

PERCIVAL P. BAXTER
THE WILDERNESS CONCEPT*

When former Governor Percival P. Baxter made his first donation of land for the creation of Baxter State Park in the winter of 1931, he stipulated that the land "shall forever be used for public park and recreational purposes, shall forever be left in the natural wild state, shall forever be kept as a sanctuary for wild beasts and birds, that no roads or ways for motor vehicles shall hereafter ever be constructed thereon or therein." Accepted with alacrity by the state and its people, the gift seemed a fitting beginning for a noble objective for which Baxter had fought for over a decade. At the time it also appeared that there would be no difficulty attending the conditions of the grant. As matters turned out, no single issue has created so much continuing controversy as that of adequately defining "wilderness." Had the park not been increased in size the matter might not have arisen, but since land was acquired and deeded to the state over a period of more than three decades virtually every aspect of the problem underwent change. Baxter altered the wording of his deeds of trust over the years, and, in his last deeds, provided for land uses completely counter to the wilderness concept. Political pressures brought by residents living near the park and conditions imposed on Baxter by landowners who sold him land forced changes in the original concept. Baxter himself, for a variety of complex reasons, both changed his mind and made exceptions to most major aspects of the wilderness concept. This has greatly complicated the task of trying to unravel his thinking and wishes.

**This paper was first presented at a meeting of the Organization of Maine Historians, held at the University of Maine at Augusta on April 26, 1980.*

Precisely when and how Baxter developed the wilderness concept evoked in 1931 is impossible to determine. As a youth he had often gone fishing with his father, perhaps visiting the Kidney Pond area in 1903, and particularly frequently the Rangeley lakes region. Since 1905 he had been interested in the Katahdin area, though he made no definite proposals until 1917. Since he traveled widely, he was undoubtedly aware of the conservation practices of the federal government. The renewed and expanded activities of the federal government in 1916, when the National Park Service was created, undoubtedly increased his awareness. To what extent he read the works of John Muir, Aldo Leopold, and other early wilderness advocates is unknown, but, during the 1920s, he became acutely aware of the extent to which the forest resources and waterpowers of Maine were being abused. After the First World War he became involved in a bitter conflict over these issues and the public lots in Maine. By 1917 he was advocating establishment of a Maine Water Power Commission which, among other things, would authorize the state to buy up burned-over and cut-over lands.¹ Unsuccessful in this, he then advocated that the region around Mount Katahdin be acquired by the United States under the Weeks Act or by the State of Maine, which he felt should establish a forest reserve.² His objectives in the acquisition of 100,000 or 200,000 acres in the area were to protect the flow of rivers, provide for a refuge for wild game, and make "an ideal public recreation ground." The next year he introduced an act to provide for the establishment of a state forest and park in the Katahdin region, but that too failed.

He succeeded in obtaining passage of a law which authorized state officials to accept gifts of land for "the preservation of scenic beauty, facility for recreation as nearly unrestricted and general as is practicable by the people of this state and those whom they admit to the

privilege, and the production of timber for watershed protection and as a crop.”³ In the following year, while running for the state senate, and after having climbed Katahdin, he pushed for the creation of a Mount Katahdin park as a centennial memorial and argued that “such a Park would prove a splendid investment for the State, both as a place of recreation and as a business proposition.”⁴ After his election, when the legislature met in early 1921, he introduced his bill to create the park but with no indication of wilderness status.

In a widely publicized address to a sportsmen’s group shortly before he assumed the governorship, Baxter argued that the state should acquire burned-over timberlands in the Katahdin area “in order to make a beginning toward maintaining and increasing the supply of timber and pulp, and in order to provide a recreation ground in the most picturesque region of the state.” If the state now were to “acquire large areas of land which are now practically worthless, but which in the future will yield a harvest that will bring to the State an annual income on the investment,” he argued, it “will prove a profitable investment, and a direct income will be derived from it when the crop of timber is harvested, while an indirect income will be obtained from the tourist travel that is bound to come” He envisioned the park as a major recreational attraction for both Maine residents and tourists and as a sanctuary for wildlife. Katahdin would become a “recreational center for those who seek the woods that are unspoiled by fashionable hotels with liveried attendants, or by costly club houses frequented by the devotees of tennis and golf.”⁵

In the drafts of bills to create the “Mt. Katahdin State Park” in 1923 and the “Mt. Katahdin State Park and Forest Reserve” in 1925, the thrust of expected use is essentially the same. In 1923, while stressing recreation and excluding hunting, the draft bill provided that no live

timber would be removed “except for the purposes of improving the forest growth therein; but timber not needed for the purposes of this act or for the preservation of the scenic beauty of said park may be sold therefrom” The provision in the 1925 draft was essentially the same.⁶

Baxter’s last known statement before his first donation of land for the park in 1931 came in 1927 when he created his trust, which provided funds to the state for the creation of a Baxter State Park and the “purchase of or other acquisitions of additional lands of said Baxter State Park” If acquired, these lands were to be held by the state “in Trust for the benefit of the people of Maine for development, improvement use, reforestation, scientific forestry, and the protection of timber and sale thereof”⁷ At this point Baxter’s intentions were much the same as earlier in the decade.

These statements have been quoted extensively since they best epitomize his views prior to the first grant to the state. In many ways they seem to reflect the thinking that went into his deeds of trust in 1931 and later years. It appears that he wanted the state to acquire cut- or burnt-over “wild lands” for park and forest reserve use. His long efforts to regain control of the wild lands ceded by the state in the previous century reflected his belief that they could serve several purposes—conservation of waters, continued production of timber, and recreation. Though impossible to prove conclusively, it is possible that when ceding the land on the condition it “shall forever be left in its natural wild state,” he was defining his terms as he had a decade earlier and that what he wanted to avoid was commercialization of the area. As will be seen, some of his later actions would seem to bear this out.

