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“THE LION OF THE DAY”: DIPLOMACY, STATES’ RIGHTS, AND PARTY POLITICS IN THE AROOSTOOK WAR

BY JOHN A. SOARES, JR.

*Historians typically dismiss the so-called Aroostook War as an insignificant event that unfolded in the uncivilized northeast frontier. Yet this seemingly minor conflict allows us to examine how both partisan politics and the growing debate over national and state authority dominated political and diplomatic affairs in the antebellum period. This political contest highlights the roles played by Winfield Scott, a Whig, and John Fairfield, a Democrat, in achieving an acceptable compromise between Maine and New Brunswick. Like many regional affairs of this time, the Aroostook War can only be fully understood within this national context. John A. Soares, Jr. is a visiting assistant professor of History at the University of Notre Dame from 2005-07. He previously taught U.S. foreign policy at the University of Cincinnati and George Washington University. His recent publications include “Sagacious Beyond Praise: Winfield Scott and Anglo-American-Canadian Border Diplomacy,” with Scott Kaufman in *Diplomatic History*.*

THE AROOSTOOK WAR, a border dispute between Maine and New Brunswick, came to a head in February 1839 as local authorities in Maine and New Brunswick moved toward a showdown that neither London nor Washington desired. Before war could break out, however, President Martin Van Buren sent General Winfield Scott to Maine. A hero of the War of 1812 with a proven record of military success against the British, Scott reassured residents of Maine that any British attack would be resisted. As a Whig representing a Democratic administration, he could promote bipartisan cooperation among Maine’s politicians. This prevented either party from using bellicose rhetoric as a political ploy in the highly competitive state political arena. Scott also had the confidence of Sir John Harvey, his one-time military antagonist then serving as Lieutenant-Governor of New Brunswick. Scott’s strength in combining diplomacy with the prospect of military force facilitated a truce by mid-March. One biographer wrote that



Winfield Scott was a Virginian whose father served in the American Revolution. During the War of 1812, the young lieutenant-colonel commanded troops along the Canadian border, and when he was ordered to mediate the border dispute known as the Aroostook War, he was already on his way to becoming America's most prominent military figure. Edward D. Mansfield, *The Life of General Winfield Scott* (1846).

“Scott’s conduct in this tangle of motives and political cross-currents was sagacious beyond praise.” More restrained, Maine’s Governor John Fairfield wrote after the president’s emissary arrived, “General Scott is here and is now the lion of the day.”¹

While Scott’s background was largely military, this lion played a crucial role in preventing armed conflict in the Aroostook War. There were only two reported fatalities in Maine during the war: a soldier who died of measles, and a Maine farmer killed by a ricocheting bullet at a peace celebration after the danger of war had passed. Because the dispute ended without open warfare, it possesses certain comic qualities; historians deride it as an “absurd bicker” and label it the “Pork and Beans War,” a reference to the inordinate amount of money spent on provisioning the militia, relative to the little action they saw. “The episode,” as one scholar noted, “has been viewed by historians with a good deal of merriment.”² That the Aroostook War became a source of amusement rather than an armed conflict was due in good part to Scott’s diplomatic success in negotiating the problems posed by states’ rights and party politics in Maine.

Tensions Mount

The troubles that culminated in the Aroostook War originated with the 1783 Treaty of Paris, which ended the American Revolutionary War. Relying on inaccurate maps and surveys, the treaty delineated a boundary without correct landmarks, which led to disputes over which topographical features corresponded to those in the treaty. The boundary was not one of the major issues leading to the War of 1812, and thus it was not clarified by the Treaty of Ghent, which ended that conflict. In 1827 the Americans and British approved a convention specifying rules for mediation of the dispute, appointing King William I of the Netherlands as arbitrator. Maine Governor Enoch Lincoln protested this appointment, stating to Secretary of State Henry Clay that the king “rarely decides upon strict principles of law” but was rather inclined “to try, if possible, to split the difference.”³ In the estimation of Maine authorities, the state had valid title to all the land it claimed, and it was not interested in a compromise solution that simply divided the territory between the Americans and the British.

