two small cannon on his own vessel, loading them with twice the usual shot and ammunition, and armed his men with a motley assortment of other weapons. Humbert managed to avoid direct conflict by sailing through a dangerous and little-used channel, and arrived at Saint John the next day. On arrival Humbert made a hasty report to the provincial attorney general before taking the next steamboat to Fredericton to make a report in person to the Lieutenant Governor.⁵⁶

Humbert's Dilemma Continues

Humbert's hasty retreat to the provincial capital seems to have yielded some results, although strictly speaking not those he desired. What Humbert initially sought was the deployment of British soldiers to Passamaquoddy.⁵⁷ What he received instead was a promise to ask the British naval commander at Halifax for a vessel to patrol Passamaquoddy, and a promise from the Lieutenant Governor and Attorney General to investigate into the conduct of the customs officers who were actively hindering him. Humbert returned to Saint John and recruited additional men for his own cutter, and set sail for Passamaquoddy once again at the end of June.

Humbert's efforts at Fredericton produced few results. The sloop of war HMS *Bellette* did indeed arrive at Passamaquoddy to assist him, but the vessel's commander did not seem inclined to take much interest in his mission, and spent only a few days at Campobello, where most plaster vessels unloaded into American ships.⁵⁸ Attorney General Thomas Wetmore's investigation into the conduct of the customhouse officers yielded no results. Henry Wright, the province's top-ranked customs officer, stood behind the conduct of Robert Armstrong, the deputy collector at Indian Island, who also happened to be his son-in-law.⁵⁹ Humbert was essentially on his own; the inaction of the *Bellette*, the opposition actively fostered by the customs officer on Indian Island, growing opposition in the provincial press, and his inadequate force only served to encourage the plastermen.⁶⁰

The plastermen's resistance increased as the summer passed. Humbert made a few seizures, but fog hampered both himself and the plastermen; there simply was not much traffic on the water due to lack of visibility and light winds. Drier weather in August brought shipping back. Humbert attempted to intercept vessels, but found it impossible in the face of armed resistance. When Humbert approached suspected plaster vessels, the crews appeared on deck brandishing muskets to keep him away. On occasion Humbert found boats full of men pursuing him, and he reported that all the plaster vessels had armed themselves, some with cannon, an act he considered "open Rebellion."⁶¹

The scale of the violence was not insignificant. It ranged from epithets to bullets and hurled rocks. When Humbert approached the forty-odd plaster vessels off Lubec in mid August, crewmen from seven or eight of the smuggling craft opened fire with muskets, forcing him to anchor. The following day Humbert spied two plaster vessels approaching Lubec through the difficult western channel. He pursued in an open rowboat, forcing one of the smugglers aground on the American shore, and boarding the other just a few feet off shore. A crowd of about sixty Americans in sympathy with the smugglers mustered on shore and combined with the plastermen to force Humbert off the smuggling craft. Using axes, handspikes, fish shovels (which look a great deal like a hayfork), and throwing stones, the crowd forced Humbert to retreat after one of the rioters stabbed one of his men in the arm with a fish shovel. Fearing more gunplay, Humbert returned to his cutter and retreated to Indian Island. The next day Humbert watched while ten plaster vessels sailed from Lubec, lashed together in one enormous raft. Not possessing force sufficient to take on the combined crews, Humbert had to content himself with picking off a straggler. The day after that, another raft of nine brigs

and schooners sailed unopposed. Humbert returned to Saint John despondent, complaining about the lack of support he received from the captain of *Bellette* and the active interference he received from the customs officer on Indian Island. He requested that either the governor give him the support he required, or release him from his duties.⁶² On his arrival at Saint John he reported to Lt. Governor Smyth that the plastermen were “in a state of actual and unqualified Rebellion against His Majesty’s Government of this Province,” and requested a military force to quell the opposition to the plaster laws.⁶³

The Plastermen

Who were these rebels who so brazenly defied the plaster regulations? Most of the plastermen were from the Fundy shore of Nova Scotia, especially from communities on the shores of Minas Basin, such as Cornwallis, Falmouth, and Horton.⁶⁴ Many were “planters,” New Englanders who settled in Nova Scotia in the wake of the Acadian expulsion, or, more likely by 1820, their descendents.⁶⁵

Crown officials had some idea of whom they were dealing with. The Halifax customs collector had his own opinions about who and what these plastermen were. To him they were an “unprincipled multitude” engaged in a “lawless intercourse” that drew together a “banditti” from both the British provinces and the United States at Passamaquoddy. The collector declared the plaster trade “ruinous to the fair trader, & destructive of the interests & morals of the inhabitants.” The collector seemed to accept that the plastermen attempted to terrorize the sub-collector at Windsor; what shocked him was that the plastermen attacked the customhouse by petitioning the Assembly, and even voted for representatives based on their hostility to the customs establishment.⁶⁶

The collector was not alone in condemning Hants County's Planter population. Members of the mercantile and religious elite also criticized the plastermen. Merchants bridled at the thought of countrymen engaged in commerce, and consistently argued that the plastermen were ruining themselves by speculating in plaster and neglecting their farms. Some plastermen mortgaged their homes to buy vessels to transport gypsum to Passamaquoddy, and ended up in debtor's prison when their venture failed.⁶⁷ When the plastermen smuggled in West India, East India, and American goods on their return voyage from Passamaquoddy, they also threatened the profits of the "fair trader" who obeyed the law because the untaxed smuggled goods were cheaper. An additional threat posed by the plaster trade was that the repeated violation of the laws introduced moral depravity, and trade with Americans infected the plastermen with "Yankee principles." Merchants wanted the plastermen to stay on their farms, and leave mercantile pursuits to those who knew them best.⁶⁸

The Anglican religious establishment also viewed the plastermen with suspicion. The Minas Basin region was also the core of the radical evangelical movement; Henry Alline himself, Nova Scotia's most famous religious dissenter came from that area.⁶⁹ The religious fervor of Nova Scotia's Yankees challenged the ability of the colony's elite to impose British and Anglican senses of order, creating a new conception of the bonds linking individuals, families and communities together.⁷⁰ Radical evangelicals had little use for government, no sense of civic humanism, and possessed an assertive individuality that dispensed with the deference required in a British-ordered society.⁷¹

Little wonder then that the colonial elites regarded Planters with suspicion, or that plastermen had little use for authority figures. But plaster smuggling was not primarily a means of social protest, but a means of survival for small producers. The state of Nova Scotia agriculture before 1820 was not good in terms of practices or productivity, a condition compounded by extremely bad weather patterns after 1815. Acquiring a modest “competency” as an independent yeoman farmer required diversification, including engaging in wage labor.⁷² Self sufficiency was a common dream for Maritime farmers, but self help was probably a better description of how ordinary people survived in pre-industrial Nova Scotia.

The economic concerns of the plastermen were not the same as the paternalists, who sought gain to reinforce social hierarchy, or that of the capitalists who viewed the world in terms of profit.⁷³ The plastermen defied the political economies of mercantilism - in its death throes by 1820 - by trading outside of the closed loop of colonial-metropolitan trade. The plastermen clearly sought out a profitable trading relationship when they smuggled, but they did not follow the economic liberalism of Adam Smith that depersonalized and demoralized economic relationships. Farmers viewed the chubby coasting craft they built to carry gypsum as a vital aspect of maintaining their independence and local economy, whereas merchants viewed their ships as capital, a source of profit that had little to with community values.⁷⁴ The plastermen, on the other hand, believed that since they produced the plaster they should be the direct beneficiaries of the gypsum trade, and claimed freedom from the unpopular Plaster Act.⁷⁵

Luckily for the plastermen, they had allies in their struggle against the dominance of the Saint John merchants, including the inhabitants of Charlotte County, New

Brunswick, Crown customs officers in New Brunswick, and American merchants in Lubec and Eastport. These allies actively supported the plastermen, adding their numbers to the crowds that defied Humbert and interfering with the preventative officer's abilities to enforce the plaster law.

Charlotte County's Loyalist population profited from the plaster trade, too, and had no desire to see the trade fall into the hands of the Saint John merchants. Wealthy St. Andrews plaster merchants such as Harris Hatch were community boosters who wanted to make their port community a major competitor with Saint John. The plaster merchants of St. Andrews had fought their own plaster war in 1817, overwhelming provincial officials and the Royal Navy vessel dispatched to suppress smuggling through crowd violence on an only slightly smaller scale than that used in 1820.⁷⁶ The proprietor of Campobello Island, as previously considered, also supported the plastermen, and soundly cursed the Saint John merchants who thwarted his ambitions.⁷⁷ Men of substance were just as likely to smuggle as poor ones, and the "crowd" often found allies among the powerful. Men like Hatch and Owen wanted to prosper, but were motivated by an older paternalist vision that resented and resisted the new market forces of capitalism.⁷⁸

A more surprising ally of the plaster smugglers were the New Brunswick customs officers, the very officials dedicated to stopping smuggling. But the province's customs officers only concerned themselves with imperial statutes, and did not feel bound to enforce provincial laws, such as the Plaster Act. Furthermore, New Brunswick's top customs officers were fending off a provincial investigation into customhouse fraud and corruption in 1820, and thus were not inclined to assist Humbert's efforts.⁷⁹ The customs officer at Passamaquoddy, Richard Armstrong, resented the provincial inquiry into his

conduct and profited from the plaster trade by collecting a small fee from plaster vessels that entered his jurisdiction. The plastermen gladly paid this fee because it gave their activities a veil of legitimacy. Armstrong's office on Indian Island was commonly crowded with the masters of plaster vessels, who even boasted there about their defiance of the plaster law. Armstrong also warned plastermen when Humbert arrived in the bay, on occasion lent his boat to the plaster smugglers, and wrote venomous reports about the preventative officer, accusing him of "timidity and incapacity."⁸⁰

The American merchants and others engaged in the plaster trade at Passamaquoddy also aided and abetted the plastermen. Eastport and Lubec residents several times displayed a willingness to cross the boundary line with the intent of inflicting violence on the preventative officer, arming themselves with fish shovels, pistols, and even cannon. Plastermen sought out and received shelter on the American side of the border, within sight of Humbert but outside of his jurisdiction.

The American residents of Passamaquoddy also effectively prevented United States customs officers from assisting the preventative officer. The United States customs collector at Lubec had promised Humbert that he would not allow plaster vessels to enter American waters, and deployed the local revenue cutter to keep provincial shipping in British waters. As a result the American populace turned on the collector and the crew of the U.S. revenue cutter. The local American newspaper published angry letters about the collector, and even printed an advertisement posting a reward for the capture of the revenue cutter's crew, who were described as pirates and desperadoes. During the American collector's frequent absences, his subordinates ignored the plastermen and permitted the illicit trade to continue unhindered.⁸¹

Yankees may have allied themselves with the plastermen, but did that mean that the Planter population of Hants County was infected with a leveling American ideology that threatened the colonial social hierarchy? Given their resounding rejection of the American Revolution, alliance with Charlotte County loyalists and New Brunswick's custom house officers, there can be no grounds for supposing that the plastermen were somehow becoming political radicals. When plastermen took up arms to defend their illicit trade they did not adopt a political ideology or a corpus of anti-capitalist beliefs, but rather utilized pragmatic tactics that answered their immediate needs.⁸² This rejection of state authority, reflected in their evangelical religion, was the result of the very localized worldview of a people fully engaged in the struggle to achieve an independent competency that provided subsistence for their families.

Conclusion

Humbert returned to Passamaquoddy one last time to try to stop the plastermen. In late September 1820, he returned to Indian Island and awaited the arrival of HMS *Bellette*, which now had strict orders to support Humbert. Most of the plaster vessels lay within admittedly American waters close to Lubec, Maine, but in one of his few victories, Humbert had secured the promise of the American customs collector not to interfere when Humbert boarded provincial vessels, even if they were in United States waters.⁸³ On September 29, Humbert seized one of the smuggling craft for violating the plaster law, and anchored it under the stern of *Bellette* to prevent any rescue attempts by the plastermen. The next day the plastermen were prepared to resist, anchoring as close as possible to the American shore at Lubec. There the smugglers landed a cannon, stacking

bars of pig iron next to it for shot to defend their fleet of twenty-odd craft. Undeterred, and supported by two boats from *Bellette's*, Humbert boarded a small plaster vessel. The smugglers acted not by opening fire with their cannon, but used an infinitely more subtle, acceptable, and effective means of resistance. The smugglers, knowing that Humbert acted out of his jurisdiction when he seized the vessel the day before, had an American magistrate issue a warrant for his arrest. As Humbert attempted to seize another plasterman in Lubec harbor, a boat with a magistrate and a deputy sheriff put off from shore with the intent of arresting the preventative officer and putting him in the jail in Machias, Maine. Humbert retreated to British waters to guard the vessel anchored near *Bellette*, but perceiving that the plastermen were going to attempt to rescue it, took shelter on the warship. The captain of *Bellette* mounted a cannon on his poop deck aimed at the captured smuggler and placed an armed guard to watch the craft.

By four o'clock the next morning, the plaster smugglers successfully spirited away the guarded vessel. Compounding Humbert's difficulties, *Bellette's* commander informed him that the warship was getting under way for Halifax, and would not return that year. *Bellette* sailed at ten a.m.; the vessel was hardly out of sight at noon when three boatloads of plastermen came to Indian Island and took by force a suit of sails Humbert had seized from another plaster vessel. The preventative officer lacked the force to stop them, both in terms of numbers and armament. Fearing that a mob would destroy his boat and cutter, Humbert sent them back to Saint John, but remained on Indian Island a few days more before returning to report his complete defeat at the hands

of the plaster smugglers.⁸⁴ As a final humiliation, plastermen entered fabricated complaints at the Indian Island customhouse against Humbert for smuggling American foodstuffs into the province.⁸⁵

Humbert's defeat was also a defeat for Saint John merchants, as the plaster trade continued to elude their grasp. The means of production in this case remained in the hands of independent small producers. The plaster smugglers continued their old ways long enough to enter Canadian lore through Haliburton's *Sam Slick* tales, but the trade's profits declined as American farmers found domestic sources of gypsum, or moved west to more fertile regions.⁸⁶ The plastermen also pursued an aggressive political agenda, electing fellow plaster traders such as Richard Cunningham of Windsor to the Nova Scotia Assembly where he busied himself defending the plaster trade. A number of petitions by the plastermen to the Nova Scotia Assembly pressured the New Brunswick Assembly to reconsider the Plaster Act.⁸⁷ The Plaster Act forced plastermen to engage in the provincial politics they had previously shunned. Accusations of the plastermen's "Yankee tendencies" appear to be the hyperbole of a colonial leadership still traumatized by the American Revolution. Far from indicating Planter disloyalty, the plaster trade forced them into engaging with the provincial government on a political rather than an antagonistic level.

Few of the Saint John merchants seem to have suffered by their defeat in the Plaster War, they quickly moved on to concentrate their abilities on the already profitable timber and shipbuilding trades, and eventually succeeded in becoming the marketplace for all the Bay of Fundy.⁸⁸ The New Brunswick Assembly reacted to Humbert's defeat

by quietly repealing Plaster Act early in 1821. After 1820, the Assembly concentrated its energies on preserving the privileged status of New Brunswick timber within British markets and continued its assault on customhouse fees.

The Plaster War shows that the road to Canadian capitalism was a rocky one. Small producers on the resource frontier actively sometimes resisted the attempts of large merchants to make them economically subordinate, and sometimes the small producers won their battles. The plastermen did not challenge the entire system of provincial property and power. Instead, they attacked only those specific aspects that aggravated them, suggesting that their crowd protest was really a function of moral economy, rather than a revolutionary movement.⁸⁹ These contests were not only political, or economic, but violent physical confrontations in which the small producers displayed unity, bravery and intelligence to overwhelm a seemingly formidable state apparatus.

On a regional level, the Plaster War is an example of how locals accommodated and supported others who were combating regulation. Passamaquoddy was truly a smuggler's haven. Not only did locals tolerate illicit trade, they turned out in crowd actions to defend it, grabbing whatever weapons were on hand. Shouts, fists, tools, and even cannon made clear where the sympathies of borderlands residents lay. They may have been eager to accommodate one another's needs, but when pushed they were fully capable of joining together against state intervention into their lives.

¹ Stephen Humbert to Smyth, August 29, 1820, Provincial Archives of New Brunswick RS 24, Legislative Assembly, Sessional Papers S29-Z6, PANB [hereafter as PANB S29].

² *Boston Gazette*, August 18, 1820.

³ Eric W. Sager and Gerald E. Panting, *Maritime Capital: The Shipping Industry in Atlantic Canada, 1820-1914* (Montreal and Kingston: McGill-Queen's University Press, 1990), 49-50; T.W. Acheson, "The Great Merchant and Economic Development in Saint John, 1820-1850," *Acadiensis* 8 (Spring 1978), 3-27.

⁴ See Sabattis to Chapman, August 31, 1809, vol. 4, "Raymond Collection," National Archives of Canada, quoted in W.S. MacNutt, *New Brunswick: A History, 1784-1867* (Toronto: Macmillan, 1963; paperback reprint, 1984), 175 and the *New Brunswick Royal Gazette*, May 16, 1820 for the connections made between plaster smugglers and the introduction of Yankee ideals.

⁵ T.W. Acheson, *Saint John: The Making of a Colonial Urban Community* (Toronto: University of Toronto Press, 1985; first paperback edition, 1993), 19.

⁶ MacNutt, *New Brunswick*, 65, 147.

⁷ For examples of nineteenth-century crowd protest in the Maritimes, see Scott W. See, "The Orange Order and Social Violence in Mid-Nineteenth Century Saint John," *Acadiensis*, 13:1 (Autumn 1983), 68-92; George F. Stanley, "The Caraquet Riots of 1875," *ibid.*, 2:1 (Autumn 1972), 21-38; Linda Little, "Collective Action in Outport Newfoundland: A Case Study from the 1830s," *Labour/Le Travail*, 26 (Autumn 1990), 37-59;

⁸ The term "Plaster War" is my own, but see MacNutt, *New Brunswick*, 175 for use of the word "war" to describe the struggle to control the plaster trade; see also *Eastport Sentinel*, July 29, 1820 for "Declaration of War," describing Humbert's efforts.