The remainder of this essay will analyze the contents of the trust deeds in order to indicate some of the major

changes in Baxter's thinking and to highlight some of the difficulties those changes produced. Then, specific issues will be examined to determine his views on various aspects of the wilderness concept. Since Baxter conveyed the parcels over a thirty-one-year period, using various lawyers to prepare the deeds, the precise wording differs to a considerable degree. He viewed the creation of the park through these deeds as a "continuing evolving trust."⁸

With regard to the purposes for which the state was to hold and use the land there are six different wordings which have vastly different significance. Even with the first parcel, which Baxter conveyed to the state in three separate actions between 1931 and 1933, there are as many different wordings. In March he provided that the land "shall forever be used for public park and recreational purposes." Later in the year when the governor and council accepted the remaining undivided interest in the first grant the words used were "said premises shall forever be used for forest and park purposes," but in 1933 when the legislature officially accepted the land the wording was that it "shall forever be used for State forest, public park and recreational purposes." Quite obviously, these might be open to variant interpretations. Baxter used the third version for his two grants in 1938 and 1939, and then used still another form — "shall forever be retained and used for state forest, public park and public recreational purposes," — for the next six grants extending through 1944. Undoubtedly he added the word "retained" to try to reinforce the sanctity of the trust arrangement after the proposed creation of a national park in the area. He reverted to the second version for nine parcels granted in 1945 and asked the legislature to apply the wording "shall forever be used for State forest, public park and recreational purposes" on all areas

previously granted. In 1947, he introduced still another version for land he donated in the west half of T4 R10 when he stipulated it "forever shall be kept for and as a state forest and public park for public recreational purposes." Thereafter, until 1954 he reverted to an earlier form and provided that the land "shall forever be retained and used for state forest, public park and public recreational purposes."

In 1955, however, he dramatically reverted to the position held in the 1920s. In deeding a large parcel in the northwestern part of the park, he provided that they "shall forever be held for and as a State Forest, Public Park and Public Recreational Purposes and for the practice of Scientific Forestry, reforestation and the production of forestry wood products. All harvesting of said products shall be done according to the most improved practices of Scientific Forestry and all revenue derived from the sale of said products shall be used by said State for the care and management and protection of Baxter State Park as now or hereafter defined."⁹ Later that year he deeded an even larger amount of land with a similar provision.¹⁰ In his letter to Governor Edmund S. Muskie on this occasion Baxter noted that "I want this township to become a show place for those interested in forestry, a place where a continuing timber crop can be cultivated, harvested and sold; where reforestation and scientific cutting will be employed; an example and an inspiration to others. What is done in our forests today will help or harm the generations who follow us."¹¹ No matter how laudable the objectives of this portion of Baxter's hopes and desires, to add practices of scientific management to a portion of a wilderness park makes it more difficult to come up with any clear-cut concept of wilderness for the area as a whole. For the other transfers made in 1955 and in the early sixties, he reverted to the wording "shall forever be

retained and used for state forest, public park and public recreational purposes.”

The second condition of the 1931 deed of trust provided that the park should be left forever in the “natural wild state,” and Baxter made no significant changes in the deeds that followed over the next three decades. It is probable, however, that the interpretation of this restriction will cause the most controversy in the future, as it has in the past. As will be demonstrated, Baxter’s ideas can be used to support very different arguments as to what he actually meant. Likewise, the third provision, relating to the wildlife sanctuary, changed little in wording over the years. Again, what is important are the exceptions made to the sanctuary provision as he acquired more land. The final or fourth provision of the original deed of trust gave Baxter the right to decide what markers would be placed in the park, and he included this provision in subsequent deeds until 1941, after which it no longer appeared. Why it was dropped is unknown, but he exercised his right concerning markers until the late 1960s.

In 1931 the former governor forbade the construction of additional roads and ways for motor vehicles, and he retained the restriction when deeding the remaining undivided interest in the first grant to the state two years later but did not include it again until 1945. No explicit reasons for the change have been found but several can be surmised. In order to obtain some lands, he had to allow the owners to cut timber for varying periods of time and thus had to allow access roads. Also, in one grant other parties held an undivided interest and could not be excluded from access to their properties. Finally, the Civilian Conservation Corps had been doing a good deal of road building in areas he wanted to acquire for the park, and until he did so he did not oppose road construction.

By the end of the Second World War, after having consolidated his holdings in much of the park, Baxter dramatically reversed himself once more. In making a new grant he asked that no roads be built in the new section, and that, with selected stated exceptions, the ban on new road construction be applied to all previous grants. He gave no specific reason for changing his mind, but, in spelling out some of his thoughts with regard to the future of the park, it appeared that he was afraid too much new construction would interfere with the park's wilderness aspect.¹² The legislature concurred with his wishes, and the law accepting the land barred new road construction and made the ban retroactive to all earlier deeds. The only exceptions were the Millinocket-Sourdnahunk road, the Roaring Brook road from Togue ponds to Roaring Brook, and a provision that rights of co-owners of land in T3 R10 would not be restrained. A lumber road that the Eastern Corporation was building to enable it to exercise its cutting rights was closed and abandoned.¹³ At this point Baxter seemed most determined to maintain rigidly the wilderness character of the park. The ban was extended to another parcel conveyed to the state in 1947.

He was unable to maintain a total ban for very long. Within four years he had to agree to new construction in order to obtain land he wanted to the north of the park; the owners would not sell without a change in the law. By 1947, shortly after his latest restriction, Baxter began negotiating for land in T6 R9, which he desperately wanted to help fulfill his goal of 200,000 acres for the park. The Eastern Corporation, however, refused to sell until the ban was legally lifted. Baxter agreed to ask for the change when the legislature met in 1949. Meanwhile, he provided access to lands in T6 R9, which the Eastern Corporation finally sold him after being satisfied that the ban would actually be lifted so it could construct a road to an area in the park where it held cutting rights until

1955.¹⁴ By mutual consent Baxter and the state lifted the road ban in 1949, “subject however to the conditions, limitations and restrictions that said roads and ways be constructed and maintained in a manner not to interfere with the natural wild state now existing in said areas.”¹⁵ There are no further bans on roads in the deeds of trust.

Another restriction pertaining to the wilderness concept dealt with the use of firearms. A Katahdin Park Game Preserve, consisting of 90,000 acres had been established by the legislature in 1923 with Baxter’s blessing. In 1949 this sanctuary was renamed in Baxter’s honor.¹⁶ The land Baxter had deeded to the state for the first fifteen years was included in the game preserve and, therefore, needed no special protection. As the park grew, however, he decided that *all* lands acquired should be included in the sanctuary and that the trust deeds should specifically ban hunting. In deeding numerous parcels to the state in 1945, he provided that land then donated, as well as earlier gifts, “shall be forever kept in their natural wild state and as a sanctuary for wild beasts and birds and use of firearms, trapping and hunting, not including fishing, shall be forever prohibited within the same and aircraft forbidden to land on the ground or on the waters within the same.” This provision was added to succeeding trust deeds into 1954.