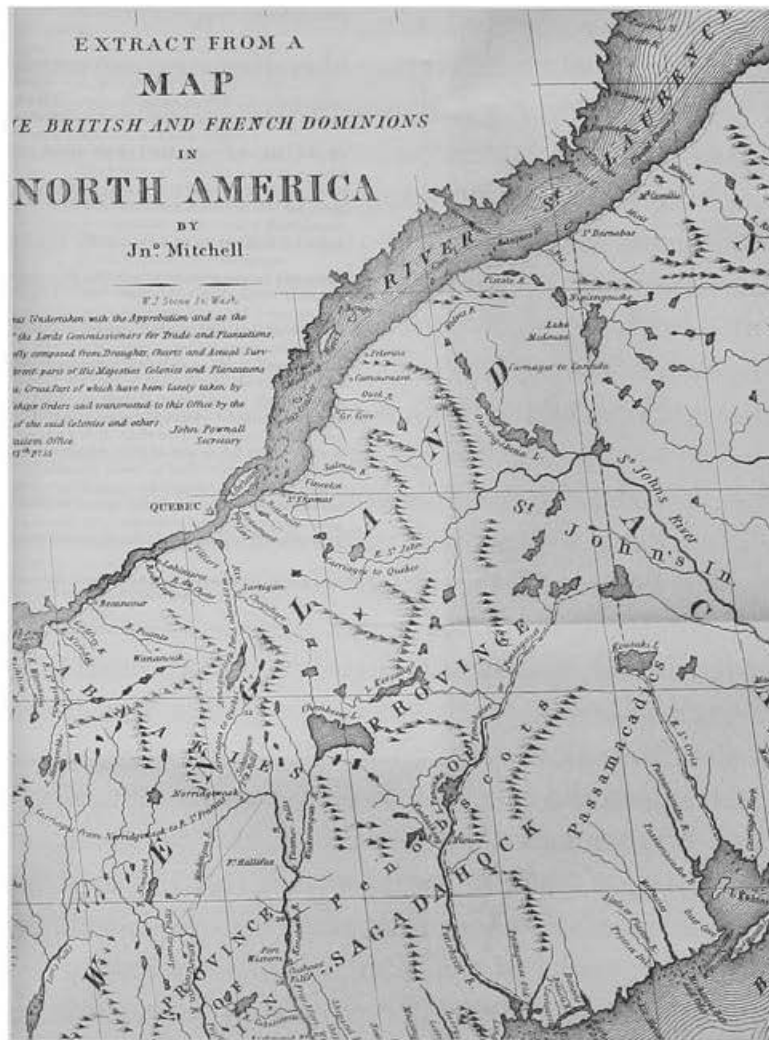
During his stint as arbitrator, King William also dealt with the rebellion of the former Dutch province of Belgium; the revolt and the consequent weakening of the Netherlands brought the Dutch ruler into greater diplomatic dependence on the British and undermined his cred-

ibility as an impartial mediator. When he finally announced his proposed resolution of the Aroostook boundary dispute in 1831, he recommended what the governor of Maine had feared: rather than select between the competing American and British interpretations of the boundary, he recommended a new line that divided the disputed territory between the Americans and the British. Although the British government approved the recommendation, the U.S. Senate objected, after impassioned arguments from the Maine delegation regarding the dangers of ceding a state's territory without its consent. President Andrew Jackson preferred the compromise solution but would not endorse it without Maine's approval, and this plainly was not forthcoming. When the United States rejected the king's compromise, the British withdrew their endorsement.⁴

In 1837 Martin Van Buren became president of the United States. Facing a host of pressing foreign and domestic issues, his administration allowed the northeastern border question to languish. The economic panic of 1837 brought various calls for government action, while agitation for annexation of Texas and calls to aid the Upper Canadian Rebellion demanded close attention. To deal with the troubles on the Canadian border, Van Buren dispatched Winfield Scott to Detroit and to Niagara Falls, where he defused a mounting crisis.⁵

The situation in Maine became more tenuous in the late 1830s when migrants from the Kennebec region discovered the agricultural potential of the Aroostook valley. Generally Maine lacked good agricultural land, but the Aroostook Valley's lime-rich soils would support the kind of stable farming population state authorities desperately wanted. While soil composition made the disputed territory especially valuable to Maine, military considerations shaped the British view of the dispute. A portion of the disputed territory near Madawaska had served as a winter land route between Halifax and Quebec since early colonial times, and when the sea-lanes of the St. Lawrence River froze, this route was essential to reaching Lower Canada. According to historian C.P. Stacey, the British had discovered in the War of 1812 that "the defense of Canada was primarily a problem in communications," and accordingly they concerned themselves with transportation issues.⁶ Lumbering was another issue that could not be ignored indefinitely. With no effective oversight in the disputed territory, Maine authorities watched as local British residents cut and hauled off much of the rich timber of the region.

President Van Buren asked the governor of Maine to ascertain whether the state would support a negotiation of the 1783 boundary,



The treaty that ended the American Revolution failed to delineate Maine’s northeastern boundary. In the years after 1789, British diplomats placed the boundary between the Penobscot and St. John rivers, while Maine political leaders insisted on the “height of land” between the St. John and the St. Lawrence. This difference gave rise to the skirmishes and diplomatic exchanges collectively known as the Aroostook War. Henry S. Burrage, *Maine in the Northeastern Boundary Controversy* (1919).

but the state legislature remained adamant, delivering what was essentially an ultimatum to the federal government: Maine would conduct its own survey if the Van Buren administration did not proceed within a few months. Eventually Maine established its own boundary commission, and not surprisingly, the commissioners concluded that the boundary intended by the 1783 treaty could be determined and no negotiation was necessary. In April 1838 Maine’s Whig Governor Edward Kent urged the state’s congressional delegation in Washington to work with the federal government, so that “if we resort, in self-defense, to in-

dependent action, there may be no imputation upon our State of neglect in setting forth her claims or declaring her ultimate determination.”⁷