⁹ McIntosh, *Collectors*, 234-235; Julian Gwyn, "Economic Fluctuations in Wartime Nova Scotia, 1755-1815," in Margaret Conrad, ed., *Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800* (Fredericton, NB: Acadiensis Press, 1991), 75.

¹⁰ Gerald S. Graham, "The Gypsum Trade of the Maritime Provinces: Its Relation to American Diplomacy and Agriculture in the Early Nineteenth Century," *Agricultural History* 12 (July 1938), 210.

¹¹ Gypsum for sheetrock is still exported by ship from the Bay of Fundy to New England; a large sheetrock plant in Portsmouth, NH testifies to the enduring importance of the plaster trade. The most complete history to date is Gwendolyn Vaughan Shand, *Historic Hants County*, "The Development of the Gypsum Industry in Hants County, Nova Scotia," (Halifax: Pethoric Press, 1979), 79-134.

¹² See Anonymous, *The Effects of Gypsum or Plaster of Paris as a Manure; Chiefly Extracted from Papers and Letters on Agriculture, by the Agricultural Society in Canada* (London: James Phillips, 1791) [CIHM 20749]; for Maine see *American Advocate*, May 6, 1820 for an advertisement for plaster.

¹³ See "Petition of Bay of Fundy Plastermen," 1820, in Customs 34: 6597.

¹⁴ See Nathaniel Acheson, *The Question Regarding the Right of the United States of America, to the Islands in Passamaquoddy Bay* (Saint John, NB: J. Ryan, 1807), 24-25; and the *Nova Scotia Royal Gazette*, June 28, 1820 for plaster exports.

¹⁵ For Eastport, see the *Eastport Sentinel*; for Boston see the *Boston Gazette*; for Philadelphia see Graham, "Gypsum Trade," 210.

¹⁶ Graham, "Gypsum Trade," 218; Walter Ronald Copp, "Nova Scotian Trade During the War of 1812," *Canadian Historical Review* 18 (1937), 149.

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- ¹⁷ Graham, "Gypsum Trade," 214.
- ¹⁸ Anonymous, *Effects of Gypsum*, 4.
- ¹⁹ Anonymous, *Effects of Gypsum*, 8, 17.
- ²⁰ Shand, *Hants County*, 95-96; and "Valuable Plaister of Paris Quarries," *Acadian Recorder*, March 6, 1819. Haliburton boasted in this advertisement that "the plaister of these quarries is well known at the *Lines* [the border line at Passamaquoddy], and always commands a high price at the American Market." Haliburton later became an author, and penned the famous "Sam Slick" stories.
- ²¹ Shand, *Hants County*, 82.
- ²² "Plaster of Paris," *New Brunswick Royal Gazette*, April 10, 1805.
- ²³ Shand, *Hants County*, 85, 87.
- ²⁴ Terrence M. Punch, "'Hörte Ich dass . . .': Travels of a Rhinelander in Nova Scotia in 1807," *Journal of the Royal Nova Scotia Historical Society* 3 (2000), 116-118.
- ²⁵ Petition of Charlotte County merchants concerning the plaster trade, April 15, 1816, C.O. 188/22.
- ²⁶ Eric W. Sager and Gerald E. Panting, *Maritime Capital: The Shipping Industry in Atlantic Canada, 1820-1914* (Kingston: McGill-Queen's University Press, 1990), 49.
- ²⁷ George Leonard to John Sullivan, November 25, 1802, C.O. 188/11; Sager and Panting, *Maritime Capital*, 49.
- ²⁸ For a description of this process, see deposition of Retire Drinkwater *U.S. v. 75 Tons Plaster*, September Term 1812, RG 21/MeDC.
- ²⁹ *Eastern Argus*, December 6, 1810.
- ³⁰ Deposition of Israel Andrews, August 2, 1821, Customs 34/6446.
- ³¹ Andrews and Campbell to Frederick DePeyster, August 26, 1805, "De Peyster Family Papers," New York Historical Society, New York, NY [hereafter as "Depeyster Papers"].
- ³² Andrews and Campbell to Frederick DePeyster, July 24, 1805, "De Peyster Papers."
- ³³ Andrews and Campbell to Frederick DePeyster, November 12, 1805, "De Peyster Papers." See Chapter 5 for a fuller account of the *Falmouth* incident.
- ³⁴ *Eastern Argus*, June 25, 1807.
- ³⁵ George Leonard to Thomas Carleton, March 9, 1803, C.O. 188/12.
- ³⁶ William Gordon to Nathaniel Atcheson, December 27, 1810, RG 8B: "New Brunswick: Lieutenant Governor, Despatches," NAC.
- ³⁷ Lemuel Trescott to Henry Dearborn, August 21, 1811, *United States v. 110 Tons Plaster Paris*, May Term, 1813, RG21/MeDC.
- ³⁸ *Eastern Argus*, August 29, 1811.
- ³⁹ Treasury Department Circular, October 7, 1811, in J.C.A. Stagg, ed., *The Papers of James Madison: Presidential Series* (Charlottesville, VA: University Pres of Virginia, 1996), 3:476-477.
- ⁴⁰ George Ulmer to Henry Dearborn, March 3, 1813, National Archives RG 107, M-221, "Letters Received by the Secretary of War, Registered Series."
- ⁴¹ Graham, "Gypsum Trade," 211.
- ⁴² "Halifax and Outports Receipts of Duties, 1816-1819," Customs 34/6597.
- ⁴³ "Report of Committee on the Plaster Trade," March 25, 1820, Customs 34/6597. For an account of custom house corruption, see Dave McIntosh, *The Collectors: A History of Canadian Customs and Excise* (Toronto: NC Press Limited, 1984), 46-48.

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- ⁴⁴ Sager and Panting, *Maritime Capital*, 49-50, 80.
- ⁴⁵ MacNutt, *New Brunswick*, 124.
- ⁴⁶ Sabattis to Chipman, August 31, 1809, quoted in MacNutt, *New Brunswick*, 173.
- ⁴⁷ MacNutt, *New Brunswick*, 174.
- ⁴⁸ A smuggling scandal of 1817 involving General John Coffin, a member of the Governor's Council resulted in his publicly accusing much of the colony's elite in smuggling, including such notables as Ward Chipman. See *The Star*, September 8, 1818; MacNutt, *New Brunswick*, 178; McIntosh, *Collectors*, 236.
- ⁴⁹ *New Brunswick Courier*, June 7, 1817.
- ⁵⁰ Captain J. Harper to Admiral Sir David Milne, June 17, 1818, reproduced in William R. Manning, ed., *Diplomatic Correspondence of the United States: Canadian Relations, 1784-1860* (Washington, D.C: Carnegie Endowment for International Peace, 1940), vol. 1, 860-861.
- ⁵¹ See MacNutt, *New Brunswick*, 173-176, for the only previous examination of the 1820 Plaster War.
- ⁵² The full text of the plaster law is printed in the *Eastport Sentinel*, April 22, 1820.
- ⁵³ See Stephen Humbert to Thomas Wetmore, May 13, 1820; John Kerr to Thomas Wetmore, May 19, 1820; Thomas Wetmore to Stephen Humbert, May 23, 1820, all in PANB S29.
- ⁵⁴ Stephen Humbert to Thomas Wetmore, May 26, 1820; Stephen Humbert to unknown, May 26th, 1820, PANB S29.
- ⁵⁵ See "Peter McArthur's Protest," dated May 23, 1820, C.O. 188/26. This version of events is drastically different from Humbert's; see Humbert to Wetmore, May 26, 1820, PANB S29.
- ⁵⁶ Humbert to Wetmore, May 26, 1820, PANB S29; *New Brunswick Royal Gazette*, May 30, 1820.
- ⁵⁷ Humbert to Wetmore, May 26, 1820, PANB S29. Stationing soldiers so close to the border probably offered too great a temptation for desertion, a chronic problem in New Brunswick's garrison.
- ⁵⁸ Humbert to July 21, 1820, PANB S29.
- ⁵⁹ Henry Wright to Thomas Wetmore, May 19, 1820, PANB S29.
- ⁶⁰ Humbert to Wetmore, July 21, 1820; Humbert to Smyth, July 27, 1820, PANB S29; *Nova Scotia Royal Gazette*, June 28, 1820 and July 26, 1820; *Eastport Sentinel*, July 29, 1820.
- ⁶¹ Humbert to Smyth, August 15 and August 17, 1820; Humbert to Wetmore, August 18, 1820, PANB S29.
- ⁶² Humbert to Wetmore, August 18, 1820, PANB S29.
- ⁶³ Humbert to Smyth, August 29, 1820, PANB S29
- ⁶⁴ *Boston Patriot*, July 14, 1820, mentioned Humbert's seizure of plaster vessels belonging to a Mr. Fox of Falmouth, and a Mr. Bigelow of Cornwallis; *Saint John Star* (Saint John, NB), June 20, 1820, mentioned the seizure of three Windsor vessels. All of these communities surround the Minas Basin at the northeast tip of the Bay of Fundy.
- ⁶⁵ Margaret Conrad, ed., *They Planted Well: New England Planters in Maritime Canada* (Fredericton, NB: Acadiensis Press, 1988), 9-11.

⁶⁶ Thomas Jeffery to Customs Commissioners, November 22, 1820, Plantation Papers 6597.

⁶⁷ See Thomas M'Culloch, *Letters of Mephibosheth Stepsure: Reprinted from the Acadian Recorder of the Years 1821 and 1822* (Halifax: H.W. Blackadar, 1860) [CIHM 49067], 19-23 for the misadventures of "Mr. Gypsum" in the plaster trade.

⁶⁸ *New Brunswick Royal Gazette* (Fredericton, NB), May 16, 1820 reprint of article in *Halifax Free Press*, May 2, 1820.

⁶⁹ George A. Rawlyk, *The Canada Fire: Radical Evangelicalism in British North America* (Kingston: McGill-Queen's University Press, 1994), 5; see also Stephen A. Marini, *Radical Sects of Revolutionary New England* (Cambridge, MA; Harvard University Press, 1982), 25-27; 40-43.

⁷⁰ Rawlyk, *Canada Fire*, 138-139.

⁷¹ Rawlyk, *Canada Fire*, 131-132.

⁷² Rusty Bitterman, "Farm Households and Wage Labour in the Northeastern Maritimes in the Early 19th Century," *Labour/Le Travail* 31(Spring 1993), 13-45.

⁷³ E.P. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past and Present*, 1971, republished in E.P. Thompson, *Customs in Common: Studies in Traditional Popular Culture* (New York: The New Press, 1993), 212.

⁷⁴ Sager and Panting, *Maritime Capital*, 80; see also Daniel Vickers, "Competency and Competition: Economic Culture in Early America," *William and Mary Quarterly*, third series, 47:1 (January 1990), 3-29 for the useful concept of economic independence he termed competency.

⁷⁵ Christopher Hill, *Liberty Against the Law: Some Seventeenth-Century Controversies* (London: Allan Lane, 1996), 111: "Smugglers were claiming freedom from unpopular laws."

⁷⁶ Graham, "Gypsum Trade," passim. Graham attributes the collapse of the 1817 plaster regulations to American diplomatic pressure, but it also involved crowd resistance and violence. See also *City Gazette*, May 28, 1817; *Acadian Recorder*, August 23, 1817; *New Brunswick Courier*, May 31, 1817; and Captain J. Harper to Rear Admiral Sir David Milne, June 17, 1818, reproduced in William R. Manning, ed., *Diplomatic Correspondence of the United States: Canadian Relations, 1784-1860* (Washington, D.C: Carnegie Endowment for International Peace, 1940), 860-861.

⁷⁷ MacNutt, *New Brunswick*, 176.

⁷⁸ Cal Winslow, "Sussex Smugglers," in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London: Allen Lane, 1975), 119; Thompson, "Moral Economy," 208.

⁷⁹ McIntosh, *Collectors*, 53, 236.

⁸⁰ Humbert to Wetmore, May 26, 1820; Humbert to Richard Armstrong, May, 1820; Humbert to Wetmore, August 18, 1820; Wetmore to Henry Wright, May 30, 1820; Armstrong to Wright, June 9, 1820; Wright to Wetmore, May 19, 1820, all in PANB S29.

⁸¹ *Eastport Sentinel*, April 29, May 13, July 29, 1820; *Nova Scotia Royal Gazette*, July 26, 1820.

⁸² John Bohstedt, "The Moral Economy and the Discipline of Historical Context," *Journal of Social History*, 26:2 (Winter 1992), 274.

⁸³ Stephen Thatcher to Humbert, June 26, 1820, PANB S29.

⁸⁴ Humbert to Smyth, October 16, and Humbert to Wetmore, October 18, 1820, PANB S29.

⁸⁵ *Eastport Sentinel*, September 16, 1820.

⁸⁶ Graham, "Gypsum Trade," 223; MacNutt, *New Brunswick*, 175-176; Shand, *Hants County*, 91-92.

⁸⁷ Shand, *Hants County*, 88-89; MacNutt, *New Brunswick*, 175; *Journal of the Nova Scotia House of Assembly*, January 9-10, 1820.

⁸⁸ Acheson, *Saint John*, 5.

⁸⁹ Thompson, "Moral Economy," 293.

CONCLUSION: THE MEMORY OF SMUGGLING

‘Squire Weston’s History

In common with other New England communities in the second quarter of the nineteenth century, one of Eastport’s civic leaders wrote and published a history of the community in 1834. Jonathan Delesdernier Weston, the community’s leading attorney, composed a sweeping history that included native Americans, French explorers, Acadian settlers, the Revolutionary War, the War of 1812, and of course information on Eastport’s founders. Weston was undoubtedly an excellent choice to write Eastport’s history. As a lawyer, Harvard graduate, and member of the Maine Historical Society, Weston understood that the statements he made at the Lyceum would shape local consciousness for a long time.¹ Weston was also deeply involved with the community’s early years himself, as one of its first attorneys, magistrate, sometimes legislative representative, and assistant in gathering depositions for the border commission that convened to adjust the border between New Brunswick and the United States after the War of 1812. Unfortunately for Weston, whose health was failing, he was unable to present his history personally. Instead, he arranged to have his son deliver his history in two lectures at the Eastport Lyceum in April 1834, and it was published shortly before he died on October 3, 1834.²

The Lyceum itself was located in Trescott Hall, a public venue named in honor of one of Weston's deceased friends and a fellow local worthy, Lemuel Trescott. The Lyceum's mission was to educate the people of Eastport, especially those young men who were to be the next generation of leaders. Weston praised this institution as an asset that diffused information and created "a taste for reading in the community."³ The pamphlets and books they read at the Lyceum connected the Passamaquoddy region to the world, and above all to the American urban centers that published them, allowing the readers to absorb current ideas.⁴

Not surprisingly, when addressing the pre-War of 1812 period, when Eastport was a leading smuggling haven in North America, Weston began to stray from a strictly truthful interpretation of events. Indeed, conceded Weston, there had been smuggling on a large scale, but it was conducted mostly by adventurers from outside the community who introduced vicious habits to the community, which suffered thereby in terms of morals.⁵ While he admitted that there were smuggling problems during the embargo and War of 1812, he made no mention of the "Plaster War," nor the rampant smuggling of the 1820s and 1830s. Weston seems on the surface to have been a man of upstanding morals himself; a community leader, owner of pews in both the Baptist and the Congregationalist churches in town, a man trusted and esteemed by nearly all in the community. Given Weston's credentials and the Lyceum's mission, it is little wonder that he blamed smuggling on strangers and discouraged the local youth from taking part in illicit trade.

Judge Weston's moral façade, just like his defense of Eastport's populace, is decidedly thin in spots. He may never have been an active smuggler, but he clearly expedited smuggling in Eastport. Evidence includes Weston's 1814 commission as the

vice-consular agent to Sweden at Eastport, which places him at the center of the questionable "neutral trade" that masked smuggling during the war.⁶ During the war, Weston defended himself from accusations that he actively collaborated with the British occupation forces.⁷ In November 1830, he was involved in a strange incident whereby one Thomas Bibber took by force a boat that had previously been seized from him by customs authorities. The new owners of the boat took it to Eastport one day, where Bibber saw it and wrested it from the new owner, one Captain Hook of the British 34th Regiment. Bibber then dragged the boat up the streets of Eastport, assisted by a yoke of oxen and numerous locals, while a crowd assembled to enjoy Hook's discomfort. Capt. Hook looked to Eastport's assistant customs collector for assistance in getting back his boat. However, that official was Jonathan D. Weston, who also served as Bibber's attorney and had advised him to seize the boat. Weston offered no support to the hapless British officer. Eastport's magistrates also proved no help; they insisted that Bibber's actions were justifiable. Hook had to find his own way back to Saint Andrews.⁸

More ironic yet is that Trescott Hall was named after another leading Eastport resident who expedited smuggling, Lemuel Trescott. Trescott died in possession of fantastic wealth for that time and place: \$31, 279.30, no small proportion of it in cash.⁹ Thus we have Weston twisting the facts about Eastport's smuggling past, in a building constructed in the memory of a corrupt customs officer, to an audience that undoubtedly knew a thing or two about smuggling on a first-hand basis.