The people in surrounding communities, particularly Millinocket, Patten, and towns in southern Aroostook County, became increasingly irritated as Baxter expanded the sanctuary. Though the area open to hunting remained enormous, they resented the closing of their favorite hunting areas. Attacks on additional expansion of the park and game sanctuary came in 1949 and continued into 1954 when the executive council received petitions against the acceptance of additional gifts. In 1951 the legislature passed a bill redefining the area of Baxter State Park as a wildlife sanctuary. Although Baxter had won all the

battles, by the end of 1954 he felt sufficiently pressured to ask the governor and legislature to amend the 1949 trust deeds for certain lands in T6 R9 to remove restrictions on the use of firearms, hunting, and trapping in the area. This was done, he said, when he “learned that the closing of this area might be detrimental to the citizens of Patten and surrounding territories who operate stores and camps”¹⁷ In his last deeds for land in T6 R9, T6 R10, and T2 R9 he did not impose the restriction. Though reasons for the change are understandable, the result is unfortunate since, once again, in a crucial area, the concept of wilderness is flawed.

The use of aircraft was also restricted. No mention was made of this until 1945 when Baxter also banned hunting and additional roads. In 1948 he was disturbed to see that the lessors of the Kidney Pond Camps, despite warnings, continued to land on the pond. He expressed disappointment in seeing the plane and speculated that “apparently I was not expected to come to the Park as late in the season as this.” He thought if the situation continued the lessors might have trouble renewing their lease or that he might go to the legislature to impose a penalty for the infraction of the trust deed restriction.¹⁸ He gave no reason for removing the ban on aircraft when he also lifted that on hunting.¹⁹ For some inexplicable reason he reimposed the ban on aircraft in his deed for a portion of T2 R9, which he granted to the state in 1962.

In late 1954 when ceding additional lands in the northeastern section of the park to the state, Baxter curiously added a provision that it “shall forever be named Baxter State Park.” This reappeared in the next two grants but was deleted from the final donation. There is no explanation for this change except, perhaps, that a different lawyer handled the transaction.

The deeds are the most important legal basis for determining precisely what Governor Baxter meant by wilderness or “forever wild.” It has been shown that he sometimes changed his mind on what he meant or believed. Another way of understanding his views is to study his public statements.

During the decade of the 1930s, few additional statements of his can be found. In the early 1940s, however, Baxter used the opportunity provided by some of his larger grants to publicize his views concerning the operation of the park. In a very widely circulated statement in late 1941, he eloquently expressed his view of the park:²⁰

Katahdin always should and must remain the wild storm-swept, untouched-by-man region it now is; that is its great charm. Only small cabins for mountain climbers and those who love the wilderness should be allowed there, only trails for those who travel on foot or horseback, a place where nature rules and where the creatures of the forest hold undisputed dominion.

As modern civilization with its trailers and gasoline fumes, its unsightly billboards, its radio and jazz, encroaches on the Maine wilderness the time yet may come when only the Katahdin region remains undefiled by man. To acquire this Katahdin region for the people of Maine has been undertaken by me as my life’s work, and I hope as the years roll on that this State Park will be enjoyed by an ever-increasing number of Maine people and by those who come to us from beyond our borders.

Katahdin stands above the surrounding plain unique in grandeur and glory. The works of man are short lived. Monuments decay, buildings crumble and wealth vanishes, but Katahdin in its massive grandeur will forever remain the mountain of the people of Maine. Throughout the ages it will stand as an inspiration to the men and women of this State.

Not long afterward, Baxter explained to Governor Sumner Sewall that he was deeding land in small portions instead of all at once and asking succeeding legislatures to accept the gifts by regular legislation in order to create a series of precedents that would be difficult to break.²¹

In 1943 he further detailed his rationale and said that before he finished at least ten legislatures would have officially approved his proposals. In this way he thought the trust agreements would be very difficult to break.²² This emphasis on legislative acceptance, sacredness of the trusts, and the significance of precedents continued throughout his life. Ironically, he was responsible for most basic changes.

His next major official statement came in 1945 when he imposed his ban on roads. In his letter communicating the deeds of trust for additional lands and for the laws needed to accomplish his ends, he again spelled out, in even greater length, his intentions. They are worth quoting in their original form:²³

In all the deeds from me to the State the phrases "natural wild state" and "as a sanctuary for wild beasts and birds" have been used. By these I do not intend that the Park forever shall be a region unvisited and neglected by man. I seek to provide against commercial exploitation, against hunting, trapping and killing, against lumbering, hotels, advertising, hot-dog stands, motor vehicles, horse-drawn vehicles and other vehicles, air-craft, and the trappings of unpleasant civilization. Nor is the Park to be kept exclusively for professional mountain climbers; it is for everybody.

I want pleasant foot-trails built and attractive camp-sites laid out in the valleys, by the brook and on the shores of the waters. Sites where simple forest lean-tos and small log cabins are available for those who love nature. A suitable shelter also should be erected on the summit of Katahdin to give protection to those who climb the mountain and who may be caught in a storm or compelled to remain overnight.

With the protection of wild life the deer, the moose and the birds no longer will fear man and gradually they will come out of their forest retreats and show themselves. I want hunting with cameras to take the place of hunting with guns. Aircraft frighten wild life and disturb the peace and solitude of the wilderness. Would that the day may come when all of Maine will become a sanctuary for the beasts and birds of the forest and field and when cruelty to the humbler orders of life no longer stalks the land.

Everything in connection with the Park must be left simple and natural and must remain as nearly as possible as it was when only the Indians and the animals roamed at will through these areas. I want it made available to persons of moderate means who with their boys and girls, with their packs of bedding and food, can tramp through the woods, cook a steak and make flapjacks by the lakes and brooks. Every section of this area is beautiful each in its own way. I do not want it locked up and made inaccessible; I want it used to the fullest extent but in the right unspoiled way.

Although these eloquent sentiments were deeply felt, after 1945 Baxter modified his trust provisions, generally in the direction of easing them in light of social and political pressures and the realities of the day. Increased use of the park forced numerous changes of his ideas with regard to roads, buildings, and park use. In addition, he had to come to grips with the problem of establishing more workable guidelines in dealing with the problems faced by the Baxter State Park Authority. What would happen, for instance, if predators threatened to destroy animals or trees in the park area? What should be done in case of natural disasters such as strong winds that flattened timber? Should beaver colonies be removed if they built dams that flooded roads? In an increasingly scientific age, should chemical pesticides or other means be used to control vegetation on the park's narrow roads?