In January 1839 Governor John Fairfield, a Democrat, dispatched an armed posse of 200 men under the direction of seventy-year-old Rufus McIntire to arrest the trespassers cutting timber in the territory. A closed session of the Maine legislature authorized the action, but the secrecy of the resolution eventually became problematic, making it impossible for the Maine authorities to notify New Brunswick authorities of the nature of their maneuvers. With no official information about the armed band moving into the disputed territory, New Brunswick authorities were left to conclude the worst. After the posse arrested some trespassers and a British official named James Maclauchlan, British officials arrested McIntire. Not willing to back down, the Maine authorities reinforced their posse. New Brunswick Lieutenant Governor General Sir John Harvey issued a proclamation claiming the United States and Britain had agreed that the British would have jurisdictional authority over the entire territory until the boundary was finally settled, bringing an impassioned outburst from Governor Fairfield.⁸

As they stood on the brink of war, Maine and New Brunswick authorities engaged in a testy correspondence. Harvey wrote on February 18 that good relations made it “indispensable that the armed force from [Maine] . . . be immediately withdrawn.” Failure to withdraw would leave him “no alternative but to take military occupation” of the disputed territory.⁹ The Solicitor-General of New Brunswick claimed the posse violated British and international law and called for the release of British official James Maclauchlan, and Fairfield promptly refused the request. Charles Jarvis, the Maine land agent who took command of the posse after McIntire’s arrest, closed his correspondence to the Solicitor-General with a warning: “I shall consider the approach to my station by an armed force as an act of hostility, which will be met by me to the best of my ability.”¹⁰ With tension increasing, the Maine legislature appropriated \$800,000 for its defense. The governor called for 10,000 militiamen and immediately sent 2,000 soldiers on the long march toward the Aroostook Valley. Governor Fairfield wrote to President Van Buren complaining of McIntire’s treatment, which he called “such an indignity to the State and the nation as cannot and ought not to be submitted to.”¹¹ Both Maclauchlan and McIntire were released, but passions remained heated and calls for war became louder. Recognizing the possibility for open warfare, the U.S. Congress appropriated \$10 million for the military and authorized the president to call up 50,000 volunteers.

Others were caught up in the war fever as well. Massachusetts still owned half the public lands in Maine and therefore had a financial stake in the outcome of the dispute. Bay State residents prepared to raise military companies to assist in the defense of Maine, and legislatures in Maryland, Alabama, Virginia, Kentucky, Pennsylvania, Ohio, and Indiana all passed resolutions pledging "support in case of war." Likewise the legislative council in Nova Scotia indicated its willingness to support New Brunswick.¹²

With tensions mounting, Fairfield wrote to Van Buren both officially and privately. Officially, he passed along copies of correspondence from Harvey and resolutions from the Maine legislature, and he described Maine's militia preparations. Unofficially and confidentially, he urged federal action: the people in Maine, he explained, would no longer submit to British aggression. "This is not a feverish and temporary excitement that may manifest itself in a few rash [and] indiscreet acts and then die away"; it reflected Maine residents' "fixed purpose" and determination to "stand by their rights." Fairfield expressed concern over the political implications should Van Buren fail to act appropriately. Still, he closed on a conciliatory note: "while I am devoted to my state, I am also your devoted friend. God grant that my attachment and duties to each may never clash."¹³

With local tensions increasing, Secretary of State John Forsyth entered into negotiations with the British Minister in Washington, Henry S. Fox, hoping to reduce tension and facilitate a solution of the crisis. On February 23 Fox wrote to Forsyth to complain about "an unjustifiable incursion into a part of the disputed territory" and maintained that the United States had agreed to give Britain the right to exercise exclusive jurisdictional authority in the territory. Forsyth responded that Maine intended "no military occupation of the territory," but simply sought to remove trespassers whose actions were in violation of the state's "right of property."¹⁴

The president submitted a complete report to Congress on the situation on February 26. Significantly, he took issue with Maine's decision to send the posse without notifying New Brunswick authorities. "Had the lieutenant-governor of New Brunswick been correctly advised of the nature of the proceedings of the State of Maine, he would not have regarded the transaction as requiring on his part any resort to force." Van Buren noted prior correspondence from the secretary of state to officials in Maine indicating that if negotiations to resolve the boundary were unsuccessful, the two nations would "accomplish that object



In January 1839 Governor John Fairfield sent an armed posse of 200 men to the disputed territory to stop the theft of timber along the Aroostook River. When the incident brought the two nations to the brink of war, President Martin Van Buren dispatched General Scott to Maine to negotiate a settlement. Burrage, *Maine in the Northeastern Boundary Controversy*, and William Holland, *The Life and Political Opinions of Martin Van Buren* (1835).