Smuggling after 1820

Smuggling was becoming more brazen and more violent in the 1820s and 1830s, especially in New Brunswick. In 1822, two smugglers badly beat a customhouse officer at Saint John. Later that year there was a gun battle between smugglers and the provincial revenue cutter in the Bay of Fundy that reportedly resulted in several deaths.¹⁰ The following year there was more violent resistance, and troops from the 74th Regiment had to defend customhouse authorities from a crowd armed with boathooks and bludgeons.¹¹ In August 1824, an American captain forced the crew of the provincial revenue cutter to leap back into their boat from his vessel, which they had attempted to seize.¹² Timber smuggling continued at Saint Andrews; one English timber ship escaped a vigilant customs officer in October 1824, only after pointing a loaded gun at him. The captain apologized for the use of force, but explained that he had to because he feared the power of the Saint Andrews merchants engaged in the trade.¹³ In 1827, an American captain struck a customhouse officer on a wharf in Saint John after “damning the Customs and the laws.”¹⁴

Particularly striking are the number of crowd actions involving smugglers disguised as Indians in the 1830s, especially in the Calais-St. Stephen area. In January 1830, New Brunswick customs authorities seized some American contraband in a barn in St. Stephen. While transporting the goods to a secure warehouse, about twenty-five armed men, disguised as Indians with blacked faces, red shirts over their clothes, and black hats with feathers in them, attacked the officials and carried the goods across the Milltown bridge to American territory. In mid-December 1830, about twenty armed men

disguised as Indians broke into a St. Stephen store that contained contraband seized by New Brunswick customs officials, and carried it across the river to Calais.¹⁵ In 1832, another crowd disguised as Indians rescued contraband goods from colonial customhouse officers and brought them to the American side of the border.¹⁶ However, these “Indians” did not just attack colonial customs officers. In July 1837, about forty men dressed as Indians seized two American customs officials at Calais, and took them across the border into New Brunswick in a wagon. As the wagon wheels rolled, one of the “Indians” sharpened his bayonet on it to intimidate the officers.¹⁷ When they reached the woods they terrorized the officials, demanding to know the identity of an informant. They also threatened to burn down the house of one of the customhouse officers.¹⁸ As late as 1846, armed smugglers at St. George’s chased away at gunpoint an overly curious customs officer.¹⁹

The disguises are themselves significant. Alan Taylor, in his study of squatters on the Maine frontier, found that the disguises not only assured anonymity, but also provided a sort of theater that terrified the intended victims.²⁰ While by 1830 this sort of theatrical protest had largely been abandoned by pioneering squatters, borderland smugglers picked it up in the Calais-St. Stephen area.²¹ They may well have been influenced by the mid-Maine squatter protests; many American settlers in Charlotte County were from the very region where these struggles had been fiercest (see Appendix D). Notably, these smuggling Indians practiced the same restraint as the squatter Indians, frequently threatening violence, but seldom acting on those threats.²² Reluctance to engage in killing and the use of disguises marks these smugglers as “social bandits”: self-help activists acting with the approval of the community in breaking the law in accord

with traditional values that were at odds with the state.²³ The transition to capitalism was one of the factors that encouraged social banditry.²⁴ At Passamaquoddy, the smugglers effectively defended their “right” to trade across the border, and consistently intimidated those who opposed them. Informers were treated harshly; one man went so far as to publish a statement - sworn to by revenue cutter and customhouse officers - that he was not the informer in one seizure.²⁵

The plastermen, too, continued their smuggling and their violent defense of that trade. On August 8, 1833, New Brunswick customs officers seized the Nova Scotia plasterman schooner *Shannon* in the waters between Campobello and Eastport. The stated reason for the seizure was that the vessel had cleared for a return voyage to Nova Scotia in ballast without a cargo, but revenue officers discovered a cargo of contraband American goods onboard consisting of tea and gunpowder, and therefore impounded the vessel. The following day, as the four customhouse officers sailed the *Shannon* to St. Andrews for adjudication, one or more boats put off from Eastport, seized the vessel, and brought it to Union Wharf.²⁶

The community managed to display a remarkable case of collective amnesia regarding this event. The British vice-consul for the region arranged for a local lawyer to collect depositions regarding the event. The results of his inquiries varied dramatically (see Table 10.1). Notably, this investigation was conducted by Jonathan Weston’s son, also an attorney and the man who read his father’s history to the audience assembled in Trescott Hall in April 1834. Yet none of these events found their way into Weston’s history, and undoubtedly he would have become quite unpopular had he actually expounded upon the scale of smuggling at Passamaquoddy.

Table 10.1: The *Shannon* Incident, 1833

Testimony of New Brunswick customhouse officials	Testimony of American witnesses
1. <i>Shannon</i> boarded and seized by 50-60 armed men in three boats	1. <i>Shannon</i> boarded by one boat with five or six men
2. <i>Shannon</i> did not enter Eastport harbor until past 4:00 pm	2. <i>Shannon</i> anchored in the harbor before 1:00 pm
3. The 50-60 men on board cheered and fired their guns until anchored	3. No firing or cheering, and the captors left the schooner in one small boat
4. A crowd on the wharves in Eastport abused and insulted them	4. Less than a dozen men on the wharf, and nobody said anything to the captured officials
5. At least 3 or 4 of the armed men were Americans	5. No American citizens were concerned directly or indirectly

Source: Manning, *Diplomatic Correspondence*, vol. 2: 256.

Memory in a Borderland

Weston's history, including its errors of omission, exemplified a borderland perspective through its interplay of local and global interests.²⁷ For Weston, born immediately after the Revolution to a father who had fought in it, but living in a Jacksonian milieu where nationalism and manifest destiny were becoming increasingly the order of the day, explaining his community's relationship with the old loyalist foes offered some difficult challenges. Weston overcame these problems by downplaying conflict. Instead he concentrated on a theme sure to please most: the future prosperity of the community and its recent advances toward that goal. This satisfied locals, who were eager to have their community's praises sung. It also met national expectations, because financial success was rapidly becoming a quality Americans attributed to themselves, especially in the commercial North.²⁸

Weston's history also fit neatly into a wider pattern of community histories written by local worthies in the early nineteenth century. These works celebrated the success of communities as building blocks in creating national prosperity. In some measure, Weston was also healing the wounds of the War of 1812 and the British occupation of Eastport from 1814 to 1815, when the community as a whole had been demonized in the national press, especially *Nile's Weekly Register*.²⁹ As early as 1818, immediately after British troops evacuated Moose Island, its American residents attempted to redeem the character of the area by addressing the idea that Eastport and Lubec thrived only because of smuggling. A newspaper article attempted to correct this idea with a rather wan conclusion: "But this notion is not altogether correct."³⁰ This no doubt left the readers to conclude on their own that it was not altogether incorrect, either. More usefully, the article stated, "Near to every boundary line, that is where the fag ends of two governments meet, there is, and always has been and ever will be that sort of unshackled traffic; which in Boston, and N. York and Philadelphia would be called smuggling." The article's author, who may well have been Weston himself, blamed the region's problems on outsiders, for "whenever there has been a prospect of making money by an illicit trade, thither speculators and smugglers have straightway resorted, to the injury of the character of both frontiers."³¹ Weston's history was thus a form of boosterism, designed to heal the wounds of the past and pave the way for a prosperous future. Weston selectively created a local identity, and exercised the discretion required of lawyers such as himself.³²

The same principle operated on the New Brunswick side of the border. An anonymous article published in a Saint John newspaper claimed that Charlotte County's "proximity to the American lines, and the uninhabited state of our coast and of the County generally, render the temptation to smuggle too strong to be easily resisted." The borderland spirit expedited smuggling. The anonymous author complained, "A British subject assisting an American to evade the laws of the U. States today; and in his turn assisted to-morrow by an American," and described how people on both sides of the border combined in a smuggling trade that brought most of the colony's West India goods through Passamaquoddy.³³

Lorenzo Sabine, a fellow Eastport resident of Weston's, also wrote history in the mid-nineteenth century.³⁴ But Sabine was a better scholar and more interested in examining the conflicts raised by living on the border. Sabine admitted that locals engaged in smuggling, although he cautioned, "As the world knows, the tales of smugglers and fishermen are always long and frequently adorned."³⁵ Sabine was also aware of the many contradictions brought out on the border. As a young clerk to an Eastport merchant, Sabine had noticed the enthusiasm with which Loyalists smuggled, and their practice of throwing contraband tea overboard to avoid confiscation of both cargo and vessel. Sabine thought this practice humorously akin to the Boston Tea Party of 1773.³⁶

New Brunswick writers also commemorated and mythologized their past in this period. In contrast to American ideals of liberty and independence, New Brunswick's ideology typically extolled the prosperity and order inherent to British colonial society.³⁷ On May 18, 1833, New Brunswickers celebrated the fiftieth anniversary of the first

landing of loyalists at Saint John. Among the speakers were some of the original loyalists, including Supreme Court Justice Ward Chipman. Chipman had suffered cruelly during the Revolution and found refuge in New Brunswick after the war. Yet Chipman, who had sent his own son to Harvard, participated in several border commissions, and who was accused of engaging in smuggling himself, had a conciliatory message for his audience that was devoid of anti-Americanism.³⁸

In Charlotte County, formal historical consciousness developed much later; community histories did not appear until after Confederation in 1867. But more casual inquiries sometimes touched on the smuggling issue. One of the earliest statements made by a local was in 1835, when an old Loyalist named Peter Clinch wrote that smuggling was one of the region's major trades, "which some are in the habit of styling Contraband—but which we call free trade. Our geographical position exposes us to great temptations in this respect."³⁹

None of these histories emphasized the differences between American citizens and colonial subjects. Because Maine and New Brunswick were culturally very similar, even in terms of religion, then the consciousness of their distinctiveness could easily be lost. In this sort of milieu, national declarations become changeable, shaped according to the current state of affairs.⁴⁰ In some ways a much better place to look for declarations of ideology is not the allegedly factual community histories, but in the realm of fiction. In novels and short stories, authors could safely rise above the immediate community's consciousness and make sweeping declarations with little fear of unpleasant repercussions. For Passamaquoddy, the fictional adventures of "Sam Slick," a Yankee clockmaker who frequently traveled to Nova Scotia from his Connecticut home, offers an

intriguing glimpse into how Maritimers felt about the region. Written in 1835, these stories invariably connected Passamaquoddy with smuggling, and the ruinous temptation for Nova Scotians to engage in the plaster trade.⁴¹

The suppression or absence of nationalistic prejudice is perhaps more understandable in the Maritimes. These colonies had no or little affiliation to one another, usually had limited contacts with distant Britain, and were often dominated by elitist cliques that did their best to control the political, economic, and social agendas.⁴² In the United States one might expect a more bombastic attitude, especially during the heady Jacksonian era, but this does not seem to be the case for Passamaquoddy. In part this was a result of the War of 1812, during which the British military occupied all of eastern Maine, thereby muting Yankee pretensions to manifest destiny long after the war ended. Direct conflict did not arise between Maine and New Brunswick until the late 1830s with the events leading up to the so-called “Aroostook War” of 1839.⁴³

Selective memory at Passamaquoddy did not lay in the public sphere alone. Individuals and families twisted events as well. This is best illustrated in the death of William Newcomb in 1796. Newcomb attempted to rescue a schooner seized for smuggling by New Brunswick customs officers. On the night of October 2, 1795, Newcomb and eight to eleven others attempted to take the schooner back from the authorities, and fired at the men guarding the vessel. The guards “being hard pushed and fired at with three musquets, were unavoidably obliged to defend themselves,” returned fire and shot Newcomb dead on the vessel’s forecastle. A New Brunswick court subsequently acquitted the guards of murder charges.⁴⁴ Yet the published Newcomb

family genealogy makes no mention of his death, while faithfully recording its date.⁴⁵

Clearly someone in the Newcomb family decided that William's violent death was unseemly, and actively changed the record.

The Transition to Capitalism

While local historians celebrated Passamaquoddy's transition from a frontier to a settled region with modern railroads, steamboats, banks, insurance companies, and other hallmarks of capitalist enterprise, smuggling continued. How are we to understand the pre-capitalist rituals of smugglers dressed as Indians with the community's increasing engagement with a market economy?

The answer seems to be that the agendas of the traditional, pre-market society in Passamaquoddy fused with those of the aggressive capitalists. Community goals of self-help mixed rather easily with capitalistic individualism at Passamaquoddy, in part because the loser in smuggling was not an individual, but the state. At Passamaquoddy, crowd actions that defended community values might have taken place on behalf of capitalist ventures, in contrast to E.P. Thompson's statement that the moral economy was a continuously regenerating anti-capitalist critique.⁴⁶ This was particularly noticeable in the 1833 *Shannon* incident, in which the entire community either maintained silence or altered events to stymie customs authorities that interfered with smuggling. Furthermore, the smugglers who styled themselves "free traders" could also claim to be at the forefront of early nineteenth-century economic thought, which increasingly insisted on reducing trade barriers, such as British preferences on New Brunswick timber. However, these same "free traders" were above all pragmatic and self-serving in their approach. Saint

Andrews timber merchants had long benefited from illegally shipping American timber to Britain while claiming it was from New Brunswick. When these colonial preferences were endangered, Saint Andrews merchants engaged in boisterous protests that peaked with the burning of a British member of parliament in effigy and the fiery destruction of a boat in the harbor.⁴⁷ Furthermore, when the United States and Britain finally agreed to open colonial ports to American vessels in 1830, the long sought-after “free trade” and reciprocity some merchants wanted, it yielded new opportunities to smuggle because tariffs remained high, especially on manufactured goods. Other merchants, especially New Brunswick’s timber barons, opposed free trade and non-timber based industrial development.⁴⁸ Merchants wanted both protection from foreigners at home, and unrestricted access to foreign markets. When they could not trade honestly, they easily made the transition to illicit trade, and laborers, fishermen, and others seemed glad to assist for a cut of the profits. In part, this may have been a result of the occupational pluralism practiced by borderland residents; they had to weave together a number of occupations to provide themselves with a living.⁴⁹ Eventually the call for free trade overwhelmed the protectionist ideals, culminating in the Reciprocity Treaty of 1854, which permitted natural products to cross the border duty-free.

In Passamaquoddy the backdrop to both smuggling and the transition to capitalism was the almost complete failure of the state to control the border. After 1818, there was usually an American garrison at Fort Sullivan in Eastport and a British garrison at Fort Tipperary in Saint Andrews.⁵⁰ The British and American navies and revenue cutters increasingly patrolled the border to suppress smuggling and regulate fisheries, but with little result, for they could not distinguish colonial fishermen from their American

counterparts.⁵¹ The number of customs officers on both sides grew, and in 1821 Saint Andrews finally became a customs district in its own right, distinct from Saint John.⁵² Yet despite the growth of state intervention, resistance continued. The British, colonial, and United States governments failed to adequately cope with or control the growing numbers of impoverished Irish immigrants flooding through the region on their way to American urban centers, and on occasion unscrupulous shipmasters unceremoniously dumped entire shiploads of foreigners at Passamaquoddy, and left them to fend for themselves.⁵³ Criminals, deserters, and debtors continued to slip across the boundary, as they did all along the United States-British North American border.⁵⁴ Moreover, contraband unrelentingly moved across the border.

In a bigger context, smuggling at Passamaquoddy brings into question statements that American capitalists operated within a strictly American milieu and spurned British norms, and that New Brunswickers remained independent of American influences and clung to purely British markets.⁵⁵ American and colonial economies always remained intertwined, for capitalism tends to ignore borders. From an early date this meant that American corporations penetrated New Brunswick. One example was the Aetna Insurance Company, based in Hartford, Connecticut, which advertised in Saint John newspapers in the 1830s.⁵⁶ More troubling for New Brunswick was the neighboring republic's siren call of prosperity. In the 1850s many young people left for California and New England cotton mills actively recruited the colony's single women as a cheap source of labor.⁵⁷ The strength of these cross-border flows of commerce, goods, and people meant that informal, and often illicit, exchanges continued at the border.

Conclusions

Smuggling was an international phenomenon, as the illicit trade at Passamaquoddy demonstrates. In part, smuggling was a reaction against changing regulation and the rising power of the nation-state. The rise of market capitalism disrupted traditional economies, completely rearranged the social order, and broke down the trade barriers erected by mercantilist policies. As such, smuggling reflected and furthered the social upheavals that grew in intensity in the 1830s and 1840s.

The Euro-American settlers who displaced the Native American presence soon found they had more in common with each other than they had with their respective metropolises. Rituals of allegiance continued on both sides of the border, but with some startling deviations. Calais saluted the Fourth of July with gunpowder borrowed from St. Stephen's armory; and Calais children insisted on taking a half-day off from school on Queen Victoria's birthday.⁵⁸ These popular demonstrations indicate the subtle and benign power of the borderland attitudes of Passamaquoddy residents.

More alarming were the street rituals of smugglers as they intimidated and assaulted both colonial and federal customs authorities. The white "Indians" who struck terror in the hearts of customs officers indicated the disdain, and even contempt, that borderland peoples felt for the state. This sentiment was common throughout North America, but on the border, where governing agencies were weak, it further undermined the already feeble authorities. Furthermore, representatives of state power often sympathized with the local populace. They often subverted the laws themselves, thus benefiting the periphery at the expense of the center. The increased politicization of officeholding in New Brunswick under the guise of "responsible government" and in the

United States as part of “Jacksonian democracy,” seems to have worsened the problem.⁵⁹

It was not until after Canadian Confederation in 1867, and the American Civil War, that bureaucrats became more professional and detached from local interests.

The borderland population continued to build transborder ties, based on family, trade, and a shared culture. At times this sentiment was strained, as during the “Aroostook War,” but friendly relations were the norm. Governments at times unwittingly encouraged cross-border ties, as with the reciprocity agreements of 1830 and 1854, which substantially freed trade from bothersome tariffs. But at other times governments suddenly attempted to close the border. Meanwhile, the borderland populace consistently insisted on de-emphasizing the importance of the border; it was the various governments that frequently changed their policies. This complex set of borderland attitudes encouraged outsiders, including criminals and economic adventurers, to come to Passamaquoddy. Conversely, it also attracted state agencies, such as military units, revenue cutters, and customs officers. The borderland populace developed ways of dealing with both, essentially rejecting troublemakers and co-opting outsiders’ values to their own advantage. Frequently this meant paying lip-service to the state even as locals undermined its local representatives. The smuggling trade reveals the effectiveness of locals in so doing.

Jefferson’s embargo, remembered locally as the “Flour War,” was one manifestation of the local ability to overwhelm and subvert government agencies that interfered with smuggling. Notably, competing governments undermined their counterpart’s efforts to control the border, as when British imperial and colonial governments actively worked against Jefferson’s embargo. The War of 1812 saw a

repeat of the embargo, but with an even larger military intervention. As occurred during the embargo, a considerable number of adventurers appeared at Passamaquoddy. Their often troublesome presence is one indicator that the local views concerning illicit trade were held by many others in North American society, some of them destined to become the leading lights of nineteenth-century commerce in both British North America and the United States. The third conflict, known as the "Plaster War," revisited many of these themes, but on this occasion colonial smugglers defied British and colonial authorities and defeated elite Saint John merchants who aspired to economically dominate the region. Accustomed to operating under the privileges of the mercantilist system, they found themselves ill-equipped to fight the economic principles of free trade that the American government advocated. Nor did New Brunswick's merchant community forget this bitter lesson about American economic power. The result was a deep insecurity about their reliance on British trade preferences.⁶⁰ Despite frequent lip-service to British mercantilism, the size of the American economy and its cheaper foodstuffs forced colonial businessmen to compromise their principles, even if they had to engage in smuggling.