The question of predatory animals was raised in 1952 when Oliver Cobb, owner of the Katahdin Lake Camps east of the park, complained of predatory animals. When Baxter asked Supervisor Helon Taylor for his reaction, Taylor, after talking with the members of the Baxter State Park Authority, argued that a state-paid vermin hunter should be hired to eradicate troublesome animals.²⁴ Some time during the summer Baxter met with members of the authority and apparently agreed to the destruction of the animals, but, on returning to Portland, he changed his mind, stating that unfortunate precedents might be created by hasty action.²⁵

In June 1952, Baxter had visited the park and apparently had been shown a blowdown area in which Great Northern Paper Company had some interest. Baxter did not want to "establish a precedent [in salvaging] for it might be used in the future to the disadvantage of the Park."²⁶ Forest Commissioner Albert D. Nutting replied that he would like to discuss the subject further since "I believe this is a long time problem which I think the Authority and you should carefully consider and review."²⁷ In the early spring of 1954, while the latest grants of land were under attack because they excluded hunting in the northeastern section of the park, Baxter wrote to Nutting regarding some of the restrictive clauses. Should the number of predatory animals increase sufficiently to threaten deer and moose populations, he was willing, though reluctantly, to have the authority deal with the problem in cooperation with the Maine Fish and Game Department. He was also willing to have damages caused by fire, winds, floods, mountain slides, infestation of insects, and diseases, "or otherwise by acts of nature or carelessness of man," taken care of by the authority in cooperation with the Department of Forestry of the University of Maine.²⁸

During the summer Baxter reconsidered the problem and decided to make no changes in the trust conditions.²⁹ Early in August he made a trip through the park with members of the authority and noted the devastation caused in one area where cutting rights were being exercised. An agreement to leave a fifty-foot-wide strip of trees beside the highway was not being followed. As a result, Baxter felt that the trust deed restrictions should remain.³⁰ Forest Commissioner Nutting, who was also chairman of the park authority, responded to Baxter's decision by stating that he would do all he could to uphold Baxter's wishes. As a professional forester, however, he took the opportunity to point out some things which he

felt would be valuable to the park in administration and management of the lands. He felt that Baxter should allow the authority to handle natural disasters, which could produce many management problems if not taken care of promptly. He argued that his proposals would not open any areas to commercial timber cutting.³¹

Apparently convinced by these arguments and perhaps influenced by the attacks on the expansion of the park due to the prohibition of hunting, Baxter changed his mind. By the end of August he interpreted the trust deeds in such a way as to allow Nutting and the authority to deal with predators and natural disasters.³² In modified, but very nearly identical, form this was put into a revised deed of trust and enacted into law by the legislature the next year.³³ Since Baxter's interpretation is so crucial to later decisions of the authority, the relevant sections are quoted at length. After the introductory phrases, the wording reads:³⁴

NATURAL WILD STATE

The State of Maine is authorized to clean, protect and restore areas of forest growth damaged by ACTS OF NATURE such as blowdowns, fire, floods, slides, infestation of insects and disease or other damage caused by ACTS OF NATURE in order that the forest growth of the Park may be protected, encouraged and restored.

The State is authorized to build trails and access roads to camp sites, to use timber from this area for fire control and firewood and to construct shelters and lean-tos for mountain climbers and other lovers of nature in its wild state.

This area is to be maintained primarily as a Wilderness and recreational purposes are to be regarded as of secondary importance and shall not encroach upon the main objective of this area which is to be "Forever Wild."

The existing leases of the land and buildings at Kidney Pond, Daisey Pond and on the shores of Matagamon Lakes may be continued by and in the discretion of the Baxter State Park Authority.

SANCTUARY FOR WILD BEASTS AND BIRDS

The State is authorized to maintain the proper balance of nature among the different species of wild life; to control predators that may become a menace to other species; to control disease and epidemics of the wild life of the Park. Such control shall be exercised by the Baxter State Park Authority. The destruction of any species of wild life shall be carried on exclusively by the Personnel of said Authority and of the Forest and Fish and Game Departments.

All work carried on by the State in connection with the above shall be in accordance with the best forestry and wild life practices and shall be undertaken having in mind that the sole purpose of the donor in creating this Park is to protect the forests and wild life therein as a great wilderness area unspoiled by Man. Nothing shall be done for the purpose of obtaining income but should there be incidental income it is to be used solely for the care, operation and protection of this Wilderness area.

There is no question but this constituted an enormous relaxation of the earlier deed restrictions. Only time would tell how Baxter would actually interpret them in practice.

Five years later, after membership of the authority had completely changed, one member, probably Austin H. Wilkins, the new forestry commissioner and chairman of the park authority, asked Baxter for an interpretation of the restrictions in the several deeds. This was provided through the governor with the request that it be incorporated in the records of the governor and executive council.³⁵ Before giving his interpretation Baxter pointed out that "while I am living I fear no encroachment on the Park, but as time passes and new men appear upon the scene there may be a tendency to overlook the restrictions and thus break the spirit of these gifts. I ask that the Park be separately administered free from any connection with the larger State Park Commission." Obviously, he still felt the impact of the national park controversy that had taken place nearly two decades earlier.

Almost until his death Baxter maintained close contact with the operation of the park. Any major decision on the

expenditure of funds and construction of roads and buildings were first approved by him. Until the last two years of his life he made at least one, and usually two or three, inspection trips to the park each season. His last trip came in the late summer of 1967. In dealing directly with the authority and through newspaper comments he had the opportunity to make a number of decisions bearing on the wilderness concept.