amicably . . . by another arbitration, or by a commission, with an umpire." Thus Van Buren cautioned the residents of Maine that they should be prepared for a solution determined by an international referee. Despite his desire to avoid armed conflict, Van Buren informed Congress that he would consider it his constitutional duty to aid Maine, "if the authorities of New Brunswick should attempt to enforce the claim of exclusive jurisdiction set up by them by means of a military occupation on their part of the disputed territory."¹⁵

On February 27 Secretary of State Forsyth and Minister Fox signed the Fox-Forsyth Memorandum. The document began by acknowledging the different British and American understandings concerning jurisdiction in the disputed territory, then it specified the conduct expected of both. Provincial authorities would "not seek to expel by military force the armed party which has been sent by Maine," and Maine would "voluntarily, and without needless delay, withdraw beyond the bounds of the disputed territory, any armed force now within them." The memorandum also specified that each side would release any arrested civil officers, and that "nothing in this memorandum shall be construed to fortify or weaken in any respect whatever, the claim of either Party to the ultimate possession of the disputed territory." The memorandum noted that both signatories could "only recommend" that Maine and New Brunswick "regulate their future proceedings according to the terms . . . set forth, until the final settlement of the territorial dispute," or until the United States and Great Britain resolved the question of jurisdiction.¹⁶

States' Rights, Party Conflict, and the Maine-New Brunswick Boundary

Resolution of the northeast boundary dispute was complicated by some of the states' rights protections in the U.S. Constitution. Provisions of the Constitution prevented the federal government from surrendering any state's territory without the approval of the state. During the Maine-New Brunswick dispute, Governor Fairfield argued that the states were "sovereign and independent, except so far as that sovereignty has been restrained or modified by the United States." He argued that "the power to alienate the territory of a State . . . to a foreign power . . . is no where granted."¹⁷ In Maine's case, the treaty of 1783 had specified a boundary between Maine and New Brunswick, and the difficulties in establishing the boundary intended by that treaty did not alter the fact that any concession to Britain was the equivalent of giving away territory to which Maine had a legitimate claim. Thus Senate approval of any resolution that Maine opposed would establish the precedent that the fed-

eral government could negotiate away a state's territory. Concern over such a precedent complicated the negotiations with Britain.

The federal government offered both Maine and Massachusetts offer of compensation with land in the western states if they would accept resolution of the boundary dispute. This met with the approval of Massachusetts, which looked to its Maine land holdings simply for income and could derive satisfactory revenues from territory in the West. For Maine, however, there were questions of territorial integrity and population; the state looked to the Aroostook Valley as a region where fertile soil could support stable agriculture in a way that was impossible in other areas of Maine. For this reason, Maine rejected the federal offer of compensation.

Throughout the crisis Maine insisted on the right to protect its own territorial claims. Governor Fairfield cautioned against rushing into military confrontation—a “calamity too dreadful to be lightly hazarded”—but he insisted that there was “a point beyond which forbearance would be more than pusillanimity. It would be treason against” future generations. In a passage that illustrated the way states could manipulate events to force Washington's involvement, he announced that “if Maine should take possession of her territory, up to the line of the treaty of 1783, . . . any attempt on the part of the British government to wrest that possession from her must bring the general government to her aid and defense.”¹⁸ While Fairfield conceded that such steps would be taken only after “mature deliberation,” he nonetheless recognized that the state could take steps that would require federal military involvement.

Maine justified its military force in Aroostook not by federal mandate but by state authority. Charles Jarvis insisted that he was “here under the direction of the executive of the State, and must remain until otherwise ordered by the only authority recognized by me; and deeply as I should regret a conflict between our respective countries, I shall consider the approach to my station by an armed force as an act of hostility, which will be met by me to the best of my ability.”¹⁹ Jarvis's statement suggested that he might not recognize the authority of the federal government unless it were endorsed by Governor Fairfield. Such apparent disregard for national authority, widely endorsed by Maine political leaders, complicated efforts by Washington and London to resolve this crisis.

Partisan politics posed a second challenge. By the 1830s, the political arena had been polarized by the continuing debates over slavery and expansion in the West. In national politics Democrats tended to support

expansion, while the Whigs were more restrained. Northern Whigs opposed expansion because it often targeted territory adjacent to the southern states, where slavery was likely to be imported.²⁰ These national issues infused state politics with a great deal of fervor, and in Maine this intransigence further complicated efforts to resolve the boundary crisis. One reason Maine had been so hostile to the Dutch King’s arbitration, a historian suggests, was that “neither party was willing, given the excited state of opinion, to yield an inch to the British.”²¹ In the 1830s and early 1840s Maine voters were divided almost equally between Whigs and Democrats, and control of the government shifted frequently from one party to the other. In 1838, the faction-ridden Democrats united behind John Fairfield and won the governorship by roughly 3,300 votes out of nearly 90,000 cast. Whigs immediately attacked the new administration for its “soft” position on the boundary dispute.²²