Smuggling was thus an ongoing problem at Passamaquoddy, one that is still not resolved, and may never be so long as a border runs through the region.⁶¹ Nor have borderland attitudes diminished in the region. Native Americans, Mainers, and New Brunswickers each continue to reassess their relationship with the invisible line through Passamaquoddy Bay that separates Canada from the United States. Both Canadian and American governments maintain numerous officials and agencies to control the border which remains contested around Machias Seal Island. The benefits of capitalism have

proved elusive to the region, which is now an impoverished corner of Maine and New Brunswick, which are respectively a poor state and province in national contexts. Poverty and the region's geography have combined to make drug smuggling a common practice into the twenty-first century. Passamaquoddy residents retain a strong regional identity that spans the border, assisted by trans-border cultural groups such as the Border Historical Society, the Quoddy Regional History Board, and the Tides Institute, with its logo "Region Matters."⁶² One is left to wonder what the smugglers themselves, the rogues of 'Quoddy, would have made of these formal efforts to institutionalize cross-border bonds.

¹ William Henry Kilby, *Eastport and Passamaquoddy: A Collection of Historical and Biographical Sketches* (Eastport, ME: Edward E. Shead & Company, 1888), 243-244.

² Kilby, *Eastport and Passamaquoddy*, 244.

³ Kilby, *Eastport and Passamaquoddy*, 70.

⁴ Joyce Appleby, *Inheriting the Revolution: The First Generation of Americans* (Cambridge: Belknap Press of Harvard University Press, 2000), 241,

⁵ Kilby, *Eastport and Passamaquoddy*, 78.

⁶ "Swedish Vice-Consular Papers," Border Historical Society, Eastport, ME.

⁷ *Portland Gazette*, October 6, 1814.

⁸ *New Brunswick Courier*, November 27, 1830.

⁹ "Estate of Lemuel Trescott, 1826" Washington County Probate Records Washington County Courthouse, Machias, ME.

¹⁰ "Battle Royal," *Eastport Sentinel*, September 14, 1822.

¹¹ Henry Atton and Henry Hurst Holland, *The King's Customs* (London: John Murray, 1910; reprint, New York: Augustus M. Kelley, 1967), 117.

¹² *Eastport Sentinel*, August 7, 1824.

¹³ Jouett to HM's Customs Commissioners, October 28, 1824, Customs 34/6504.

¹⁴ Atton and Holland, *King's Customs*, 147.

¹⁵ *New Brunswick Courier*, December 18, 1830.

¹⁶ Knowlton, *Annals of Calais*, 115.

¹⁷ I.C. Knowlton, *Annals of Calais, Maine, and St. Stephen, New Brunswick* (St. Stephen, NB, 1875; republished as *Beginnings: The Settlement of the St. Croix Valley*, St. Stephen, NB: Print'N Press, 1984), 116.

¹⁸ Harold O. Davis, *An International Community on the St. Croix (1604-1930)* (Orono, ME: University of Maine Studies, Second Series, No. 64, 1950; reprint, 1974), 143.

¹⁹ Atton and Holland, *King's Customs*, 340.

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- ²⁰ Alan Taylor, *Libertymen and Great Proprietors: The Revolutionary Settlement of the Maine Frontier, 1760-1820* (Chapel Hill: University of North Carolina Press, 1990), 192-193.
- ²¹ Taylor found the last of these protests involving Indian disguises was in 1820. See Taylor, *Libertymen*, 278.
- ²² Taylor, *Libertymen*, 195-197.
- ²³ Eric Hobsbawm, *Bandits* (London: Delacorte Press, Pageant of History Series, 1969), 20, 21, 42-43, 50.
- ²⁴ Hobsbawm, *Bandits*, 19.
- ²⁵ *Eastport Sentinel*, February 9, 1831.
- ²⁶ William R. Manning, ed., *Diplomatic Correspondence of the United States: Canadian Relations, 1784-1860, Vol. 2: 1821-1835* (Washington, D.C: Carnegie Endowment for International Peace, 1942), 254-257.
- ²⁷ Jay Gitlin, "On the Boundaries of Empire: Connecting the West to Its Imperial Past," in William Cronon, ed., *Under the Open Sky: Rethinking America's Western Past* (New York: W.W. Norton, 1992), 72.
- ²⁸ Appleby, *Inheriting the Revolution*, 242.
- ²⁹ *Nile's Weekly Register*, "Supplement to Vol. VIII," 145.
- ³⁰ *New Brunswick Courier*, August 29, 1818.
- ³¹ *New Brunswick Courier*, August 29, 1818.
- ³² David Jafee, *People of the Wachusett: Greater New England in History and Memory, 1630-1860* (Ithaca: Cornell University Press, 1999), 240-241.
- ³³ *New Brunswick Courier*, August 11, 1821.
- ³⁴ See William L. Welch, "Lorenzo Sabine in Maine," *New England Quarterly* 70 (1997), 642-649, for an account of Sabine as historian.
- ³⁵ Kilby, *Eastport and Passamaquoddy*, 149.
- ³⁶ Lorenzo Sabine, *Biographical Sketches of Loyalists of the American Revolution with an Historical Essay* (Boston: Little and Brown, 1864; reprint, Baltimore: Genealogical Publishing Co., Inc., 1979), 13.
- ³⁷ William S. MacNutt, *New Brunswick: A History* (Toronto: Macmillan of Canada, 1963), 225.
- ³⁸ Murray Barkley, "The Loyalist Tradition in New Brunswick: The Growth and Evolution of an Historical Myth, 1825-1914," *Acadiensis* 4:2 (Spring, 1975) 3-45.
- ³⁹ Patrick Clinch to John Saunders, September 4, 1835, "Winslow Papers."
- ⁴⁰ Marek Koter, "Frontier Peoples—Origins and Classification," in Marek Koter and Krystian Heffner, eds., *Borderlands or Transborder Regions—Geographical, Social and Political Problems* (University of Łódź, "Region and Regionalism No. 3, 1988), 30.
- ⁴¹ Thomas Chandler Haliburton, *The Clockmaker: The Sayings and Doings of Samuel Slick of Slickville* (London: R. Bentley; Halifax, N.S.: J. Howe, 1838; reprinted, Toronto: McClelland & Stewart, Inc., 1993), 200-203.
- ⁴² For New Brunswick, see Ann Gorman Condon, *Envy of the American States: The Loyalist Dream for New Brunswick* (Fredericton, NB: New Ireland Press, 1984), 149-151. For Ontario's "Family Compact," see Jane Errington, *The Lion, the Eagle, and Upper Canada: A Developing Colonial Ideology* (Kingston: McGill-Queen's University Press, 1987), 94.

⁴³ Barkley, "Loyalist Tradition," 13.

⁴⁴ Grand Jury findings, "General Sessions Proceedings Charlotte County," April Term, 1797, PANB.

⁴⁵ Bethuel Merritt Newcomb, *Andrew Newcomb and His Descendants* (New Haven: Tuttle, Morehouse, & Taylor Co., 1923), 103.

⁴⁶ E.P. Thompson, *Customs in Common: Studies in Traditional Popular Culture* (New York: The New Press, 1993), 341.

⁴⁷ *New Brunswick Courier*, April 30, 1831.

⁴⁸ T.W. Acheson, *Saint John: The Making of a Colonial Urban Community* (Toronto: University of Toronto Press, 1985), 57-60.

⁴⁹ Rosemary E. Ommer, "The 1830's: Adapting Their Institutions to Their Desires," in Buckner and Reid, *The Atlantic Region to Confederation: A History* (Toronto: University of Toronto Press, 1998), 295.

⁵⁰ For accounts of the persistence of the military at Passamaquoddy, see William Leake, *The History of Lord Seaton's Regiment (The 52nd or Light Infantry) at the Battle of Waterloo Together with Various Incidents* (London: Hatchard & Co., 1866), 386-411, and David Zimmerman, *Coastal Fort: A History of Fort Sullivan, Eastport, Maine* (Eastport, ME: Border Historical Society, 1984), passim.

⁵¹ Lorenzo Sabine, *Report on the Principal Fisheries of the American Seas* (Washington, D.C: Robert Armstrong, Printer, 1853), 80-81.

⁵² Davis, *International Community*, 114-115.

⁵³ William A. Spray, "Reception of the Irish in New Brunswick," in P.M. Toner, ed., *New Ireland Remembered: Historical Essays on the Irish in New Brunswick* (Fredericton, NB: New Ireland Press, 1988), 9-26; *Eastport Sentinel*, September 2, 1820.

⁵⁴ David Murray, "Criminal Boundaries: The Frontiers and the Contours of Upper Canadian Justice, 1792-1840," *American Review of Canadian Studies/Canadian Review of American Studies* 26:3 (Autumn, 1996), 341-366.

⁵⁵ For these assumptions see Appleby, *Inheriting the Revolution*, 249, and Eric W. Sager and Gerald E. Panting, *Maritime Capital: The Shipping Industry in Atlantic Canada, 1820-1914* (Kingston: McGill-Queen's University Press, 1990), 173. Panting believed that "The economic history of the Maritime colonies in the two centuries after the founding of Halifax is the story of integration into an expanding international capitalism emanating from Britain, followed by integration into the economy of industrializing Canada."

⁵⁶ *New Brunswick Courier*, January 1, 1831.

⁵⁷ MacNutt, *New Brunswick*, 323.

⁵⁸ Davis, *International Community*, 304.

⁵⁹ MacNutt, *New Brunswick*, 297; Leonard D. White, *The Jacksonians: A Study in Administrative History, 1829-1861* (New York: The Macmillan Company, 1956), 176.

⁶⁰ Scott W. See, *Riots in New Brunswick: Orange Nativists and Social Violence in the 1840's* (Toronto: University of Toronto Press, 1993), 17-18.

⁶¹ See Davis, *International Community*, 299-302, for an account of Passamaquoddy smuggling up to the time of Prohibition.

⁶² See the website for the Tides Institute, <http://www.tidesinstitute.org/home.html>.

APPENDIX A: United States Vessel Tonnage, Passamaquoddy Customs District, 1796-1821

Table A1: Registered, Enrolled, and Other Tonnage at Passamaquoddy.

Year	Registered		Enrolled		Vessels under 20 tons		Aggregate	Coasting	Cod Fishery
	Permanent	Temporary	Permanent	Temporary	Coasting	Cod Fishery			
1796	117.92	0	97.40	112.71	0	27.70	355.83	78.78	131.33
1797	117.92	695.28	57.18	29.20	0	41.81	941.49	66.24	20.14
1798	0	413.76	253.14	72.93	0	37.16	777.09	217.31	108.76
1799	0	537.34	77.94	0	72.77	0	688.15	77.94	102.67
1800	127.20	1,952.21	185.11	232.17	102.59	0	2,599.33	290.02	127.26
1801	127.20	2,434.33	188.66	371.46	200.52	0	3,322.27	298.86	261.26
1802	127.20	742.69	101.17	179.50	139.29	0	1,289.90	127.5	153.17
1803	217.33	1,166.94	338.78	229.68	186.51	0	2,139.39	450.87	117.59
1804	277.72	724.53	281.06	863.50	171.46	0	2,318.37	864.10	280.46
1805	263.42	1,993.46	552.23	1,331.02	204.33	0	4,344.51	1,410.20	473.05
1806	405.37	3,952.93	581.36	1,784.86	204.33	0	6,929.00	1,951.22	415.02
1807									
1808	334.65	310.74	945.48	237.29	164.15	0	1,992.41	961.28	221.49
1809									
1810	1,030.90	2,444.30	485.79	1,810.68	15.45	13.74	5,801.06	2,296.52	0
1811	451.80	976.21	463.22	816.54	26.88	66.83	2,801.63	1,142.28	137.48
1812	154.42	537.30	1,194.34	0	90.37	81.50	2,058.03	1,106.92	87.37
1813	481.88	1,496.37	954.32	404.12	217.65	0	3,554.44	1,358.44	0
1814	481.73	1,497.80	1,029.58	483.45	216.32	0	3,709.03	1,513.08	0
1815	796.49	5,601.37	597.15	162.83	217.65	0	7,375.59	760.03	0
1816	543.17	5,388.58	201.45	162.83	242.90	0	6,539.08	340.09	24.24
1817	723.00	6,415.90	27.09	162.83	253.78	23.00	7,605.70	165.68	24.24

Year	Registered		Enrolled		Vessels under 20 tons		Aggregate	Coasting	Cod Fishery
	Permanent	Temporary	Permanent	Temporary	Coasting	Cod Fishery			
1818	498.66	3,280.93	295.05	162.83	246.69	53.84	4,538.20	433.64	24.24
1819	527.69	3,461.11	638.06	162.83	269.64	82.68	5,142.16	701.62	99.27
1820	503.90	3,586.94	815.32	162.83	319.22	119.69	5,508.10	795.44	182.71
1821	904.38	3,348.47	935.15	162.83	351.84	132.20	5,835.02	774.52	323.46

Source: *American State Papers. Documents, Legislative and Executive, of the Congress of the United States. Class IV: Commerce and Navigation* (Washington, DC: Gales and Seaton, 1832).

APPENDIX B: Moose Island Settlers, c. 1800

Table B1: "State of Settlement on Moose, Dudley, and Frederick Islands"

Moose Island									
	Names of inhabitants	Occupation	Oxen	Cows	Acres Cleared	Acres Wild	No. of Women	No. of Children	
1	William Tater	Fisherman	2	1	19	1	1	3	
2	John Kendle	Do.		3	32				
3	Moses Norwood	Do.	4	13	59	1	1	5	
4	David Parson	Do.	1		17	1	1	3	
5	James Carter	Do.	3	2	23	1	1	4	
6	Nathaniel Clark	Do.	3			1	1	3	
7	Paul Johnson	Do.	2	7	91	1	1	5	
8	John Lane	Do.		3	1	16	1	3	
9	Daniel Holmes	Do.		4	4	137	1	5	
10	John Newcomb	Do.	2	2	5	95			
11	Charles Vandiford	Shoe-maker					1	3	
12	Eben'r Mabee	Fisherman	4	3	11	1	1	5	
13	William Ricker	Do.	2	3	16	54	1		
14	Samuel Tuttle	Farmer	2	4	37	100	1	7	
15	Solomon Mabee	Fisherman		2		15	1	3	
16	Andrew Herrington	Do.		4	7	93	1	4	
17	Andrew Herrington	Do.		1		20			
18	Stephen Fountain	Do.							
19	William Soudy	Do.			3	75			
20	John Tucker	Do.							
21	Nathaniel Clark	Do.		2	4	21	1	5	
22	Henry Bowen	Do.							
23	Andrew Boman	Do.					1	6	

Moose Island							
	Names of inhabitants	Occupation	Oxen	Cows	Acres Cleared	Acres Wild	No. of Women
							No. of Children
24	Samuel Coombs	Do.		1	1	5	1
25	Wentworth Kennison	Do.					1
26	Jacob Clark Sr.	Do.					1
27	Joseph Clark	Do.	2	2	15	85	1
28	Hume Nostrom	Do.					
29	John Brown	Do.					1
30	Jacob Lincoln	Do.	2	2	6	84	
31	William Hammond	Do.	2	2	5	75	
32	John Stewart	Trader					
33	Edward Coombs	Fisherman					
34	John Tumbleson	Do.					1
35	James Bradbury	Trader		2	6	267	1
36	William Hammond	Fisherman					1
37	John Wortman	Do.					1
38	Wm. & Patrick Egan	Traders		2	3	23	
39	Wm. Clark	Fisherman	2	4	9	91	1
40	Hayden & Shed	Traders					
41	Samuel Lughton	Fisherman					1
42	Caleb Boynton	Do.	2	5	30	70	
43	John Curry	Do.					
44	Richard Hall	Do.					
45	David & Robt. Gilmore	Traders					
46	John Burgin	Do.					1
47	Thomas Burnham	Fisherman					1
48	John Shackford	Do.		6	10	196	
49	Alex'r Hackett	Do.					1

Moose Island							Names of inhabitants	Occupation	Oxen	Cows	Acres Cleared	Acres Wild	No. of Women	No. of Children
50	James Cockin	Do.	2	8	13	87								
51	Ebenezer Gouge	Parson				1							3	
52	Elbimah Morton	Fisherman												
53	James Young	Do.				1							4	
54	Laben Stoddard	Do.	2	2	3									
55	Richard Sanborn	Do.												
56	Jacob French	Do.												
57	Henry Ward	Shoemaker		1										
58	Jonathan Levitt	Trader		1		100							3	
59	John Prince	Do.											1	4
60	Levi Covell	Fisherman												
61	John Brown	Do.												
62	William Bowen	Do.												
Subtotal			22	87	208	1961							33	129
Dudley Island														
66	William Allan		2	4	20	154							1	6
Total			24	91	243	2115							34	135

Source: Public Records Office C.O. 188/10: "Original Correspondence, Secretary of State: New Brunswick"