During a visit in the early fall of 1955 Baxter noted that a woods camp on Matagamon Lake, recently made a part of the park, was being occupied. On his return he immediately asked Forest Commissioner Nutting to check it out since occupancy would violate the "natural wild state" clause. Nutting investigated and reported that the camp was temporarily occupied by agents of a company which was cutting in a town to the north and had access, by deed, across park land. Apparently with the company's approval, Nutting solved the problem by ordering that the camp be burned.³⁶

In 1957, when reacting strongly in opposition to a development plan of the state park commission in cooperation with the National Park Service which proposed spending a million dollars to improve the park through the construction of more roads, nature trails, and information centers, and other facilities "in keeping with the wilderness character" of the park, Baxter reiterated some of his concepts about the nature of the park.³⁷

In 1958, when members of the authority sought his reaction to hunting weasels and to cutting a Christmas tree, presumably for Rockefeller Center, he demurred. He agreed that both proposals were small ones "but if we yield we shall have created a crack in the armor of our protection of the Trust provision." If these were allowed, others would follow. "Now is the time for us to take a firm stand against any incursion in our wilderness." At the

same time, he opposed an increase in camping facilities and felt that the park should be different from other parks and more like Laurentide Park in Quebec, which could be used only on a reservation basis. Baxter State Park, he argued, was not for tourist campers, but “should be kept for hikers, mountain climbers and lovers of the primitive.”³⁸

As has been noted, in his early deeds, Baxter precluded construction of additional roads and, during the late 1940s, made the bar applicable to all areas of the park. In 1949 these restrictions were lifted. By the following year he had agreed to the construction or improvement of a road from Sourdnahunk Field, at the end of Millinocket-Sourdnahunk tote road, northeastward to connect with the Shin Pond road, as it was then called. He not only allowed construction of this link, but he also paid half of the construction costs himself.³⁹ He was obviously deeply concerned with the entire planning and construction effort, which was done to his liking: a narrow road, barely wide enough for two cars.⁴⁰

Later in the decade another situation arose that has caused controversy to the present. This was the question of what to do about the brush and small trees that constantly grew up along park roads. Since the roads were narrow and curved a great deal, the brush, once it reached a certain height, restricted a driver's ability to check conditions ahead, thus slowing travelers and increasing the danger of accidents. When the state highway commission started providing maintenance for park roads, crews sometimes cleared the edges of some roads without comment from Baxter. In the autumn of 1957, on an inspection trip with Forestry Commissioner Nutting, Baxter noted that the crews were cutting brush along the approach roads, making it too wide. He complained to the highway commissioner expressing his opposition to the

work. Invoking the wilderness concept, he said "that the roads should not be boulevards, only that they should be reasonably safe. With too many improvements the Wilderness idea will no longer be maintained and I shall be pleased if you will give consideration to this matter." He reiterated that though he might be considered "somewhat backward and conservative," "the whole idea of the Park lives in my mind as a Wilderness and therefore I want primitive conditions to remain insofar as possible."⁴¹ The commissioner replied that the crews had been removed and no future roadside cutting would occur.⁴²

In 1959 Baxter apparently agreed to the construction of at least one new road, which involved long-term planning for more adequate control of traffic moving into the southern end of the park. Travelers then approached the southern and western sides on the Millinocket-Sourdnahunk road, much of which was on Great Northern Paper Company lands. As use increased, the need for more adequate traffic control became obvious. To obviate the need to have two control points in the southern end of the park, a scheme was developed to have Baxter acquire land in T2 R9 and then utilize a glacial ridge or esker between several small lakes just north of Togue Pond as the route of a road connecting the park headquarters and the Roaring Brook road, just north of Togue Pond, with the Millinocket-Sourdnahunk road. This would allow a section of road leading from the Great Northern Company's haul road to Ripogenus Dam to be abandoned. All motor traffic into the park from the south would then enter through this one entrance.

Authority members consulted Baxter in the matter, and he verbally agreed to the plan and promised \$15,000 to help defray the cost. Supervisor Helon Taylor later commented on Baxter's visit to the park in May 1959 and noted that Baxter had "forgotten all about what he had said about giving \$15,000 to build the road. When I asked

him about it he said 'What Road?' So I said no more about it." Off the record Taylor noted that Baxter "seemed a little more feeble than last fall but he is still a grand old man and he had a fine time."⁴³ A year later Baxter was again in favor of the proposal and turned down an offer of a right of way over Great Northern lands. He did not want to spend the money on a road and control buildings unless he held ownership to a twelve-mile-square area.⁴⁴ Once that was done, planning for the new project continued. This became part of a larger plan to establish a total of three gates to the park area, with appropriate buildings and road work.

By 1964 members of the authority and the state highway commission were completing detailed plans for the three-mile road in the southern end of the park. The cost was estimated at \$15,000.⁴⁵ Baxter had been in on the discussions, yet, when Austin Wilkins wrote concerning payment for the road and suggesting that Helon Taylor's camp at Togue Pond be moved to the road and used to establish a toll gate at an additional cost of \$10,000 Baxter demurred. He felt that park officials were doing beautifully and it is "well for us to be content." He saw no sound reason for heavy expenditures.⁴⁶ As use of the park increased, however, he ultimately understood the need for control gates and new roads. In early 1966, after members of the authority met with him, he gave his permission for their construction.⁴⁷

Baxter's concern about preserving the wilderness character of the park also caused great ambivalence about permitting the construction of any new buildings. This ambivalence was highlighted in January 1967 when a fire consumed Helon Taylor's house at Togue Pond. At first Baxter expressed a desire to have the house rebuilt in or near the park and gave his permission to use interest from the trust fund for that purpose.⁴⁸ By late spring, however, he changed his mind and withdrew permission. Despite

this, the authority continued to consider the need for constructing a new headquarters, and when Baxter received a copy of the supervisor's report in May 1968, he reacted strongly. Requesting more information before anything was done, he emphatically stated, "I do not want any buildings started without my consent." He again expressed his fear that the trust might be broken after he died "and I now want to keep everything as it is with no new buildings." "While I am here," he concluded, "I can prevent any encroachment but once permission is given it will be hard to call a halt. Please do not allow any mistakes that would make trouble later on. NO NEW BUILDINGS."⁴⁹ The members of the authority assured him that his wishes would be respected, even though the need for a new headquarters was acute.