As tensions mounted in the disputed territory, both Whig and Democrat newspapers called for action against the British. When the state dispatched McIntire to the border, the *Bangor Whig* reported that it was “wholly in favor of the object of this expedition,” even though the men leading it were Democrats, whom the paper labeled “brawling and noisy politicians.” When the British captured Rufus McIntire, the *Whig* allied with Democratic leaders, complaining that “our State has been for the third time invaded and our citizens carried away and incarcerated in a FOREIGN JAIL!”²³ In Portland, the Whig papers assured their readers that despite differences with the governor they would support his action against the British. To inspire militia members to steel themselves for confrontation with the British, the *Belfast Republican* coined the slogan, “Maine and Her soil, or BLOOD!” A Montreal newspaper noted that “Whigs and Democrats, so opposed on almost all other questions, think alike” on this question “and demand war with equal enthusiasm.” Outside of Maine, however, Whig journals advocated a peaceful settlement. According to scholar David Lowenthal, the “Whig journals of Boston and New York considered Governor Fairfield a hot-headed fanatic who was rushing the country into war. Commercial interests deprecated his policy.”²⁴

The signing of the Fox-Forsyth Memorandum on February 27 angered many in Maine who thought Washington had compromised the interests of the state. Maine Senator John Ruggles complained that “the Administration has no notion of backing Maine in the vindication of her rights.” He groused that legislators such as Silas Wright of New York,

Pennsylvania's James Buchanan, and John Calhoun of South Carolina were all working against Maine's efforts to secure support from the Washington government. Van Buren, according to Ruggles, looked after the interests of the South and the West in order to ensure his re-election. "Maine bows down and worships the Administration from which it receives nothing but insult."²⁵ With both parties in Maine contributing to the furor, the Democratic administration in Washington, shaken from its hopes that the contention over the Maine boundary would blow over, sent Winfield Scott to Maine to seek a peaceful resolution of the situation.

Winfield Scott and the Triumph of Bipartisanship

Winfield Scott was an unlikely candidate to play the role of hero-pacifier. Described by a biographer as "an aristocrat of the old school, and a good deal of a snob," he had pronounced philosophical objections to the democratization of American life and politics during the Jacksonian period. His distaste for Jacksonian democracy led to his involvement with the Whig party that rose in opposition to Old Hickory's leadership and policies. Scott eventually became the party's presidential nominee and was defeated in the 1856 election. At odds with the Democratic Van Buren and Fairfield administrations, he was also cool to the idea of militia and citizen-soldiers, his experience in 1812-1814 having taught him that war was a matter best left to professionals.²⁶ In many respects Scott was the opposite of Andrew Jackson, who relished his command of large numbers of militia in the Battle of New Orleans and who became a champion of democracy and the common man. In fact, earlier clashes between Jackson and Scott culminated in an exchange of letters so heated that Jackson challenged Scott to a duel.

Although Van Buren dispatched Scott to Maine in "absolute confidence" and in "cordial friendship," Scott's earlier regard for Van Buren had cooled, and in fact he might have been thinking of Van Buren as a potential rival in an upcoming presidential election. This distancing, coupled with Scott's usual pomposity and arrogance, might have complicated his relationship with Maine's Jacksonian leaders. Nor was Scott's personality particularly engaging. An aide reported that "the chief ruling passion of the general was ambition and its uniform attendant, jealousy." Ulysses S. Grant wrote that Scott "cultivated a style peculiar his own" and that he "was not averse to speaking of himself, often in the third person, and he could bestow praise upon the person he was talking about with the least embarrassment." In short, few expected Scott's mis-



Major General John Harvey, K.C.B. In 1836-1837 Harvey was lieutenant governor of Prince Edward Island, and from 1837 to 1841, lieutenant governor of New Brunswick. He went on to serve as governor of Newfoundland between 1841 and 1846. As a lieutenant colonel in the War of 1812, Harvey encountered Scott across the battle lines, and later the two became friends. This proved useful when the American general arrived in Maine to quell the incipient war on the northeastern frontier. VA 27-39a- courtesy of the Rooms Corporation of Newfoundland and Labrador, Provincial Archives of Newfoundland and Labrador.

sion to Maine to end in success. In addition to his difficult personality, he would be contending against angry Maine residents. Before departing for Maine, he himself told Van Buren "if you want war, I need only look on in silence. The Maine people will make it for you fast and hot enough. . . . [B]ut if peace be your wish, I can give no assurance of success."²⁷