APPENDIX C: Customs Seizures, 1812-1814

Table C1: Collector Trescott's Schedule

Date Seized	Seized Items	Where Seized	Claimant
April 22, 1812	80 tons plaster	Robert Little's wharf	-
April 22, 1812	74 tons plaster	Daniel Swett's beach	-
April 24, 1812	215 tons plaster	S. Rice's beach	-
April 25, 1812	80 tons plaster	Pleasant Point	-
April 27, 1812	60 tons plaster	Bates Island	Baker and Chaney
April 27, 1812	60 tons plaster	Dudley Island	Baker and Chaney
April 27, 1812	200 tons plaster	S. Rice's Island	Jabez Mowry
May 22, 1812	60 tons plaster	Robert Little's wharf	Robert Little
May 22, 1812	460 tons plaster	S. Rice's Island	Solomon Rice
May 22, 1812	125 tons plaster	Pleasant Point	Daniel Power
May 22, 1812	125 tons plaster	Pleasant Point	Wm. Woodbury
June 6, 1812	moses boat & 1 hhd. rum	-	-
June 11, 1812	Schooner <i>Experiment</i> & lading	Schooner <i>Experiment</i>	-
June 20, 1812	skiff & 4 bales of blankets	-	-
June 24, 1812	125 tons plaster	Schooner <i>Cleopatra</i>	Dan'l Powers
August 12, 1812	Sloop <i>Sally</i> of Portland & 84 bbls. flour	Sloop <i>Sally</i>	-
August 13, 1812	78 casks & bales of goods	-	S. Torry
September 1, 1812	1,426 grindstones	-	Jabez Mowry
October 9, 1812	Sloop <i>Rover</i> , and tackle etc.	Sloop <i>Rover</i>	-
October 28, 1812	300 tons plaster	S. Rice's Island	Isaac Lakman or C. Curry
November 4, 1812	250 tons plaster	Paul Johnson's wharf	Dana, Wheeler, & Bartlett
November 13, 1812	1800 bushels salt	-	Dana, Wheeler, & Bartlett
November 25, 1812	1000 bushels salt	Kendal's store	Rob't Duck
December 7, 1812	470 tons plaster	Solomon Rice's Island	J. Mowry

January 5, 1813	123 tons plaster	Solomon Rice's Island	-
January 5, 1813	40 tons plaster	Schooner <i>Hazard</i>	Thomas Wisgate, master
January 21, 1813	46 grindstones, 20 tons plaster	Schooner <i>Stork</i>	Jonathan Bray, master
February 11, 1813	Schooner <i>Success</i> and cargo	Schooner <i>Success</i>	Isaac Snow, master
February 11, 1813	Schooner <i>True American</i> and cargo	Schooner <i>True American</i>	Elisha Blake, master
February 11, 1813	Sloop <i>Betsey</i> and cargo	Sloop <i>Betsey</i>	Ephraim Tibbets, master
March 12, 1813	12 tons plaster, 102 grindstones	"at or near Egar's beach"	J. Mowry
March 29, 1813	46 grindstones, 20 tons plaster	S. Rice's Island	J. Mowry
March 30, 1813	yawl boat & 1,000 lbs. beef	-	-
March 30, 1813	reach boat & 3 bbls. flour, 5 bbls. apples	-	Gillpatrick
April 4, 1813	43 packages British manufactured goods	-	-
April 4, 1813	94 crates & parcels earthenware	Sloop <i>Sally</i> of Freeport	-
April 7, 1813	3 bbls sugar	-	-
April 9, 1813	2 "hampton built boats," 130 bushels salt	-	-
April 24, 1813	40 tons plaster	Shackford's Head	Samuel Wheeler
May 5, 1813	1 bbl. foreign rum	-	-
August 14, 1813	6 oxen	-	-
August 27, 1813	1 cask "foreign rum," 1 cask coffee	-	-
September 8, 1813	4 oxen	-	-
September 12, 1813	12 oxen	-	-
September 29, 1813	4 oxen	-	-
October 2, 1813	"two mast boat called <i>Black Snake</i> ," 1 hhd. molasses	-	-
October 20, 1813	14 oxen	-	-
October 30, 1813	1 barrel "foreign rum"	-	-
November 8, 1813	1 barrel "foreign rum"	-	-
November 13, 1813	200 tons plaster	-	-
December 6, 1813	"reach boat & cargo," 10 bbls. apples	-	-
December 16, 1813	"whale boat & cargo," 4 boxes candles, 125 sable skins, 5 otter skins	Leighton's boat	-

December 17, 1813	boat <i>Boxer</i> and cargo	-	-
December 23, 1813	1 hhd. molasses	-	-
January 14, 1814	Schooner <i>Atlantic</i> ¹	Schooner <i>Atlantic</i>	-
January 15, 1814	1 hhd. molasses	-	-
January 17, 1814	190 tons plaster	Little River	-
January 19, 1814	40 tons plaster	-	-
March 27, 1814	6 boxes tin*	-	-
April 13, 1814	"Richardson's boat"*	"Richardson's boat"	-
April 24, 1814	"two masted boat" & 5bbls. rum*	-	-
May 21, 1814	1 hhd. foreign rum*	town landing	-
June 2, 1814	sundry goods*	J. Kendal's	-
June 12, 1814	2 boats & cargoes, 5 casks saddlery ware*	-	-
June 16, 1814	"1 barrel pimento"*	-	-

*Captured with Eastport by the British.

Source: "Items of Seizures not settled at the Treasury Dep't Oct. 1, 1814, taken from Collector Trescott's schedule March 2, 1815 at Wiscasset," Thomas G. Thornton Papers, Maine Historical Society, Portland, Maine.

¹ Restored to owners

APPENDIX D: Americans in Charlotte County

Table D1: U.S. Citizens who Swore an Oath of Loyalty to King George III, 1810-1817

#	Date of Oath	Name of Settlers	Occupation	Family	Time in NB	Last Place of Residence	Place of Nativity	Certified by
1	3/29/1810	Henry Witcher	Farmer	Wife & 2 children	9 months	Palermo, ME	Deerfield MA	C. Hatch, Esq.
2	3/29/1810	Lovel Lang	Joiner	Wife & 4 children	12 months	Lincolnville, ME	Hampton, (NH?)	Dan'l Hill
3	3/29/1810	Israel Gliding	Farmer	None	5 months	Patrick Town, ME	Millford	"
4	4/13/1810	Rueben Witcher	Farmer	None	9 months	Palermo, ME	Palermo, ME	Cert. from C. Hatch
5	4/13/1810	David Leighton	Shoe Maker	Wife & 4 children	6 months	Patrick Town, ME	Newcastle, ME	Dan'l Hill
6	8/16 1810	William Garcelon	Farmer	Wife & 11 children	20 months	Free Town, ME	Cape Ann, MA	C. Hatch
7	9/8/1810	Amos Ordway	Joiner	Wife & 2 children	4 months	North Yarmouth, ME	Lynsborough (?)	Thos. Wyer, Esq.
8	12/19/1810	Ebenezer Rolf	Farmer	None	5 years	Reading, MA	Reading, MA	N. Frink & C. Hatch
9	12/19/1810	Charles Gleding	Farmer	None	12 months	Vassalbourough, ME	Vassalborough, ME	"
10	12/22/1810	Thomas Burton	Trader	Wife & 3 children	7 years	Saco, ME	Cushing, ME	Joseph Porter & Peter Crisly
11	10/4/1810	John Merril (?)	Baker	Wife & 2 children	3 months	Belfast, ME	Portland, ME	James Berry & Wm. Monro
12	1/27/1811	Joseph Raymond	Farmer	Wife & 6 children	12 months	Union River	Middleburgh?	Colin Campbell
13	2/14/1811	Ammon Rice	Trader	Wife & 4 children	8 months	Buxton, ME	Middleburgh?	J. Berry & G. Gilchrist
14	3/23/1811	David Basset	Farmer	Wife & 5 children	2 years	Lisbon, ME	Bridgewater, MA	J. Dunn
15	3/23/1811	Elias Jacobs	Joiner	Wife & 1 child	2 years	Portland, ME	Wells, ME	J. Dunn, J. Berry, & G. Gilchrist

#	Date of Oath	Name of Settlers	Occupation	Family	Time in NB	Last Place of Residence	Place of Nativity	Certified by
16	4/2/1811	Elias Stearns	Trader	Wife & 1 child	2 years	Waltham, MA	Gorham, ME	Dr. Caleff & J. Campbell
17	4/9/1811	Enos Varney	Farmer	Wife & 3 children	7 years	Rochester, NH	Rochester, NH	H. MacKay, Esq.
18	4/10/1811	Robert Brockway	Farmer	Wife & 3 children	8 years	Walsingham, MA	Walsingham, MA	"
19	5/6/1811	Benjamin Tollet	Farmer	None	12 months	Augusta, ME	Redfield (?)	N. Gilman & D. Hall
20	6/5/1811	Samuel Earle	Trader	Wife & 3 children	12 months	Berwick, ME	Eastport, ME ¹	T. Wyer & J. Campbell
21	6/7/1811	R. Brockway	Mill Man	Wife & 5 children	7 years	Washington, ME	Washington, ME	H. MacKay, Esq.
22	6/7/1811	Thomas Davis	Farmer	Wife & 3 children	4 years	Washington, ME	Clermont, NH	"
23	7/6/1811	David Peasley	Farmer	Wife & 4 children	2 years	Whitefield, ME	Whitefield, ME	J. Dunn & B. Johnson
24	7/20/1811	Joseph Stevens	Farmer	Wife & 1 child	2 years	Durham, NH	Lee (?)	P. Crisly & N. Frink
25	8/30/1811	Freeman Hyde	Farmer	Wife & 1 child	6 years	Woodstock, NH	Strafford, NH	H. MacKay
26	10/5/1811	Daniel Stone	Mill Man	Wife & 5 children	24 years	Scarborough, ME	Machias, ME ²	"
27	12/9/1811	Samuel Lovejoy	Laborer	Wife & 7 children	2 years	Amherst, MA	Kennebeck, ME	A. Humphrey & M. Shaw
28	1812	William Chalmers	Farmer	None	3 years	Woolwich, ME	Ill.	D. Scofield & D. McFarlane
29	7/29/1812	Levy Weston	Doctor	Wife & 2 children	5 years	Hopkinton, MA	Hopkinton, MA	Messrs. Andrews & Clarke
30	11/9/1812	George Martin	Joiner	None	2 years	Southerland (?)	Gouldsborough, ME	N. Johnson & J. Lanners
31	12/19/1812	Leonard Bartlett	Mill Man	Wife & 5 children	6 years	New Milford	Ball Town (?)	S. Conuck & N. Johnson

¹ These places seem to be reversed; Earle's last place of residence was probably Eastport, his birthplace Berwick. Earle varies as Earl.

² Places probably reversed.

#	Date of Oath	Name of Settlers	Occupation	Family	Time in NB	Last Place of Residence	Place of Nativity	Certified by
32	9/14/1813	Jonathan Robinson	Mariner	Wife & 1 child	4 years	Bradford	Hallowell, ME	"
33	4/12/1814	Aaron Upton	Trader	Wife & 5 children	14 years	Amherst, NH	Ware, NH	J. Porter & J. Cristy
34	4/12/1814	James Stewart	Trader	None	5 years	Ill.	Billerica, MA	"
35	5/10/1814	William Todd	Trader	Wife & 8 children	2 years	Gosstown	North Yarmouth, ME	"
36	6/9/1814	James J. Bixby	Trader	None	4 years	Litchfield	Litchfield	"
37	6/22/1814	D. Weatherby	Farmer	Wife & 1 child	3 years	Drysdon (?)	Acton, MA	J. Parker & N. Lindsay
38	6/29/1814	Steven Mitchell	Painter	None	2years	Eastport ME	N. Yarmouth, ME	"
39	7/2/1814	William Crabtree	Carpenter	None	5 years	Lewiston, ME	Lewiston, ME	P. Crisly & N. Lindsay
40	7/2/1814	John Blyth	Carpenter	None	4 years	Machias, ME	Machias, ME	T. Porter & P. Crisly
41	7/4/1814	John Elliot	School Master	None	2 years	Boston, MA	Boston, MA	"
42	7/4/1814	Andrew Buntin	Farmer	Wife & 1 child	3 years	Penobscot	Dunbarton	A. Smith, J. Connuck, & T. Moor
43	7/4/1814	Thomas Waldron	Joiner	Wife & 1 child	4 years	Dover, NH	Dover, NH	J. Porter & P. Crisly
44	7/4/1814	P. Richardson	Farmer	None	3 years	Litchfield	Bath ME	"
45	7/16/1814	S. Bucknam	Ship Builder	Wife & 9 children	9 years	C. River (?)	P. River (?)	"
46	7/18/1814	Daniel Robinson	Joiner	None	6 years	Sanborn	Portsmouth, NH	Joseph Porter & P. Crisly
47	7/18/1814	Benjamin Henderson	Farmer	None	5 years	Lisbon	Lisbon	"
48	11/1/1814	James Ash	Farmer	Wife & 6 children	21 years	Gouldsborough, ME	Cobscook	H. MacKay
49	11/1/1814	Steven Ford	Mariner	Wife & 3 children	10 years	Claremont	Claremont	J. McIntosh and N. Johnson
50	12/10/1814	Jacob Hanks	Farmer	Wife & 1 child	9 years	Beltcher (?)	Portland, ME	H. Mackay & P. Clinch

#	Date of Oath	Name of Settlers	Occupation	Family	Time in NB	Last Place of Residence	Place of Nativity	Certified by
51	12/13/1814	Henry Sherland	Tanner	None	2 years	Kennebeck, ME	Acton, MA	J. Porter & P. Clinch
52	3/20/1815	Daniel Sherman	Farmer	Wife & 3 children	11 years	Farnsworth, NH	Bridgewater, MA	D. McLauchlan, T. Wyer & A. Grenlaw
53	4/12/1815	Daniel Gray	Farmer	None	5 years	Lisbon	Lisbon	J. and W. Hitchings & W. Moor
54	6/7/1815	Benjamin Byram	Baker	None	4 years	Belfast, ME	North Yarmouth, ME	J. Campbell & D.W. Jack
55	6/16/1815	Aaron Rogers	Trader	Wife & 2 children	7 years	Bath, ME	Brunswick, ME	C. & H. Hatch & C. Campbell
56	7/14/1815	Daniel Scott	Mill Man	Wife & 3 children	17 years	Machias	Machias	H. MacKay Esq.
57	7/14/1815	Lewis Vining	Farmer	Wife & 3 children	10 years	Stueben	Ball Town	"
58	7/22/1815	John Huff	Farmer	Wife & 2 children	7 years	Arundel	Augusta	H. Mackay & P. Clinch
59	10/18/1815	David Potter	Farmer	Wife & 1 child	7 years	Washington	Bangor	H. Mackay
60	11/18/1815	James D. Scott	Mill Man	Wife & 4 children	15 years	Machias	Machias	"
61	11/18/1815	James Hall	Farmer	Wife & 2 children	6 years	Damariscotta	Damariscotta	"
62	11/20/1815	Samuel Gardner	Farmer	Wife & 12 children	4 years	Penobscot	Rochester	J. Campbell & D. McLauchlan
63	12/22/1815	S. G. Town	Trader	None	4 years	Deer Isle, ME	Amherst	J. Campbell & D. McLauchlan
64	3/29/1816	David Howes	Mariner	Wife & 5 children	4 years	Buckstown, ME	Cape Cod, MA	T. Wyer & J. Campbell
65	4/12/1816	J. Garcelon	Mariner	Wife & 1 child	6 years	Lewiston, ME	Lewiston, ME	J. Porter & P. Cristy
66	4/12/1816	Daniel Whitney	Farmer	Wife & 5 children	20 years	Little River, ME	Little River, ME	"
67	4/13/1816	Daniel McCurdy	Carpenter	Wife & 7	3 years	Bristol, ME	Lincolnton, ME	"

#	Date of Oath	Name of Settlers	Occupation	Family	Time in NB	Last Place of Residence	Place of Nativity	Certified by
68	4/13/1816	B. Bordman	Farmer	children Wife & 1 child	6 months	Penobscot, ME	Lynn, MA	"
69	4/13/1816	Daniel Woodcock	Farmer	Wife & 11 children	4 years	Jonesborough, ME	Islebourough, ME	"
70	12/19/1816	John Smith	Farmer	Wife & 2 children	7 years	Machias, ME	Machias, ME	J. Porter
71	5/18/1816	L.S. Sherman	Carpenter	None	3 years	Bangor, ME	London	J. Campbell & H. Hatch
72	6/8/1816	N. Farrow	Farmer	Wife & 1 child	2 years	Islesborough, ME	Bristol, ME	J. Porter & T. Moore
73	6/8/1816	Benjamin Robinson	Joiner	None	12 months	Lynn, MA	Exeter, NH	H. Hatch, T. Wyer & D.W. Jack
74	7/8/1816	N. Waldron	Farmer	Wife & 6 children	12 months	Brunswick, ME	Barrington, MA	H. Mackay
75	7/8/1816	Daniel Hall	Farmer	Wife & 1 child	2 years	Brunswick, ME	Topsham, ME	"
76	7/9/1816	J. Leeman	Farmer	None	5 years	Machias, ME	Wiscasset, ME	J. Porter & N. Lindsay
77	7/30/1816	James Harris	Farmer	Wife & 5 children	8 years	Pittston, ME	New Glouster, ME	"
78	10/18/1816	Henry Eppes	Farmer	Wife	7 years	Union River	Ill.	H. Mackay
79	10/29/1816	James Bracket	Carpenter	Wife & 5 children	2 years	Vassalborough, ME	Berwick, ME	"
80	10/29/1816	Tyler P. Shaw	Trader	None	12 months	Northport, ME	Newbury, MA	H. Mackay & T. Wyer
81	11/12/1816	Nick Hall	Farmer	None	2 years	Brunswick, ME	Brunswick, ME	H. Mackay
82	11/12/1816	John Walker	Farmer	None	3 years	North Yarmouth, ME	North Yarmouth, ME	"
83	11/12/1816	H.C. Barton	Farmer	None	2 years	Winslow, ME	Winslow, ME	"
84	11/19/1816	Thomas Ash	Farmer	Wife & 1 child	3 years	Sullivan, ME	Sullivan, ME	"
85	12/2/1816	N. Varney	Farmer	None	12 months	Fairfield	Dorchester	J. Porter & W. Moor

#	Date of Oath	Name of Settlers	Occupation	Family	Time in NB	Last Place of Residence	Place of Nativity	Certified by
86	12/12/1816	J. Murphey	Farmer	Wife & 9 children	14 months	Lincoln	Lincoln	J. Campbell & C. Hatch
87	12/12/1816	J. Jackson	Farmer	None	14 months	Green, ME	Brunswick, ME	"
88	12/26/1816	Asa Benson	Farmer	Wife	3 years	Hampden, ME	Middleburgh	J. Porter & P. Cristy
89	12/30/1816	Ill.	Farmer	Wife	3 years	Ill.	Ill.	H. Mackay
90	1/7/1817	G. Lynch	Farmer	None	12 months	Provincetown, ME	Wareham, MA	J. Campbell & C. Hatch
91	1/12/1817	J.D. Woodbery	Carpenter	Wife & 6 children	12 years	Ware, NH	Ill.	H. Mackay & J. Campbell
92	1/16/1817	J. S. Williams	Farmer	None	7 months	Redfield	Redfield	J. Porter & T. Moor

St. Andrews 16th January 1817

I certify that the foregoing is a correct list of the names of persons to whom the Oath of Allegiance has been administered by me.—In virtue of a commission given me for that purpose under the hand and seal of the Honble. Martin Hunter Esquire, Dated at Fredericton this seventh day of March, 1810.—

Robert Pagan J.P.
Commissioner

Source: "Return of Persons who have come from the United States of America to Reside and Settle in the Province of New Brunswick, to whom the Requisite Oaths have been administered by Robert Pagan appointed Commissioner for that purpose in the County of Charlotte," PANB RS 7, "Executive Council: Papers, 1784-1877: Naturalizations."