Another major area of controversy involves his "Natural Wild State" interpretation of 1955. The first test of this came after October 1963 when winds accompanying a blizzard destroyed three hundred acres of spruce near Abol Campground and caused two deaths. Authority Chairman Wilkins, after consulting with other members of the authority and after securing an opinion from the attorney general that the group possessed legal authority to clean up the blowdown, began laying plans.⁵⁰ During the winter the cleaning program was discussed with various pulpwood cutters. Commissioner Wilkins discussed the proposal with Baxter and stressed the extreme fire hazard that would be created if the area were not cleaned. If not done promptly, insect borers would render the wood valueless for lumber or pulpwood. Baxter at first agreed to the operation but then had second thoughts concerning the "forever wild" implications.⁵¹ Baxter wanted to delay a final decision until he could see the area during his regular June visit, but Wilkins apparently received permission to begin earlier.⁵² When Baxter finally toured the area in September with

Supervisor Helon Taylor, he observed that the blowdown had “certainly left a bad scar.”⁵³ Taylor later observed that the former governor was “not disturbed with the logging on the east side or the blowdown operations on the west.”⁵⁴ The cleanup was completed by the end of 1965 and, when the accounts were settled, they showed a net income of about \$7,700.⁵⁵

In a final area of dispute regarding interpretations of the “forever wild” clauses in the deeds of trust, Baxter’s actions remained ambiguous. This involved the use of snowmobiles. Early versions of the modern snowmobile might have been used in what is now the park area early in the twentieth century, and undoubtedly private individuals used them there not long after they began to appear in significant numbers in the late 1950s. The first known and official use of one came in late 1961 or early 1962 when Helon Taylor personally purchased one for use in the park. He used it extensively to haul supplies and materials to various distant points. When Baxter heard of this purchase, he decided that Taylor should not bear the cost of such an expensive machine and promptly sent the supervisor a check.⁵⁶

Snowmobile use increased rapidly in the years that followed, and more and more people from the surrounding region began making trips to the Katahdin area. Since funds for properly controlling the park area were practically nonexistent, little could be done, and they were not really noticed until their numbers increased dramatically. In late 1964 or early 1965, an article entitled “A Day on the Mountain” appeared in the *Bangor Daily News* describing some of the popular trips being made in the area by snowmobile owners. Its appearance elicited some angry responses, particularly from a citizen of Old Town, who complained directly to Baxter and the newspaper that he had seen a picture of a snowmobiler on Baxter Peak.⁵⁷ In writing to Helon Taylor, Baxter

indicated a desire to discuss the matter during his next visit north.⁵⁸ Taylor immediately suggested that he and Austin Wilkins be permitted to handle such petty complaints. While explaining that the controversial photograph had, in fact, been taken about a half mile above his camp and not on Baxter Peak as alleged, Taylor said:⁵⁹

As far as I am concerned I can see no harm in people enjoying our Park in winter with their motor toboggans. Maybe in the future we will have to control it but up to now it has caused no trouble.

Ironically, on the same day, Baxter received a report from Taylor in which the use of snowmobiles was mentioned. In his reply Baxter clearly stated his position:⁶⁰

These skis should be prohibited in the Park except for one for you as Supervisor to use in case of emergencies. I feel strongly about this for they will frighten away the wild animals and we certainly would not see a caribou again. The same reason prompted us to forbid the use of motor boats on our lakes. I can see the damage they would cause.

I would be much pleased if the AUTHORITY would add this to the list of what is forbidden in their regulations. Will you please bring this to the attention of the AUTHORITY members for this is the time to kill it.

Several years later the authority relaxed the ban to permit the use of snowmobiles on the perimeter road, the Roaring Brook road, the Chimney Pond trails, and some roads on Rum Mountain, but the public outcry was so great that the authority had to confine them to the perimeter road and to the Roaring Brook road as far as the turnoff to Katahdin Lake. Authority Chairman Wilkins stated that the original regulation had been issued with Baxter's approval.⁶¹ Having worked with the former governor for many years, Wilkins was confident that Baxter fully understood the snowmobile regulation.⁶² Indeed, Baxter's decision on this point was similar to those he made regarding roads and buildings in the park. When the need, desirability, or utility of a change was made

forcefully enough to him, he modified his stance. This does not help in making a final decision as to where he stood on this final aspect of his conception of wilderness.

It is impossible to provide a really workable formulation of what Baxter meant by wilderness or "forever wild." There is no question but that he wanted the roads to be kept narrow and unpaved, and that he did not want them constructed into the interior of the park. It appears, however, that he was ultimately willing to have short roads built when the best interests of park use and protection were concerned. It seems obvious that in his mind the wilderness concept sometimes conflicted with his strong desire to encourage better forestry practices in the state.

On practically all issues one can find conflicting evidence. Baxter continually warned against creating precedents that might harm the park in the future, yet he changed his mind on so many issues that he created many precedents of potential danger. He continually reiterated that he trusted the Baxter State Park Authority to administer it and particularly kept voicing his faith in Albert Nutting, Austin Wilkins, and Helon Taylor. To the end he opposed any suggestion that the park administration be lodged with the state park commission and insisted that ultimate control remain with the authority as then constituted. Today that group is responsible for interpreting the deeds of trust and determining Baxter's intentions.

NOTES

¹ For a brief account see David C. Smith, *A History of Lumbering in Maine, 1861-1900* (Orono, Maine: University of Maine Press, 1971), pp. 310-12.

² *Portland Evening Express*, December 14, 1918; *Lewiston Journal*, December 14, 1918.

³ Maine, *Revised Statutes, 1930*, ch. 11, secs. 15 and 16.

⁴ Baxter, in a speech at Gray, Maine, September 6, 1920. See Baxter's draft of this press release in BAX Scrapbook, No. 15, p. 166, Maine State Library, Augusta (hereafter the Maine State Library will be cited as MSL). *Portland Press*, September 10, 1920 (clipping in BAX Scrapbook, No. 1, p. 32, MSL).

⁵ "Mount Katahdin State Park: An Address Given by Hon. Percival P. Baxter of Portland, President of the Senate, at the Annual Meeting of the Maine Sportsmen's Fish and Game Association. Hall of Representatives, State Capitol, Augusta, Maine, January 27, 1921." See copies in the Bowdoin College Library (hereafter cited as BCL), MSL, or in the newspapers of January 28, 1921. See also BAX Scrapbook, No. 8, p. 32, MSL.

⁶ See these drafts in BCL, MSL. The 1925 draft is in BAX Scrapbook, No. 5, pp. 145-51, MSL.

⁷ For wording of this portion of the trust created on July 6, 1927, see Sarah Redfield to Baxter State Park Authority (hereafter cited as BSPA), May 20, 1976, note 1, BSPA.

⁸ *Ibid.*

⁹ Maine, *Private and Special Laws, 1955*, ch. 61.

¹⁰ *Ibid.*, ch. 171.