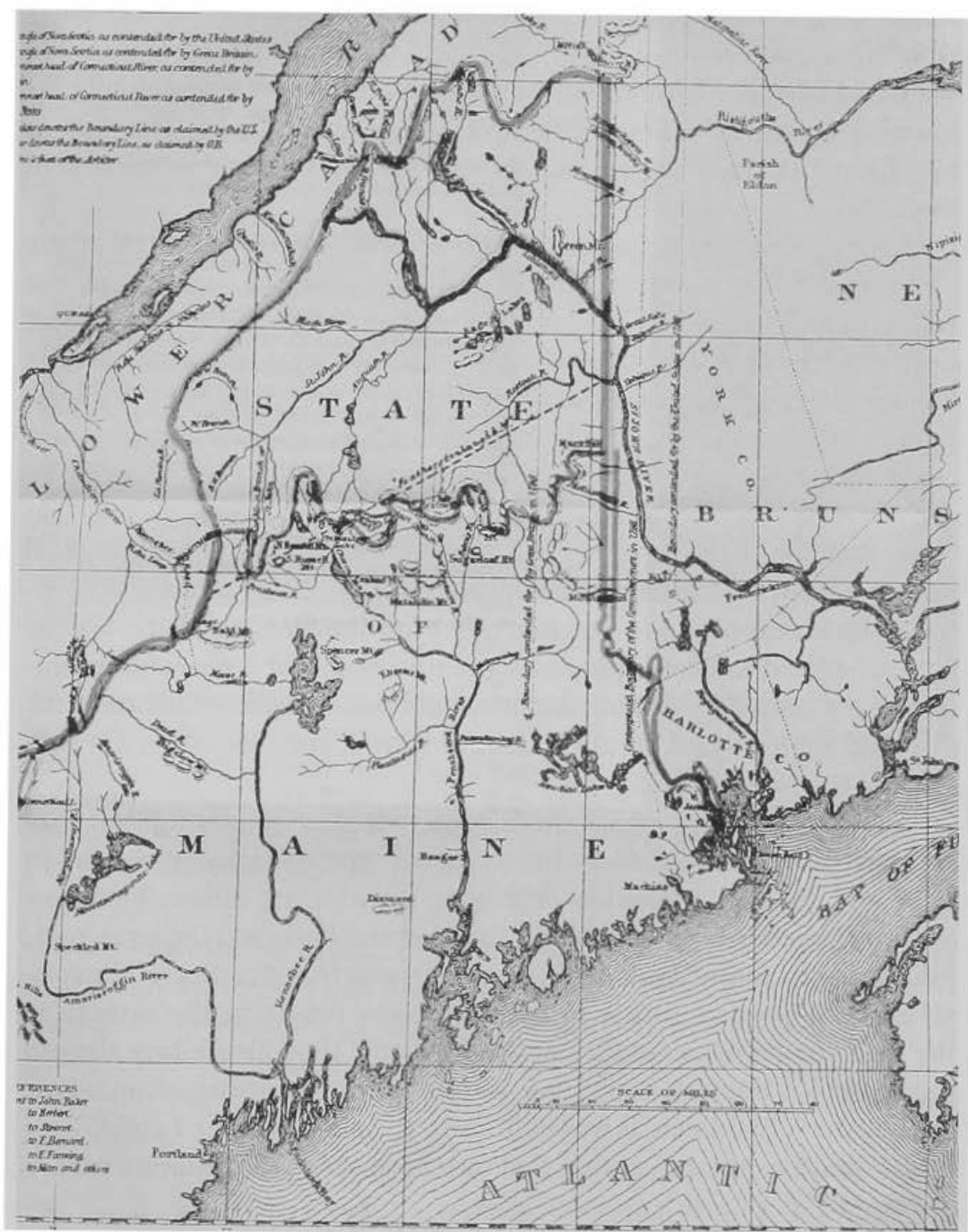
The general arrived in Maine shortly after the signing of the Fox-Forsyth Memorandum, at a time when frustration with the federal government was at fever pitch. "If the contemplated visit of General Scott to Maine is only to persuade a withdrawal of our troops from the disputed territories, or a relinquishment of our present position, he might as well stay away," a state senator complained. When Scott arrived in Augusta, he "found a bad temper prevailing." Democrats were "dominant in every branch of Government," but in the legislature "the weight of talent and information, . . . was in the Whig minority." Both parties played to a constituency clamoring for military action, Scott recalled; "the Whigs were unwilling to abandon that hobby-horse entirely; but the Democrats were first in the saddle and rode furiously." In time, Scott would help both parties off of that hobby-horse.²⁸

Scott won favor in Maine by criticizing the Fox-Forsyth Memorandum, calling it a "bungle" in which the "people of Maine . . . were re-

quired to withdraw their forces from the territory in dispute simply on the promise that British officers would not *seek to expel them by force!*—without any reciprocal obligation;—the other party being left free to remain; to fortify themselves; to continue their depredations, undisturbed, and for an indefinite time!”²⁹ Scott’s prior relationship with Sir John Harvey also aided his efforts to bring peace to the Maine frontier. The two had dealt with each other as combatants during the War of 1812, and in fact Scott was responsible for sparing Harvey’s life at one point. Later, Scott purchased and returned to Harvey a portrait of Harvey’s wife stolen during the American raid on York, Ontario.³⁰ Thus despite their prior status as combatants in rival armies, Scott and Harvey had established a reservoir of good will, which Scott could utilize to ease the crisis.