APPENDIX E: Enemy Aliens, Eastport

Table E1: Deputy Marshal's Records of Enemy Aliens, Eastport, 1812

<i>Name</i>	<i>Age</i>	<i>Years in U.S.</i>	<i>Family size</i>	<i>Trade</i>	<i>Took Oath</i>	<i>1810 Census</i>	<i>Mass. Militia</i>
Aymor, Daniel	26	5	4	blockmaker	yes	yes	
Boice, Joseph	68	1	4	housewright	no	no	
Bostwith, John S.	42	3	8	mariner	yes	no	
Brown, Samuel	58	8	3	laborer	yes	yes	
Burns, Patrick	30	3	0	laborer	no	no	yes
Cope, Richard S.	30	8	0	cordwainer	yes	no	
Copp, David	60	8	4	trader	no	yes	
Cornie, Joseph	28	8	0	merchant	no	no	
Crawford, Levi	43	4	6	laborer	yes	yes	
Crawley, Philip	25	7	0	fisherman	no	no	
Curry, Andrew	48	2	6	victualer	yes	yes	
Deckle, George	23	.25	4	mason	no	no	
Finch, Simon	55	4	8	laborer	yes	yes	
Greason, Thomas	24	3	2	laborer	yes	no	
Harris, Eli	26	1	4	cordwainer	yes	no	
Harris, Gilbert	47	.10	7	preacher	yes	no	
Haycock, Thomas	27	3	4	baker	yes	yes	
Hunt, Henry	30	2	0	tallow chandler	no	no	
Lawrence, John	23	1	0	painter	no	no	
Lunt, Joseph	23	12	0	seaman	no	yes	yes
McKinley, John	20	8	0	cordwainer	no	no	
Morgan, James R.	24	16	4	fisherman	no	yes	yes
Morris, Robert	45	2	9	laborer	no	yes	
Murray, John	25	3	0	laborer	no	no	
Nowlin, Robert	31	9	3	laborer	yes	no	
O'Donald, Michael	35	.75	3	cooper	no	no	
Parker, Timothy	53	2	5	victualer	yes	no	
Pendlebury, Thomas	24	1	3	laborer	no	no	yes
Strut, George	23	16	0	cordwainer	no	no	
Taylor, William	40	23	11	fisherman	yes	yes	
Van Buskirk, Abraham	50	6	10	cooper	yes	yes	
Walker, James	50	2	9	laborer	yes	no	
Whiple, Joseph	34	2	5	blacksmith	yes	yes	
Woodwith, James	34	6	6	seaman	no	yes	
Woodworth, Samuel	64	6	5	victualer	yes	yes	

35 Heads of households

208 Enemy aliens total

Source: Returns of enemy aliens from Eastport in the District of Maine extracted from the returns of enemy aliens by Maine's U.S. Marshall, Thomas G. Thornton in the autumn of 1812, found in National Archives RG 59, M-558, "U.S. Department of State: War of 1812 Papers." Statement of aliens taking oaths of loyalty to the U.S. in January, 1813, found in William King Papers, Maine Historical Society. Militia rolls in "Edridge Collection," *Eastport Sentinel*, February 20, 1907.

BIBLIOGRAPHY

MANUSCRIPT SOURCES

Bangor Public Library, Bangor, ME:

“Diary of Joseph Leavitt.” Typed manuscript copy.

Border Historical Society, Eastport, ME:

“Swedish Vice-Consul Papers.”

Connecticut Historical Society, Hartford, CT:

“Oliver Wolcott, Jr. Papers.”

Harriet Irving Library, University of New Brunswick, Fredericton, NB:

“Edward Winslow Papers.”

Houghton Library, Harvard University, Cambridge, MA:

“Privateering Papers.”

Library of Congress, Washington, DC:

“Rodgers Family Papers.”

Maine Historical Society, Portland, ME:

“Barclay Papers.”

“Cutts-Thornton Papers.”

“John Holmes Papers.”

“Thomas G. Thornton Papers.”

“U.S. Customs House: Waldoboro, Maine, Letterbook, 1803-1816.”

“William King Papers.”

Maine State Archives, Augusta, ME:

“Hancock County Jail Calendar.”

“Hancock and Washington County Supreme Judicial Court Records.”

“Washington County Circuit Court of Common Pleas Records.”

Maine State Library, Augusta, ME:

“Register-book: Deeds, Leases, etc. for the Estate of Campo-bello: The Property of Captain W. F. W. Owen, R.N.”

Massachusetts Historical Society, Boston, MA:

“Ann Appleton Storrow Papers.”

“Appleton Family Papers, 1539-1940.”

“Northeast Boundary Papers, 1796-1799.”

“Vaughan Family Papers.”

“Whipple Papers.”

Massachusetts State Archives, Boston, MA:

“Supporting Documents, Massachusetts Resolves.”

National Archives, New York, NY:

RG 21, *Records of the District Courts of the United States*,

“Appellate Case Files of the U.S. Circuit Court for the Southern District of New York, 1793-1845.”

National Archives, Waltham, MA:

RG 21: *Records of the District Courts of the United States*,

“Records of the U.S. District Court, Maine.”

“Records of the U.S. District Court, Massachusetts.”

“Records of the U.S. Circuit Court, Massachusetts.”

National Archives, Washington, DC:

RG 233: *Records of the United States House of Representatives*

“Records of the Ways and Means Committee.”

National Archives of Canada, Ottawa, ON:

“British Military and Naval Records.”

“Glansvern Collection.”

“New Brunswick Executive Council. Draft Minutes with Supporting Documents.”

“Nova Scotia Vice-Admiralty Court Instance Cases.”

“Nova Scotia Vice-Admiralty Court Records.”

“Saint John Common Council Minute Book.”

New Brunswick Museum, Saint John, NB:

“Abstract of Charlotte County Petitions, 1765-1842.” Typed manuscript copy.

“Ward Chipman Papers.”

New York Historical Society, New York, NY:

“De Peyster Family Papers.”

New York Public Library, New York, NY:

“James Colles Papers.”

Provincial Archives of New Brunswick, Fredericton, NB:

RS 7: “Records of the Executive Council.”

RS 13: “Provincial Secretary, Correspondence.”

RS 23: “Customs House Records.”

RS 24: “Legislative Assembly: Sessional Records.”

RS 42: “Supreme Court Original Jurisdiction Case Files.”

RS 148: “General Sessions Proceedings, Charlotte County.”

RS 558: “Records of the Regular Military.”

RS 637: “Surveyor General Records.”

Fellows, Robert F. "New Brunswick Custom House 1784-1816." Typed manuscript copy.

Saint John Free Public Library, Saint John, NB:

D. R. Jack. "Biographical Data Relating to New Brunswick Families, Especially of Loyalist Descent." Typed manuscript copy.

Washington County Courthouse, Machias, ME:

Clerk's Office: "John Cooper Papers." Typed manuscript copy.

Probate Office: "Washington County Probate Records."

Sheriff's Office: "Washington County Jail Calendar."

NEWSPAPERS

American Advocate, Hallowell, ME
Acadian Recorder, Halifax, NS
Boston Daily Chronicle, Boston, MA
Boston Gazette, Boston, MA
Boston Patriot, Boston, MA
Baltimore Patriot, Baltimore, MD
Boston Repertory, Boston, MA
Bangor Weekly Register, Bangor, ME
Columbian Centinel, Boston MA
Castine Eagle, Castine, ME
Cumberland Gazette, Portland, ME
City Gazette, Saint John, NB
Castine Journal, Castine, ME
Eastern Argus, Portland, ME
Eastern Repository, Machias, ME
Essex Register, Salem, MA
Eastport Sentinel, Eastport, ME
Eastern Star, Machias, ME
Freeman's Friend, Portland and Saco, ME
Free Press, Halifax, NS
Gazette of Maine, Buckstown, ME
Jenk's Commercial Gazette, Philadelphia, PA
Kennebunk Weekly Visitor, Kennebunk, ME
Merrimack Intelligencer, Haverhill, MA
Maine Intelligencer, Portland, ME
New Brunswick Courier, Saint John, NB
New Bedford Mercury, New Bedford, MA
New Brunswick Royal Gazette, Saint John, NB
New England Palladium, Boston, MA
New Hampshire Gazette, Exeter, NH
Nova Scotia Royal Gazette, Halifax, NS

Oriental Trumpet, Saco, ME
Portland Gazette, Portland, ME
Saint Andrews Herald, St. Andrews, NB
St. Croix Courier, St. Stephen, NB
Salem Gazette, Salem, MA
Saint John Gazette, Saint John, NB
Saint John Star, Saint John, NB
The Yankee, Boston, MA

MONOGRAPHS

- Acheson, T.W. *Saint John: The Making of a Colonial Urban Community*. Toronto: University of Toronto Press, 1985; first paperback edition, 1993.
- Adams, Henry. *The Life of Albert Gallatin*. New York: Peter Smith, 1943.
- Anderson, Benedict. *Imagined Communities: Reflections on the Origins and Spread of Nationalism*. Revised edition, London: Verso, 1991.
- Appleby, Joyce. *Inheriting the Revolution: The First Generation of Americans*. Cambridge, MA and London: The Belknap Press of Harvard University Press, 2000.
- Armitage, David. *The Ideological Origins of the British Empire*. Cambridge: Cambridge University Press, 2000; reprinted, 2002.
- Atton, Henry and Holland, Henry Hurst. *The King's Customs, vol. II: An Account of Maritime Revenue, Contraband Traffic, the Introduction of Free Trade, and the Abolition of the Navigation and Corn Laws, from 1801 to 1855*. London: John Murray, 1910; reprint, New York, Augustus M. Kelly, 1967.
- Bailyn, Bernard. *The Peopling of British North America: An Introduction*. New York: Vintage Books, 1988.
- Banner, James M. *To the Hartford Convention: The Federalists and the Origins of Party Politics in Massachusetts, 1789-1815*. New York, Knopf, 1970.
- Barrow, Thomas C. *Trade and Empire: The British Customs Service in Colonial America, 1660-1775*. Cambridge, MA: Harvard University Press, 1967.
- Bell, D.G. *Early Loyalist Saint John: The Origins of New Brunswick Politics, 1783-1786*. Fredericton, NB: New Ireland Press, 1983.
- Berger, Carl. *The Writing of Canadian History: Aspects of English-Canadian Historical Writing Since 1900*. Toronto: University of Toronto Press, 1986; reprinted, 1993.
- Blunt, Edmund M. *The American Coast Pilot*. New York: Edmund M. Blunt, ninth edition, 1817.
- Bolton, Herbert Eugene. *The Spanish Borderlands: A Chronicle of Old Florida and the Southwest*. New Haven: Yale University Press, 1921.
- Brown, Richard D. *Knowledge is Power: The Diffusion of Information in Early America, 1700-1865*. New York: Oxford University Press, 1989.
- Brown, Roger. *The Republic in Peril: 1812*. New York: Columbia University Press, 1964.

- Burrows, Edmund H. *Captain Owen of the African Survey: The Hydrographic Surveys of Admiral W. F. W. Owen on the Coast of Africa and the Great Lakes of Canada, His Fight Against the African Slave Trade, His Life in Campobello Island, New Brunswick, 1774-1857*. Rotterdam: A. A. Balkema, 1979.
- Burt, A.L. *The United States, Great Britain and British North America: From the Revolution to the Establishment of Peace After the War of 1812*. New York: Russell & Russell, 1961.
- Bushman, Richard L. *King and People in Colonial Massachusetts*. Chapel Hill: University of North Carolina Press, 1985.
- Byrn, John D. *Crime and Punishment in the Royal Navy: Discipline and the Leeward Islands Station, 1784-1812* (Southampton, UK: Camelot Press Ltd., 1989.
- Carroll, Francis M. *A Good and Wise Measure: the Search for the Canadian-American Boundary, 1783-1842*. Toronto: University of Toronto Press, 2001.
- Chittick, V.L.O. *Thomas Chandler Haliburton: A Study in Provincial Toryism*. New York, Columbia University Press, 1924; reprint, New York: AMS Press, 1966.
- Clarke, Ernest. *The Siege of Fort Cumberland, 1776: An Episode in the American Revolution*. Montreal and Buffalo: McGill-Queen's University Press, 1995.
- Coffin, Henry. *A Memoir of General John Coffin*. (Reading, England: E. Blackwell, 1860) [CIHM 48658].
- Condon, Ann Gorman. *Envy of the American States: The Loyalist Dream for New Brunswick*. Fredericton, NB: New Ireland Press, 1984.
- Cress, Lawrence Delbert. *Citizens in Arms: The Army and Militia in American Society to the War of 1812*. Chapel Hill: University of North Carolina Press, 1982.
- Cuthbertson, Brian. *The Old Attorney-General: A Biography of Richard John Uniacke*. Halifax: Nimbus Publishing Limited, 1980.
- da Costa, Emilia Viotti. *Crowns of Glory, Tears of Blood: The Demerara Slave Rebellion of 1823*. New York: Oxford University Press, 1994.
- Davis, Harold A. *An International Community on the St. Croix (1604-1930)*. Orono, ME: Maine Studies No. 64, University of Maine at Orono, 1950; reprint, 1974.
- Deng, Gang. *Chinese Maritime Activities and Socioeconomic Development, c. 2100 B.C. -1900 A.D.* Westport, CT: Greenwood Press, 1997.
- Eckstorm, Fannie H. *Indian Place Names of the Penobscot Valley and the Maine Coast*. Orono, ME: University of Maine Studies, 2nd Series, No. 55, 1941.
- Elkins, Stanley and McKittrick, Eric. *The Age of Federalism*. New York: Oxford University Press, 1993.
- Errington, Jane. *The Lion, the Eagle, and Upper Canada: A Developing Colonial Ideology*. Montreal: McGill-Queen's University Press, 1987.
- Faulkner, Alaric, and Faulkner, Gretchen Fearon. *The French at Pentagoet, 1635-1674: An Archaeological Portrait of the Acadian Frontier*. Augusta, ME and Fredericton, NB: The Maine Historic Preservation Commission and the New Brunswick Museum, 1987.
- Fingard, Judith. *The Anglican Design in Loyalist Nova Scotia, 1783-1816*. London: Published for the Church Historical Society, 1972.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. New York: Pantheon Books, 1977.

- Garittee, Jerome. *The Republic's Private Navy: The American Privateering Business as Practiced by Baltimore during the War of 1812*. Middletown CT: Wesleyan University Press for Mystic Seaport, Inc., 1977.
- Garner, John. *The Franchise and Politics in British North America, 1755-1867*. Ottawa, University of Toronto Press, 1969.
- Gilbert, Geoffrey. *Baltimore's Flour Trade to the Caribbean, 1750-1815*. New York: Garland Publishing, 1986.
- Graham, Gerald S. *Sea Power and British North America, 1783-1820: A Study in British Colonial Policy*. Cambridge: Harvard University Press, 1941.
- Grahn, Lance R. *The Political Economy of Smuggling: Regional Informal Economies In Early Bourbon New Granada*. Boulder: Westview-Press, 1997.
- Gregory, Frances W. *Nathan Appleton: Merchant and Entrepreneur, 1779-1861*. Charlottesville: University Press of Virginia, 1975.
- Gwyn, Julian. *Excessive Expectations: Maritime Commerce and the Economic Development of Nova Scotia, 1740-1870*. Kingston: McGill-Queen's University Press, 1998.
- Haliburton, Thomas Chandler. *The Clockmaker: The Sayings and Doings of Samuel Slick of Slickville*. Toronto: McClelland & Stewart, Inc., 1993.
- Hamilton, Roger Brown. *The Republic in Peril: 1812*. New York: Columbia University Press, 1964.
- Hamilton, William B. *Place Names of Atlantic Canada*. Toronto: University of Toronto Press, 1996.
- Heyrman, Christine Leigh. *Commerce and Culture: The Maritime Communities of Colonial Massachusetts, 1690-1750*. New York: W.W. Norton & Company, 1984.
- Hill, Christopher. *Liberty Against the Law: Some Seventeenth-Century Controversies*. London: Allan Lane, 1996.
- Hitsman, J. Mackay. *The Incredible War of 1812: A Military History*. Toronto: University of Toronto Press, 1965.
- Hobsbawm, Eric. *Bandits*. London: Delacorte Press, 1969.
- Huntington, Samuel P. *The Soldier and the State: The Theory and Politics of Civil-Military Relations*. Cambridge, MA: Belknap Press of Harvard University Press, 1964.
- Jafee, David. *People of the Wachusett: Greater New England in History and Memory, 1630-1860*. Ithaca: Cornell University Press, 1999.
- Jennings, Francis. *The Creation of America: Through Revolution to Empire*. Cambridge: Cambridge University Press, 2000.
- Johnson, Allan G. *The Blackwell Dictionary of Sociology: A User's Guide to Sociological Language*. Malden, MA: Blackwell Publishers, 1995.
- Johnson, Ryerson. *Bicentennial History of Lubec*. Lubec, ME: Ryerson and Lois Johnson; Lubec Historical Society, 1976.
- Kert, Faye Margaret. *Prize and Prejudice: Privateering and Naval Prize in Atlantic Canada in the War of 1812*. St. John's, NF: International Maritime Economic History Association, 1997.
- King, Irving H. *The Coast Guard Under Sail: The U.S. Revenue Cutter Service, 1789-1865*. Annapolis, MD: Naval Institute Press, 1989.