¹¹ Baxter to Honorable Edmund S. Muskie, Governor, and Senate and House of Representatives, May 2, 1955, in Maine, *Public Laws, 1955*, p. 1149.

¹² Baxter to Governor Horace A. Hildreth and the Senate and House of Representatives, January 2, 1945, in Maine, *Public Laws, 1945*, p. 985.

¹³ Maine, *Private and Special Laws, 1945*, ch. 1.

¹⁴ Baxter to Clyde B. Morgan, July 3, 1947, July 14, 1947; Morgan to Baxter, July 11, 1947; George F. Eaton to Baxter, August 7, 1947, August 22, 1947, September 3, 1947, January 7, 1948; Baxter to Eaton, August 19, 1947, January 3, 1948, January 6, 1948, January 21, 1948; Baxter to Eastern Corporation, September 2, 1947; Baxter to Grover C. Bradford, December 29, 1947, January 14, 1948; Bradford to Baxter, January 9, 1948; Baxter to William O. McKay, July 1, 1948; Baxter to Edward M. Graham, January 21, 1948, all in BCL, MSL. In the last letter Baxter wrote: "After much deliberation I came to the conclusion that roads really are necessary for the proper enjoyment of the state park and from now on the State is allowed to construct such roads as are

necessary, the only restriction being that the natural wild state of the area shall not be unduly interfered with.”

¹⁵ Maine, *Private and Special Laws, 1949*, ch. 2.

¹⁶ *Idem*, *Public Laws, 1949*, ch. 382.

¹⁷ Baxter to Governor Edmund S. Muskie and the Senate and House of Representatives, January 11, 1955, in Maine, *Public Laws, 1955*, pp. 1143-45. In this letter Baxter noted his changes regarding hunting. “This removed a controversy which is not helping any of us.” Helon N. Taylor told Sarah Redfield, assistant attorney general, in a taped interview in the mid-1970s that Baxter changed his stance here particularly “out of consideration for the people of Patten.”

¹⁸ Baxter to George J. Stobie, November 10, 1948, BCL, MSL. See also Baxter to Caleb Scribner, January 11, 1945, Baxter-Scribner Letters, BCL, MSL. Baxter noted that in transferring another sizable tract to the State he had included strong bans on roads, and “also remembering what you said, I provided that the State shall forbid air-craft to land on the ground or in the waters within the park area.”

¹⁹ In 1956 Baxter authorized a flight to Russell Pond by Edmund Ware Smith and Maurice Day, who wanted to take pictures for an article for *Ford Times*. See Baxter to A. D. Nutting, April 21, 1956; Nutting to Smith and Day, April 24, 1956; Smith to Nutting, April 26, 1956, BSPA.

²⁰ *Portland Sunday Telegram*, November 30, 1941, Sec. C, p. 1. See also John L. Baxter Sr. to author, April 29, 1976. In commenting on an earlier draft of this chapter, Mr. Baxter, who was Percival's nephew, made the following comment: “As to general comment, Uncle Percy often changed his mind, (some people even accused him of going back on his word)! As to the park, however, it is understandable to me that he would express certain purposes for it at one time, and different ones at others, because I know from his remarks to me from time to time that sometimes “scientific forestry”, sometimes “forever wild”, and sometimes “enjoyment of nature etc. by users” would be uppermost in his mind. About the only constant was that there should be no commercialization.”

²¹ Baxter to Governor Sumner Sewall and the Senate and House of Representatives, January 12, 1942, in Maine, *Public Laws, 1942*, pp. 700-1.

²² Baxter to Governor Sumner Sewall and the Senate and House of Representatives, January 13, 1943, in Maine, *Public Laws, 1943*, pp. 703-8.

²³ Baxter to Governor Horace A. Hildreth and Senate and House of Representatives, January 2, 1945, in Maine, *Public Laws, 1945*, pp. 988-89.

²⁴ Helon Taylor to Baxter, March 16, 1952, Bangor Public Library, MSL.

²⁵ Baxter to Albert D. Nutting, Alexander LaFleur, and Roland H. Cobb, August 4, 1952, BSPA.

²⁶ Baxter to Nutting, June 18, 1952, BSPA.

²⁷ Nutting to Baxter, June 23, 1952, BSPA. Helon Taylor discussed Nutting's role in a taped interview with Sarah Redfield, assistant attorney general. He continually reiterated Baxter's liking for and trust in Nutting. He stressed particularly Nutting's role in developing this interpretive statement. He also said that Horace Albright, former director of the National Park Service and friend of Baxter, also was consulted.

²⁸ Baxter to Nutting, April 1, 1954, BCL, MSL.

²⁹ Baxter to Nutting, July 9, 1954, BCL, MSL.

³⁰ Baxter to Nutting, August 12, 1954; also Charles G. Paine to Baxter, January 2, 1952, BCL, MSL.

³¹ Nutting to Baxter, August 20, 1954, BCL, MSL.

³² Baxter to Nutting, August 27, 1954, BCL, MSL. Baxter signed a deed to effect these changes in the event he died before the legislature met.

³³ Baxter to Harold Holden, December 30, 1954, and Baxter to Nutting, November 6, 1954, BCL, MSL. Baxter used this act as another lever to get more land. In his letter to Holden he noted that the document was being prepared for legislative action. "I want to provide for its future operation on a broad scale so that in the years to come, when I am no longer here, they will not say 'A dead man's hand blocks the way'."

³⁴ Maine, *Private and Special Laws, 1955*, ch. 2.

³⁵ Baxter to Governor John H. Reed and Members of the Executive Council, May 20, 1960, BCL, MSL. It was accepted and approved in council, June 15, 1960. See also Baxter to Wilkins, April 21, 1959, BCL, MSL. Baxter, after meeting personally with Wilkins, sent the latter a copy of his letter of August 27, 1954 to Nutting.

³⁶ Baxter to Nutting, September 26, 1955 and September 28, 1955; Nutting to Baxter, October 3, 1955, and November 1, 1955, BCL, MSL.

³⁷ *Portland Evening Express*, June 20, 1957.

³⁸ Baxter to Nutting, August 18, 1958, BCL, MSL. See also taped interview, undated, Sarah Redfield, assistant attorney general, with Helon N. Taylor. Nutting had asked Taylor to speak to Baxter about the possibility of cutting the magnificent spruce near Trout Brook Farm since Baxter would more readily listen to requests from Taylor. Baxter concluded the tree was more valuable where it stood than at Rockefeller Center.