Harvey wrote to Scott on January 13 indicating “the high degree of satisfaction which I had individually derived from hearing of your selection for the very delicate and difficult command on the frontier of the northern states opposite the British provinces.” Harvey expressed hope that the two could meet in person to resolve issues. Scott responded by requesting a declaration that New Brunswick would not seek to expel the Maine posse by force, as specified in the Fox-Forsyth Memorandum. Were Harvey to make such a declaration, Scott reported, the troops of Maine would no doubt “be immediately recalled and the detachment, in march thither from the interior of the State, be at once ordered to halt.” Scott explained that a civil posse, “limited to a small number . . . and restricted to certain specific duties,” would remain in the territory, but otherwise, “if we can avoid collision on the Northeastern Frontier it is not likely that the United States” would send federal troops to Maine. Harvey noted the need to defend access to a portion of the St. John Valley essential to British communications, but reported that British troops would avoid “offensive operations” against the posse—again in accordance with the Fox-Forsyth Memorandum.³¹ Although residents and leaders in Maine had earlier derided the memorandum, and Scott himself had publicly criticized it, it nonetheless became the basis for agreement once Scott convinced the two political parties in Maine to accept a peaceful course of action.

Scott next turned to Maine’s political leaders. When he arrived in Maine, his party affiliation had been unknown. Maine Whigs, seeing him as a representative of the Democratic administration in Washington, assumed he was a Democrat, or viewed him as an apolitical Army officer. After winning Fairfield’s confidence, Scott revealed his party af-



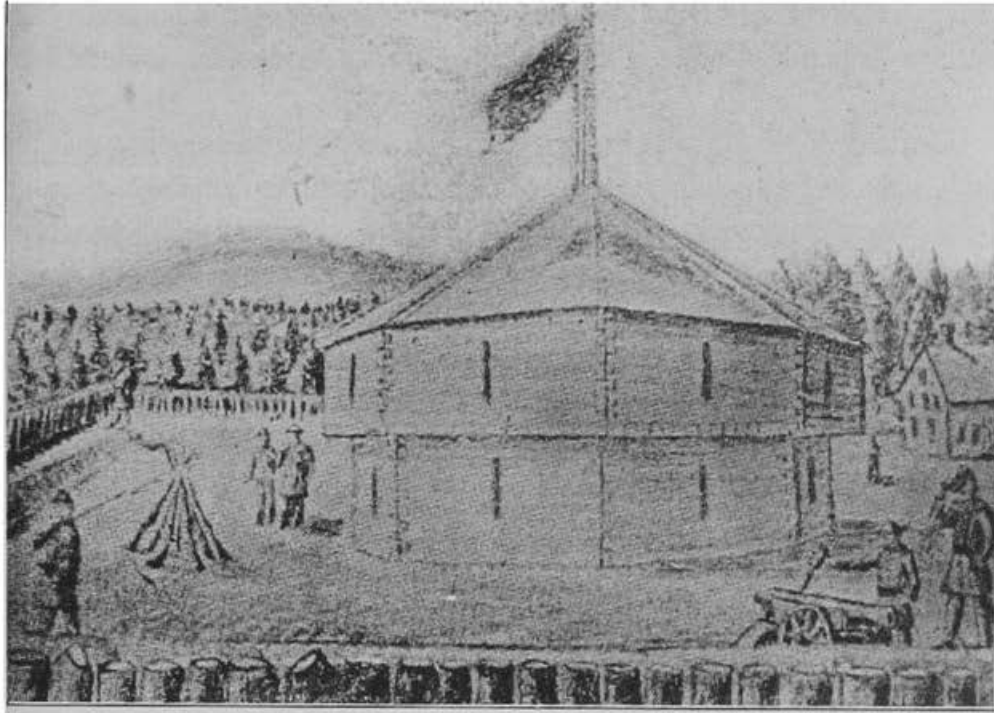
Maine politicians insisted that under the Constitution the federal government could not surrender a state’s territory without the state’s explicit approval. Maine would defend its territorial rights against New Brunswick—and against an overly conciliatory federal government in Washington. Burrage, *Maine in the Northeastern Boundary Controversy*.

filiation and suggested that he approach the Whigs in the state legislature to solicit their support for a peaceful resolution. At a dinner party with Whig U.S. Senator George Evans and leading Democrats from the Maine legislature, Scott seated himself among the Whigs. Initially, he found them “sulky” and unresponsive, until Evans called to their attention his political affiliations, calling Scott “as good a Whig as the best of them.”³²

Shortly thereafter, Governor Fairfield addressed the legislature, claiming that the people of Maine were “not desirous of hurrying the two nations into a war.” Such an event was “anxiously to be avoided, if it can be without dishonor,” he continued. “We owe too much to the Union, to ourselves, and above all, to the spirit and principles of Christianity, to bring about a conflict of arms with a people having with us a common origin, speaking a common language, and bound to us by so many ties of common interest.” Fairfield told the legislators that he was “fully satisfied” that the New Brunswick authorities had “abandoned all idea of occupying the disputed territory with a military force, and of attempting an expulsion of our party.”³³ With the blessing of the legislature, he agreed to Scott’s proposal. In anticipation of a peaceful resolution of the boundary dispute, Maine would halt its military efforts in the disputed territory and the authorities of New Brunswick would not seek to expel the Maine forces.