- Labaree, Benjamin W., Fowler, William M. and Hattendorff, John B. *America and the Sea: A Maritime History*. Mystic, CT: Mystic Seaport, 1998.
- Lamb, Harry Edgar. *The History of St. Croix Lodge, No. 46, Free and Accepted Masons, 1821-1931*. Calais, ME: Advertiser Press, 1931.
- Lavery, Brian. *Nelson's Navy: The Ships, Men and Organization, 1793-1815*. (Annapolis: Naval Institute Press, 1994; revised edition, 1995).
- Lawrence, Joseph Wilson. *The Judges of New Brunswick and Their Times*. Fredericton, NB: Acadiensis Press, 1985).
- Leamon, James S. *Revolution Downeast: The War for American Independence in Maine*. Amherst, MA: University of Massachusetts Press, 1993.
- Levy, Leonard W. *Jefferson and Civil Liberties: The Darker Side*. Cambridge: Harvard University Press, 1963.
- Leyden, Kathleen. *Crimes & Controversies: Law and Society in Loyalist Saint John*. Saint John, NB: Saint John Law Society, 1987.
- Linebaugh, Peter. *The London Hanged: Crime and Civil Society in the Eighteenth Century*. Cambridge and New York: Cambridge University Press, 1992.
- Linebaugh, Peter and Rediker, Marcus. *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic*. Boston: Beacon Press, 2000
- Lord, Robert H., Sexton, John E., and Harrington, Edward T. *History of the Archdiocese of Boston, in the Various Stages of its Development, 1604 to 1943*. New York: Sheed and Ward, 1944.
- Lorimer, J.G. *History of the Islands & Islets in the Bay of Fundy*. St. Stephen, NB: Saint Croix Courier, 1876.
- MacKinnon, Neal. *This Unfriendly Soil: The Loyalist Experience in Nova Scotia, 1783-1789*. Kingston and Toronto: McGill-Queen's University Press, 1986.
- McCoy, Drew R. *The Elusive Republic: Political Economy in Jeffersonian America*. Chapel Hill: University of North Carolina Press, 1980.
- McCrone, David. *The Sociology of Nationalism: Tomorrow's Ancestors*. New York: Routledge, 1998.
- M'Culloch, Thomas. *Letters of Mephibosheth Stepsure: Reprinted from the Acadian Recorder of the Years 1821 and 1822*. Halifax: H.W. Blackadar, 1860 [CIHM 49067].
- McCusker, John J. and Menard, Russell R. *The Economy of British North America, 1607-1789*. Chapel Hill: University of North Carolina Press, 1991.
- McGregor, James. *History of Washington Lodge No. 37, Free and Accepted Masons, Lubec, Maine*. Portland, ME: E.W. Brown and James Neagle, 1892.
- McIntosh, Dave. *The Collectors: A History of Canadian Customs and Excise*. Toronto: NC Press Limited, 1984.
- McKee, Christopher. *A Gentlemanly and an Honorable Profession: The Creation of the U.S. Naval Officer Corps, 1794-1815*. Annapolis MD: Naval Institute Press, 1991.
- McKinsey, Lauren and Konrad, Victor. *Borderlands Reflections: The United States and Canada*. Orono, ME: Borderlands Monograph Series #1, Canadian-American Center, 1989.

- MacNutt, W.S. *New Brunswick: A History, 1784-1867*. Toronto: Macmillan, 1963; paperback reprint, 1984.
- Marini, Stephen A. *Radical Sects of Revolutionary New England*. Cambridge: Harvard University Press, 1982.
- Masterson, William E. *Jurisdiction in Marginal Seas: With Special Reference to Smuggling*. New York: The Macmillan Company, 1929.
- Morley, Geoffrey. *The Smuggling War: The Government's Fight Against Smuggling in the 18th and 19th Centuries* (Stroud, Gloucestershire: Alan Sutton Publishing, Ltd., 1994).
- Mowat, Grace Helen. *The Diverting History of a Loyalist Town*. St. Andrews, NB: Charlotte County Cottage Craft, 1932.
- Murchie, Guy. *Saint Croix: The Sentinel River*. New York: Duell, Sloan and Pearce, 1947.
- Nettels, Curtis P. *The Emergence of a National Economy, 1775-1815*. New York: Holt, Rinehart, and Winston, 1962; reprint Armonk, NY: M.E. Sharpe, Inc., 1989.
- Newcomb, John Bearse. *Genealogical Memoir of the Newcomb Family: Containing Records of Nearly Every Person of the Name in America from 1635-1874 : Also the First Generation of Children Descended from Females Who Have Lost the Name Newcomb by Marriage: With Notices of the Family in England During the Past Seven Hundred Years*. Chicago: Knight & Leonard, 1874.
- Nicholls, F.F. *Honest Thieves: The Violent Heyday of English Smuggling*. London: Heinemann, 1973.
- Nowlan, Alden. *Campobello: The Outer Island*. Toronto: Clarke, Irwin, & Company Limited, 1975.
- Ouellet, Fernand. *Economy, Class, & Nation in Quebec: Interpretive Essays*. Toronto: Copp Clark Pitman, Ltd., 1991.
- Patterson, Graeme. *History and Communication: Harold Innis, Marshall McLuhan, the Interpretation of History*. Toronto: University of Toronto Press, 1990.
- Phillipson, David. *Smuggling: A History 1700-1970*. Newton Abbot: David & Charles, 1973.
- Picking, Sherwood. *Sea Fight Off Monhegan: Enterprise and Boxer*. Portland, ME: Machigonne Press, 1941.
- Pullen, H. F. *The Shannon and the Chesapeake*. Toronto: McClelland and Stewart, 1970.
- Purcell, Sarah J. *Sealed with Blood: War, Sacrifice, and Memory in Revolutionary America*. Philadelphia: University of Pennsylvania Press, 2002.
- Rawlyk, George A. *Ravished by the Spirit: Religious Revivals, Baptists, and Henry Alline*. Kingston: McGill-Queen's University Press, 1984.
- , *The Canada Fire: Radical Evangelicalism in British North America, 1775-1812*. Montreal: McGill-Queen's University Press, 1994.
- Rediker, Marcus and Linebaugh, Peter. *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic*. Boston: Beacon Press, 2000.
- Rodger, N.A.M. *The Wooden World: An Anatomy of the Georgian Navy*. Annapolis: Naval Institute Press, 1986.

- Royle, Edward C. *Pioneer, Patriot, and Rebel: Lewis DeLesDernier of Nova Scotia and Maine, 1752-1838*. Hudson Heights, QC: the Author, 1976.
- Sabine, Lorenzo. *Report on the Principal Fisheries of the American Seas*. Washington, D.C.: Robert Armstrong, Printer, 1853.
- . *Biographical Sketches of Loyalists of the American Revolution*. Boston: Little, Brown and Company, 1864.
- Sager, Eric W. and Panting, Gerald E. *Maritime Capital: The Shipping Industry in Atlantic Canada, 1820-1914*. Kingston: McGill-Queen's University Press, 1990.
- Sahlins, Peter. *Boundaries: The Making of France and Spain in the Pyrenees*. Berkeley: University of California Press, 1989.
- See, Scott W. *Riots in New Brunswick: Orange Nativists and Social Violence in the 1840s*. Toronto: University of Toronto Press, 1993; reprinted, 1999.
- Sellers, Charles. *The Market Revolution: Jacksonian America, 1815-1846*. New York: Oxford University Press, 1991.
- Senior, Elinor Kyte. *British Regulars in Montreal: An Imperial Garrison, 1832-1854*. Montreal: McGill-Queen's University Press, 1981.
- Sewall, Rufus K. *Wiscasset Point: The Old Meeting House and Interesting Incidents Connected with its History*. Wiscasset, ME: Charles E. Emerson, 1883.
- Shand, Gwendolyn Vaughan. *Historic Hants County*. Halifax: Pethoric Press, 1979.
- Sheppard, George. *Plunder, Profit and Paroles: A Social History of the War of 1812 in Upper Canada*. Montreal: McGill-Queen's University Press, 1994.
- Smith, Adam. *An Inquiry Into the Nature and Causes of the Wealth of Nations*. London: William Strahan, 1776; reprint, Chicago: Encyclopaedia Britannica, 1952.
- Spivak, Burton. *Jefferson's English Crisis: Commerce, Embargo, and the Republican Revolution*. Charlottesville: University Press of Virginia, 1979.
- Stagg, J.C.A. *Mr. Madison's War: Politics, Diplomacy, and Warfare in the Early American Republic, 1783-1830*. Princeton: Princeton University Press, 1983.
- State Street Trust Company. *Other Merchants and Sea Captains of Old Boston*. Boston: State Street Trust Company, 1919.
- Stein, Douglas L. *American Maritime Documents 1776-1860*. Mystic, CT: Mystic Seaport Museum, 1992.
- Stout, Neil R. *The Royal Navy in America, 1760-1775*. Annapolis, MD: Naval Institute Press, 1973.
- Taft, Hank and Jan. *A Cruising Guide to the Maine Coast*. Camden, ME: International Marine, 1988; second edition, 1991.
- Taylor, Alan. *Liberty Men and Great Proprietors: The Revolutionary Settlement on the Maine Frontier, 1760-1820*. Chapel Hill: University of North Carolina Press, 1990.
- . *American Colonies*. New York: Viking, 2001.
- Taylor, Graham D. and Baskerville, Peter A. *A Concise History of Business in Canada*. Toronto: Oxford University Press, 1994.
- Thompson, E.P. *The Making of the English Working Class*. New York: Pantheon Press, 1976.
- Turner, Frederick Jackson. *The Frontier in American History*. New York: Holt, Rinehart and Winston, 1962.

- Tyler, John W. *Smugglers and Patriots: Boston Merchants and the Advent of the American Revolution*. Boston: Northeastern University Press, 1986.
- Ulrich, Laurel Thatcher. *A Midwife's Tale: The Life of Martha Ballard, Based on Her Diary, 1785-1812*. New York: Vintage Books, 1990.
- Weber, Max. (Guenther Roth and Claus Wittich, eds.). *Economy and Society: An Outline of Interpretive Sociology*. New York: Bedminster Press, 1968; 3 vols.
- Wells, Kate Gannett. *Campobello: An Historical Sketch*. S.l: s.n., 1892.
- White, Leonard D. *The Federalists: A Study in Administrative History*. New York: The Macmillan Company, 1956.
- *The Jeffersonians: A Study in Administrative History, 1801-1829*. New York: Free Press, 1965.
- *The Jacksonians: A Study in Administrative History, 1829-1861*. New York: The Macmillan Company, 1956.
- White, Patrick. *A Nation on Trial: America and the War of 1812*. New York: Wiley, 1965.
- Williams, Judith Blow. *British Commercial Policy and Trade Expansion, 1750-1850*. Oxford: Clarendon Press, 1972.
- Williams, Neville. *Contraband Cargoes: Seven Centuries of Smuggling*. Hamden, CT: Shoe String Press, 1961.
- Wright, Esther Clark. *The Loyalists of New Brunswick*. Hantsport, NS: Lancelot Press, 1955; 4th ed., 1981.
- Wynn, Graeme. *Timber Colony: A Historical Geography of Early Nineteenth Century New Brunswick*. Toronto: University of Toronto Press, 1981.
- Zimmerman, David. *Coastal Fort: A History of Fort Sullivan, Eastport, Maine*. Eastport, ME: Border Historical Society, 1984.
- Zobel, Hiller B. *The Boston Massacre*. New York: W.W. Norton & Company, 1971; reissued 1996.

ESSAY COLLECTIONS

- Baker, Emerson, ed. *American Beginnings: Exploration, Culture, and Cartography in the Land of Norumbega*. Lincoln, NB: University of Nebraska Press, 1994.
- Bryant, Clifton D., ed. *Encyclopedia of Criminology and Deviant Behavior Vol. 1: Historical, Conceptual, and Theoretical Issues*. Philadelphia: Brunner-Rutledge, 2001.
- Buckner, Phillip A., and Reid, John G., eds. *The Atlantic Region to Confederation: A History*. Toronto: University of Toronto Press, 1998.
- Clark, Charles E., Leamon, James S. and Bowden, Karen, eds. *Maine in the Early Republic: From Revolution to Statehood*. Hanover, NH: University Press of New England, 1988.
- Conrad, Margaret, ed. *They Planted Well: New England Planters in Maritime Canada*. Fredericton, NB: Acadiensis Press, 1988.
- *Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800*. Fredericton, NB: Acadiensis Press, 1991.

- Cross, Michael S. *The Frontier Thesis and the Canadas: The Debate on the Impact of the Canadian Environment*. Toronto: Copp Clark Pub. Co., 1970.
- Greene, Jack P. and Pole, J.R., eds. *The Blackwell Encyclopedia of the American Revolution*. Malden, MA and Oxford, UK: Blackwell Publishers, 1991; paperback reprint, 1999.
- Hay, Douglas, Linebaugh, Peter, Rule, John G., Thompson, E.P., and Winslow, Cal, eds. *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*. London: Allen Lane, 1975.
- Henretta, James. *The Origins of American Capitalism: Collected Essays*. Boston: Northeastern University Press, 1991.
- Hornsby, Stephen, Konrad, Victor A. and Herlan, James J., eds. *The Northeastern Borderlands: Four Centuries of Interaction*. Fredericton, NB: Acadiensis Press, 1989.
- Kaye, Harvey J., ed. *The Face of the Crowd: Selected Essays of George Rudé*. New York: Harvester-Wheatsheaf, 1988.
- Kilby, William Henry, ed. *Eastport and Passamaquoddy: A Collection of Historical and Biographical Sketches*. Eastport, ME: Edward E. Shead & Company, 1888.
- Manning, William R., ed. *Diplomatic Correspondence of the United States: Canadian Relations, 1784-1860*. Washington, DC: Carnegie Endowment for International Peace, 1940.
- Rutland, Robert E., ed. *James Madison and the American Nation: An Encyclopedia*. New York: Simon & Schuster, 1994.
- Thompson, E.P. *Customs in Common: Studies in Traditional Popular Culture*. New York: The New Press, 1993.
- Toner, P.M. *New Ireland Remembered: Historical Essays on the Irish in New Brunswick*. Fredericton, NB: New Ireland Press, 1988.

JOURNAL ARTICLES

- Acheson, T.W. "The Great Merchant and Economic Development in Saint John, 1820-1850." *Acadiensis* 8 (1978): 3-27.
- "New Boston to New Brunswick: Anonymous Loyalists in New Hampshire." *Acadiensis* 27 (1997): 3-26.
- Adelman, Jeremy and Aron, Stephen. "From Borderlands to Borders: Empires, Nation-States, and the Peoples in Between in North American History." *American Historical Review* 104 (1999): 814-815.
- Appleby, Joyce Oldham. "The Vexed Story of Capitalism Told by American Historians." *Journal of the Early Republic* 21 (2001): 1-18.
- Arnell, J.C. "The Superintendent of Trade and Fisheries for Nova Scotia and the Armed Vessels *Union* and *Hunter*." *Mariner's Mirror* 55 (1970): 395-410.
- "The Superintendent of Trade and Fisheries for Nova Scotia and the Armed Vessels *Union* and *Hunter*, Part I. The Problem Associated with Trade and Fishing After the American Revolution." *Mariner's Mirror* 56 (1970): 395-409.
- Barkley, Murray. "The Loyalist Tradition in New Brunswick: The Growth and Evolution of an Historical Myth, 1825-1914." *Acadiensis* 4 (1975): 3-45.

- Bell, David G. "Maritime Institutions under *L'Ancien Regime*, 1710-1850." *Manitoba Law Journal* 23 (1996): 103-131.
- Bell, Hugh F. "'A Melancholy Affair'—James Otis and the Pirates." *American Neptune* 31 (1971): 19-37.
- Bent, G.O. "Charles Turner's Journal of His 1802 Trip to New Brunswick." *Acadiensis* 7 (1907): 128-148.
- Bitterman, Rusty. "Farm Households and Wage Labour in the Northeastern Maritimes in the Early 19th Century." *Labour/Le Travail* 31 (1993): 13-45. Reprinted in *Labour and Working Class History in Atlantic Canada: A Reader*, edited by David Frank and Gregory S. Kealey, 9-40. St. John's, NF: Institute of Social and Economic Research, 1995.
- Bohstedt, John. "The Moral Economy and the Discipline of Historical Context." *Journal of Social History* 26 (Winter 1992): 265-284.
- Bolster, William Jeffrey. "The Impact of Jefferson's Embargo on Coastal Commerce." *The Log of Mystic Seaport* 37 (1986): 111-123.
- Bowler, R. Arthur. "Propaganda in Upper Canada," *American Review of Canadian Studies* 18 (1988): 11-32.
- Buckner, Phillip. "How Canadians Stopped Worrying and Learned to Love the Americans." *Acadiensis* 25 (1996), 117-140.
- Bumsted, J.M. "The Origins of the Land Question on Prince Edward Island, 1767-1805." In *The Acadiensis Reader, Volume One: Atlantic Canada Before Confederation* edited by P.A. Buckner and David Frank, 65-78. Fredericton, NB: Acadiensis Press, 1990.
- Bushman, Richard Lyman. "Markets and Composite Farms in Early America." *William and Mary Quarterly*, 3rd Series, 55 (1998): 351-374.
- Butler, Joyce. "Cochranism Delineated: A Twentieth-Century Study," in *Maine in the Early Republic: From Revolution to Statehood*, edited by Charles E. Clark, James S. Leamon, and Karen Bowden; 146-164. Hanover, NH: University Press of New England, 1988.
- Cayton, Andrew R. L. "Comment: Writing North American History." *Journal of the Early Republic* 22:1 (Spring 2002): 105-111.
- Clark, Andrew Hill. "Contributions of Its Southern Neighbors to the Underdevelopment of the Maritime Provinces Area, 1710-1867." In *The Influence of the United States on Canadian Development: Eleven Case Studies*, edited by Richard A. Preston, 164-184. Durham, NC: Duke University Press, 1972.
- Clarke, George M. "Fog Hid the Knaves of 'Quoddy.'" *New England Galaxy* 8:3 (Winter 1967): 26-35.
- Cooney, Jerry W. "'Doing Business in the Smuggling Way': Yankee Contraband in the Rio de la Plata." *American Neptune* 47 (1987): 162-168.
- Copp, Walter Ronald. "Nova Scotian Trade During the War of 1812." *Canadian Historical Review* 18 (1937): 141-155.
- Copp, Walter Ronald. "Military Activities in Nova Scotia During the War of 1812." *Collections of the Nova Scotia Historical Society* 24 (1938), 57-74.
- Crawford, Michael J. "The Navy's Campaign Against the Licensed Trade in the War of 1812." *American Neptune* 46 (1986): 165-172.