³⁹ Lucius D. Barrows, to Baxter, November 30, 1950; Barrows to Baxter, April 18, 1951, acknowledging receipt of Baxter's check for \$12,500; Earl R. Bartlett to Barrows, August 10, 1951, copy to Baxter, progress report, BCL, MSL.

⁴⁰ Baxter to Barrows, September 11, 1951, BCL, MSL. Earlier in a letter to Bartlett on August 14, 1951, Baxter offered additional funds if necessary to complete the job. He said the same thing in a letter to Barrows on the same day.

⁴¹ Baxter to David H. Stevens, October 24, 1957, BCL, MSL.

⁴² Stevens to Baxter, October 29, 1957, BCL, MSL. In 1959, while responding to a letter in praise of his roads policy, Baxter recounted this incident and concluded that "Evidently we must always be on the watch and I am doing everything I can to prevent encroachments either now or when I am no longer here." See Baxter to Freeman Tilden, August 12, 1958, BCL, MSL.

Three years later a park ranger wrote to Commissioner Stevens directly praising road maintenance in the park but asking why patrolmen were instructed not to cut brush along the roads. He stressed the dangers presented by the growth and said it had been done in the past without undesirable results. The forest commissioner chided the ranger for going out of proper channels with his comments and then told him of Baxter's directives. See Myrle J. Scott to David Stevens, August 15, 1960; Wilkins to Scott, August 18, 1960, BSPA.

⁴³ Taylor to Wilkins, May 31, 1959, BSPA.

⁴⁴ Baxter to William Hilton, July 6, 1960; Hilton to Baxter, June 29, 1960; Baxter to M. C. McDonald, August 30, 1961, BCL, MSL. Wilkins to Hilton, May 3, 1960, BSPA.

⁴⁵ Wilkins to members of BSPA, June 26, 1964; Vaughan M. Daggett, to Wilkins, June 25, 1964; Wilkins to David H. Stevens, June 26, 1964, BSPA.

⁴⁶ Wilkins to Baxter, July 6, 1964; Baxter to Wilkins, July 8, 1964; Baxter to Taylor, July 8, 1964, BCL, MSL.

⁴⁷ Richard J. Dubord to Baxter, February 14, 1966, BSPA. Dubord stated the reasons and asked to use trust fund income. See also Baxter

to Wilkins, February 14, 1966; Baxter to Dubord, February 17, 1966; Baxter to Taylor, May 17, 1966, BCL, MSL. In the letter to Dubord, Baxter authorized the use of income from the trust funds to pay costs.

⁴⁸ Wilkins to Speers and Erwin, April 7, 1967; Wilkins to Erwin, Speers and Cranshaw, June 1, 1967, BSPA.

⁴⁹ Baxter to Wilkins, June 17, 1968, with copies and cover letters to Erwin and Speers, BSPA.

⁵⁰ Frank E. Hancock to Wilkins, December 24, 1963, BSPA.

⁵¹ Wilkins to Fred M. Rooney, March 24, 1964, BSPA.

⁵² Wilkins to Baxter, April 2, 1964, BSPA.

⁵³ Baxter to Wilkins, September 30, 1964, BSPA. See also Williard A. Wight to Wilkins, September 18, 1964, BSPA, for details of operations.

⁵⁴ Taylor to Wilkins, October 3, 1964, BSPA.

⁵⁵ Baxter to Wilkins, April 8, 1966; Wilkins to Baxter, April 13, 1966; Wilkins to Henry Cranshaw, November 30, 1965, BSPA.

⁵⁶ Taylor to Wilkins, March 6, 1962 and March 22, 1962; Wilkins to Taylor, March 22 and March 26, 1962; report of Helon N. Taylor for March 1962, BSPA. The latter report discusses use of snowmobiles in the park.

⁵⁷ Donald W. McKay, of Old Town, to Editor, *Bangor Daily News*, March 25, 1965; McKay to Baxter, May 7, 1965, BCL, MSL. The article mentioned in the text is referred to in the correspondence but I have not been able to find it in the microfilm copy of the newspaper in the Fogler Library, University of Maine, Orono.

⁵⁸ Baxter to Taylor, May 10, 1965, BCL, MSL.

⁵⁹ Taylor to Baxter, May 11, 1965, BCL, MSL.

⁶⁰ Baxter to Taylor, May 11, 1965, BCL, MSL. During a continued investigation of this issue a decade later, the attorney general's office contacted Helon Taylor, James S. Erwin, Austin Wilkins, Irvin Caverly, Rodney H. Sargent, and Joseph H. Lee, Baxter's last chauffeur, to determine whether Baxter altered this position during the remainder of his life. All except Wilkins indicated that Baxter did not change his mind. See Sarah Redfield, assistant attorney general, to BSPA, May 20, 1976, BSPA.

⁶¹ Wilkins to Richard P. Billingham, Rochester, New York, January 15, 1970; Wilkins to Senator Edmund S. Muskie, January 15, 1970, BSPA. Hundreds of letters were received by the authority protesting the new rule; some wrote first to Maine's senators and to the governor.

⁶² See Wilkins to Senator Edmund S. Muskie, January 15, 1970, BSPA. In November 1969, John L. Baxter, Sr., nephew of Percival

Baxter, told a reporter that the decision made the month before to allow snowmobiles in portions of the park was "contrary to what Uncle Percy wanted." His uncle would have agreed to the use of snowmobiles "for transportation — not recreation." See Gloria Hutchinson, "Governor Baxter and the Snow Machines," *Maine Digest* 4 (Winter 1970): 24-28.

John W. Hakola is a native of Sand Coulee, Montana, and holds a Ph.D. in American history from the University of Indiana. Dr. Hakola has taught at the University of Maine at Orono since 1959. He is coauthor of Greatest Mountain: Katahdin's Wilderness (Scrimshaw, 1972) and has recently completed a study of Baxter State Park, which will be published by the Baxter State Park Authority. The author is grateful to the park authority for granting permission to publish this chapter from the larger study.

Edward O. Schriver is a native of Westbrook, Maine. He received his Ph.D. in American history from the University of Maine at Orono, where he has taught since 1968. Dr. Schriver has published several articles on environmental subjects and is the author of The Antislavery Impulse (University of Maine Press, 1970).