Despite misgivings about the Fox-Forsyth Memorandum, Scott won support from Maine leaders for an agreement remarkably similar in form and substance. The key difference between the earlier document and the agreement signed by John Fairfield and Sir John Harvey in mid-March was its timing and Scott’s careful preparation. Scott carefully consulted both political parties in Maine, thereby removing the issue from the realm of partisan conflict, and at the same time his stalling allowed the fervor for war to subside and the militia to grow weary of mundane drilling duty. By March, it was politically acceptable for the Fairfield administration to agree to a truce that may have been problematic a month or two earlier.

Along with Scott’s diplomatic handling of the situation, John Fairfield’s political tact was key to the resolution of the dispute. The governor’s insistence upon the imperatives of honor increased the difficulty of resolving the situation, but his calmness in pointing out the “un-Christian” nature of warfare among people bound by ties of language and custom facilitated a peaceful solution. With the easing of tension in spring 1839, it was possible for the United States and Britain to move toward



FORT FAIRFIELD.

While the fortifications built so hastily in the spring of 1839 were never used in battle, they left their names as testimony to the two governors most involved in the volatile events of 1839. Fort Kent, named for Edward Kent, still stands on the banks of the St. John River, as does Fort Fairfield on the Aroostook, named for the Democratic governor who followed him into office. Burrage, *Maine in the Northeastern Boundary Controversy*.

settlement of the boundary, which would come with the 1842 Webster-Ashburton Treaty that established the border along the St. John and St. Francis rivers—neither to the north, at the watershed between the St. Lawrence and the St. John, as Maine had insisted, nor to the south, between the Penobscot and the St. John watersheds, as the British had claimed.

The Legacy of Partisan Politics and States' Rights

With the election of 1840 looming, it might have been difficult to bring Whigs and Democrats together to resolve the boundary question. But with a Whig general representing the Democrat administration, bipartisan agreement was easier to achieve, and the Aroostook War became the stuff of legend or comedy, rather than the starting point of the third British-American war in sixty years. Timing was essential to this outcome. What seemed unacceptable in late February, with the Maine

militia newly mustered on the northeastern border and war fervor at its peak, was just a few short weeks later seen as an honorable way to avoid hostilities.

Winfield Scott, despite his reputation as a pompous, self-important Whig, was indispensable in resolving the conflict surrounding the Maine-New Brunswick border. He accomplished his goals by providing a level of credibility that reassured the people of Maine and the British authorities in New Brunswick. No less important, his negotiations bought enough time to let the enthusiasm for war pass, while assembling the political factors necessary to assure bipartisan agreement in Maine.³⁴ The crisis on the border in 1839 proved that unresolved issues could bring these nations to the brink of war, but it also proved that there was much in the relationship between the British, the Canadians, and the Americans that could make for an enduring rapprochement, if the proper restraints were observed and exercised.

NOTES

1. Arthur D. Howden Smith, *Old Fuss and Feathers: The Life and Exploits of Lt.-General Winfield Scott* (New York: Greystone Press, 1937), p. 222; Charles Winslow Elliott, *Winfield Scott: The Soldier and the Man* (New York: Macmillan Company, 1937), pp. 360-61. For the Aroostook War generally, see Richard W. Judd, "The Aroostook War, 1828-1842" in Judd, Edwin A. Churchill, Joel W. Eastman, eds. *Maine: The Pine Tree State from Prehistory to the Present* (Orono: University of Maine Press, 1995), pp. 345-353; Howard Jones, *To The Webster-Ashburton Treaty: A Study in Anglo-American Relations, 1783-1843* (Chapel Hill: University of North Carolina Press, 1977), pp. 33-47; Jones and Donald A. Rakestraw, *Prologue to Manifest Destiny: Anglo-American Relations in the 1840s* (Wilmington, Delaware: Scholarly Resources, Inc., 1997), pp. 1-20; Francis M. Carroll, *A Good and Wise Measure: The Search for the Canadian-American Boundary, 1783-1842* (Toronto: University of Toronto Press, 2001), pp. 195-219; Geraldine Tidd Scott, *Ties of Common Blood: A History of Maine's Northeast Boundary Dispute with Great Britain, 1783-1842* (Bowie, Maryland: Heritage Books, Inc., 1992), pp. 94-242.

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