- Demeritt, David. "Representing the 'True' St. Croix: Knowledge and Power in the Partition of the Northeast." *William and Mary Quarterly*, 3rd Series, 54 (1997): 515-548.
- Dexter, Ralph W. "Cape Ann Visits of the Great Sea-Serpent, (1639-1886)." *American Neptune* 46 (1986): 213-220.
- Douglas, W.A.B. "Marching to Different Drums: Canadian Military History." *Journal of Military History* 56 (1992): 245-260.
- Eves, Jamie H. "'The Poor People Had Suddenly become Rich' A Boom in Maine Wheat, 1793-1815." *Maine Historical Society Quarterly* 27 (1987): 114-141.
- Frankel, Jeffrey A. "The 1807-1809 Embargo Against Great Britain." *Journal of Economic History* 42 (1982): 291-308.
- Gilbert, Geoffrey. *Baltimore's Flour Trade to the Caribbean, 1750-1815*. New York: Garland Publishing, 1986.
- Gilpin, W. Freeman. "The American Grain Trade to the Spanish Peninsula, 1810-1814." *American Historical Review* 28 (1922): 24-44.
- Gitlin, Jay. "On the Boundaries of Empire: Connecting the West to its Imperial Past." In *Under an Open Sky: Rethinking America's Western Past*, edited by William Cronon, 71-89. New York: W.W. Norton, 1992.
- Gould, Roger V. "Patron-Client Ties, State Centralization, and the Whiskey Rebellion." *American Journal of Sociology* 102 (1996): 400-429.
- Graham, Gerald S. "The Gypsum Trade of the Maritime Provinces: Its Relation to American Diplomacy and Agriculture in the Early Nineteenth Century." *Agricultural History* 12 (1938): 209-223.
- Griffiths, Naomi. "The Golden Age: Acadian Life, 1713-1748," *Social History* [Canada] 17 (1984): 21-34.
- Haefeli, Evan. "A Note on the Use of North American Borderlands." *American Historical Review* 10 (October, 1999): 1222-1225.
- Harvey, D.C. "Pre-Agricola John Young, or a Compact Family in Search of Fortune." *Collections of the Nova Scotia Historical Society* 32 (1959): 125-159.
- Heaton, Herbert. "Non-Importation, 1806-1812." *Journal of Economic History* 1 (1941): 178-198.
- Henretta, James. "The Transition to Capitalism in America." In James Henretta, *The Origins of American Capitalism: Collected Essays*; 256-294. Boston: Northeastern University Press, 1991.
- Hersey, Frank W. "Tar and Feathers: the Adventures of Captain John Malcom." *Proceedings of the Colonial Society of Massachusetts* 34 (1941): 429-473.
- Hickey, Donald R. "The War of 1812: Still a Forgotten Conflict?" *Journal of Military History* 65 (2001): 741-769.
- Johnson, Victor L. "Fair Traders and Smugglers in Philadelphia, 1754-1763." *Pennsylvania Magazine of History and Biography* 83 (1959): 125-149.
- Jones, Douglas Lamar. "'The Caprice of Juries': The Enforcement of the Jeffersonian Embargo in Massachusetts." *American Legal History* 24 (1980): 307-330.
- Kilby, William Henry. "Benedict Arnold on the Eastern Frontier." *Bangor Historical Magazine* 1 (1886-1887): 188-190.

- Koter, Marek. "Frontier Peoples—Origins and Classification." In *Borderlands or Transborder Regions—Geographical, Social and Political Problems*, edited by Marek Koter and Krystian Heffner, 28-37. Łódź, Poland: University of Łódź, "Region and Regionalism" No. 3, 1988.
- Levy, Jack S. and Barbieri, Katherine. "Trading with the Enemy During Wartime: Theoretical Explanations and Historical Evidence." Paper presented at the 2000 Annual Meeting of the American Political Science Association, Washington, DC, August 31-September 3, 2000. Used with permission of Jack S. Levy.
- Little, Linda. "Collective Action in Outport Newfoundland: A Case Study from the 1830s." *Labour/Le Travail* 26 (1990): 37-59.
- Lohnes, Barry J. "British Naval Problems at Halifax During the War of 1812." *Mariner's Mirror* 59 (1973): 317-318.
- Lunn, Jean. "The Illegal Fur Trade Out of New France, 1713-1760." *Canadian Historical Association Annual Report 1939*, 61-75.
- MacKinnon, Neil. "The Changing Attitudes of the Nova Scotia Loyalists towards the United States, 1783-1791." In *The Acadiensis Reader Volume One: Atlantic Canada Before Confederation*, edited by Phillip Buckner and David Frank, 108-119. Fredericton, NB: Acadiensis Press, 1990.
- Macmillan, David S. "Christopher Scott: Smuggler, Privateer and Financier." *Canadian Banker* 78 (1971): 23-26.
- , "The 'New Men' in Action: Scottish Mercantile and Shipping Operations in the North American Colonies, 1760-1825." In *Canadian Business History: Selected Studies, 1497-1971*, edited by David S. Macmillan, 44-103. Toronto: McClelland and Stewart Limited, 1972.
- McNaught, Kenneth. "Violence in Canadian History." In *Character and Circumstance: Essays in Honor of Donald Grant Creighton*, edited by John S. Moir, 66-84. Toronto: Macmillan of Canada, 1970.
- Mancke, Elizabeth. "Early Modern Imperial Governance and the Origins of Canadian Political Culture," *Canadian Journal of Political Science* 32 (1999): 3-20.
- Mathias, Peter. "Risk, Credit and Kinship in Early Modern Enterprise." In *The Early Modern Atlantic Community*, edited by John J. McCusker and Kenneth Morgan, 15-35. Cambridge: Cambridge University Press, 2000.
- Matson, Cathy D. "Capitalizing Hope: Economic Thought and the Early National Economy." *Journal of the Early Republic* 16 (1996): 273-291.
- Merton, Robert K. "Social Structure and Anomie." *American Sociological Review* 3 (1938): 672-682.
- Mui, Hoh-Cheung and Lorna H. "Smuggling and the British Tea Trade before 1784." *American Historical Review* 74 (1968): 44-73.
- Murray, David. "Criminal Boundaries: The Frontiers and the Contours of Upper Canadian Justice, 1792-1840." *American Review of Canadian Studies/Canadian Review of American Studies* 26 (1996): 341-366.
- Pullen, H.F. "The Attempted Mutiny on board HMS *Columbine*, 1 August 1809." *Nova Scotia Historical Quarterly* 8 (1978): 309-318.
- Punch, Terrence M. "'Hörte Ich dass . . .': Travels of a Rhinelander in Nova Scotia in 1807." *Journal of the Royal Nova Scotia Historical Society* 3 (2000): 105-123.

- Rawlyk, George. "The Federalist-Loyalist Alliance in New Brunswick, 1784-1815." *Humanities Association Review* 27 (1976): 142-160.
- See, Scott W. "The Orange Order and Social Violence in Mid-Nineteenth Century Saint John," *Acadiensis* 13 (1983): 68-92.
- Silver, Allan. "Friendship in Commercial Society: Eighteenth-Century Social Theory and Modern Sociology." *American Journal of Sociology* 95 (1990): 1474-1504.
- Simmons, R.C. "Trade Legislation and its Enforcement, 1748-1776." In *The Blackwell Encyclopedia of the American Revolution*, edited by Jack P. Greene and J.R. Pole, 164-165. Oxford: Blackwell Publishers, 1991; paperback reprint, 1994.
- Smith, Joshua M. "'So Far Distant from the Eyes of Authority: Jefferson's Embargo and the U.S. Navy, 1807-1809.'" In *New Interpretations in Naval History: Selected Papers from the Twelfth Naval History Symposium*, edited by Craig Symonds, 123-140. Annapolis, MD: Naval Institute Press, 1998.
- . "Murder on Isle au Haut: Violence and Jefferson's Embargo in Coastal Maine, 1808-1809." *Maine History* 39 (2000): 17-40.
- Smith, Nicholas N. "The Wabanaki as Mariners." In *Papers of the Twenty-Fourth Algonquian Conference*, edited by William Cowan, 364-380. Ottawa: Carleton University Press, 1993.
- Spray, William A. "Reception of the Irish in New Brunswick." In *New Ireland Remembered: Historical Essays on the Irish in New Brunswick*, edited by P.M. Toner, 9-26. Fredericton, NB: New Ireland Press, 1988.
- Stacey, C.P. "The War of 1812 in Canadian History." *Ontario History* 5 (1958): 153-159.
- Stafford, Frances. "Illegal Importations: Enforcement of the Slave Trade Laws Along the Florida Coast, 1810-1828." *Florida Historical Quarterly* 46 (1967): 124-133.
- Stanley, George F. "The Caraquet Riots of 1875." *Acadiensis* 2 (1972): 21-38.
- Strum, Harvey. "Smuggling in Maine During the Embargo and the War of 1812." *Colby Library Quarterly* 19 (1983): 90-97.
- Stuart, Reginald C. "Special Interests and National Authority in Foreign Policy: American-British Links during the Embargo and the War of 1812." *Diplomatic History* 8 (1984): 311-328.
- Taylor, Alan. "The Smuggling Career of William King." *Maine Historical Society Quarterly* 17 (1977): 19-38.
- . "Centers and Peripheries: Locating Maine's History." *Maine History* 39 (2000): 1-16.
- Thomas, Charles P. "Missionary to the Wilds of Maine." *New England Galaxy* 18 (1977): 43-53.
- Thompson, E.P. "The Moral Economy of the English Crowd in the Eighteenth Century." *Past and Present* 50 (1971): 76-136.
- Veltmeyer, Henry. "The Capitalist Underdevelopment of Atlantic Canada." In *Underdevelopment and Social Movements in Atlantic Canada*, edited by Robert J. Brym and R. James Sacouman; 17-36. Toronto: New Hogtown Press, 1979.
- Vickers, Daniel. "Competency and Competition: Economic Culture in Early America." *William and Mary Quarterly*, 3rd Series, 47 (1990): 3-29.
- Vose, Peter E. "Col. George Peck of Eastport, and Lubec." *Bangor Historical Magazine* 5 (July, 1889-1890): 171-172.

- Wells, Kate Gannet. "David Owen." *Acadiensis* 1 (1901): 21-27.
- Wells, William R. "U.S. Revenue Cutters Captured in the War of 1812." *The American Neptune* 58 (1998): 225-241.
- Wood, Gordon S. "The Enemy is Us: Democratic Capitalism in the Early Republic." *Journal of the Early Republic* 16 (1996): 273-291.
- Wynn, Graeme. "'Deplorably dark and demoralized lumberers'? Rhetoric and Reality in Early Nineteenth-Century New Brunswick." *Journal of Forest History* 24 (1980): 168-187.
- , "New England's Outpost in the Nineteenth Century." In *The Northeastern Borderlands: Four Centuries of Interaction*, edited by Stephen J. Hornsby, Victor A. Konrad, and James J. Herlan, 60-96. Fredericton, NB: Acadiensis Press, 1989,

PUBLISHED PRIMARY SOURCES AND MICROFILM

- Anonymous. *The Effects of Gypsum or Plaster of Paris as a Manure; Chiefly Extracted from Papers and Letters on Agriculture, by the Agricultural Society in Canada*. London: James Phillips, 1791 [CIHM microfiche 20749].
- Atcheson, Nathaniel. *The Question Regarding the Right of the United States of America, to the Islands in Passamaquoddy Bay*. Saint John, NB: J. Ryan, 1807.
- Bell, David G., ed. *Newlight Baptist Journals of James Manning and James Innis*. Wolfville, NS: Baptist Heritage in Atlantic Canada series, Lancelot Press, Ltd., 1984.
- Brice, John. *A Selection of All the Laws of the United States Now in Force, Relative to Commercial Subjects*. Baltimore: Neal, Wills, & Cole, 1814.
- Campbell, Patrick. *Travels in the Interior Inhabited Parts of North America in the Years 1791 and 1792*. Toronto: The Champlain Society, 1937.
- Fergusson, Charles Bruce, ed. *The Diary of Simeon Perkins, 1804-1812*. Toronto: The Champlain Society, 1978.
- Great Britain. Parliament, *First Report from the Committee Appointed to Enquire into the Illicit Practices Used in Defrauding the Revenue*. London, n.p., 1783.
- Humbert, Stephen. *The Rise and Progress of Methodism in the Province of New Brunswick, from its Commencement until About the Year 1805*. Saint John, NB: L.W. Durant, 1836 [CIHM microfiche 57341].
- Leake, William. *The History of Lord Seaton's Regiment (The 52nd or Light Infantry) at the Battle of Waterloo Together with Various Incidents*. London: Hatchard & Co., 1866.
- Leland, Sherman. *An Oration Pronounced at Dorchester, July 4, 1815*. Boston: Rowe and Hooper, 1815.
- Lincoln, Benjamin. *Benjamin Lincoln Papers Microform*. Boston: Massachusetts Historical Society, 1967.
- Marsden, Joshua. *The Narrative of a Mission to Nova Scotia, New Brunswick, and the Somers Islands*. Plymouth Dock, England: J. Johns, 1816 [CIHM microfiche 21227].

- *Grace Displayed: An Interesting Narrative of the Life, Conversion, Christian Experience, Ministry and Missionary Labors of Joshua Marsden.* New York: the author, 1813 [CIHM microfiche 48054].
- Moore, John Bassett, ed. *Arbitration of the Title to Islands in Passamaquoddy Bay and the Bay of Fundy: Mixed Commission Under Article IV of the Treaty between Great Britain and the United States of Dec. 24, 1814.* New York: Oxford University Press, 1933.
- Mossner, Ernest Campbell and Ross, Ian Simpson, eds. *The Correspondence of Adam Smith.* Oxford: Clarendon Press, 1977.
- National Archives and Records Administration (United States)
- RG 45, *Naval Records Collection of the Office of Naval Records and Library*, M-148: "Letters Received by the Secretary of the Navy from Officers Below the Rank of Commander, 1802-84."
- RG 56, *General Records of the Department of the Treasury*, M178: "Correspondence of the Secretary of the Treasury with Collectors of Customs, 1789-1833."
- RG 59, *General Records of the Department of State*, M179: "Miscellaneous Letters of the Department of State, 1789-1906."
- RG 77, *Records of the Office of the Chief of Engineers*, M417: "Buell Collection of Historical Documents Relating to the Corps of Engineers, 1801-1819."
- RG94, *Records of the Adjutant General's Office*, T967: "Copies of Presidential Pardons and Remissions, 1794-1893."
- RG 107, *Records of the Office of the Secretary of War*,
M221: "Letters Received by the Secretary of War, Registered Series, 1801-1870."
M222: "Letters Received by the Secretary of War, Unregistered Series, 1789-1861."
M370: "Miscellaneous Letters from the Secretary of War."
- RG360, *Records of the Continental and Confederation Congresses and the Constitutional Convention*, M247: "Papers of Continental Congress, 1774-1789."
- National Archives of Canada.
- Admiralty 1: "Admiralty & Secretariat: Papers."
Colonial Office 188: "New Brunswick, Original Correspondence."
Colonial Office 217: "Nova Scotia, Original Correspondence."
Customs 34: "Customs, Plantations Papers."
"New Brunswick 'A'."
"New Brunswick: Lieutenant Governor, Despatches."
"New Brunswick, Miscellaneous, Shipping Returns."
"Nova Scotia 'A'."
"Nova Scotia Shipping Returns."
War Office 55: "Ordnance Office Miscellanea."
- New Brunswick. *Journal of the House of Assembly.*

- New Brunswick, Court of Vice-Admiralty. *The Question Respecting the Right of the United States to the Islands in Passamaquoddy Bay, by Virtue of the Treaty of 1783, Considered in the Case of the Sloop Falmouth, In the Court of Vice-Admiralty for the Province of New Brunswick in the Year 1805*. Fredericton, NB: J. Ryan, 1806 [CIHM 92469].
- Nicolas, Nicholas Harris. *Dispatches and Letters of Vice Admiral Lord Viscount Nelson*. London: Henry Colburn, Publisher, 1845.
- Nova Scotia. *Journal of the Nova Scotia House of Assembly*.
- Prince, Carl, ed. *Microfilm Edition of the Papers of Albert Gallatin*. Philadelphia: Rhistoric Publications, 1969.
- Raymond, W.O. *Winslow Papers, A.D. 1776-1826*. Saint John, NB: Sun Printing Company, 1901.
- Stagg, J.C.A., ed. *The Papers of James Madison: Presidential Series*. Charlottesville: University Press of Virginia, 1996-1978.
- Syrett, Harold C., ed. *The Papers of Alexander Hamilton*. New York: Columbia University Press, 1961-1979.
- Temperley, Howard, ed. *Lieutenant Colonel Joseph Gubbins: New Brunswick Journals of 1811 & 1813*. Fredericton, NB: Canada Kings Landing Corp., 1980.
- Wherry, James, ed. *Documents Relating to the History of the Passamaquoddy Indian Presence in Charlotte County, New Brunswick*. Fredericton, NB: Arctician Books, 1981.
- Wood, William, ed. *Select British Documents of the Canadian War of 1812*. Toronto: The Champlain Society, 1920.

DISSERTATIONS AND THESES

- Nason, Roger Paul. "Meritorious but Distressed Individuals: The Penobscot Loyalist Association and the Settlement of the Township of St. Andrews, New Brunswick, 1783-1821." M.A. thesis, University of New Brunswick, 1982.
- Sloan, Robert Wesley. "Loyalists in Eastern Maine During the American Revolution." Ph.D. dissertation, Michigan State University, 1971.

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