

Index

Background

[Introduction](#) by Hugh L. Dwelley

- A. [Baker's Island Clippings](#) 1853-1905
- B. [USCG Real Estate Questionnaire](#) (Feb 7, 1930)
- C. [Historical Sketch](#) (Mar 1954)
- D. [Light Keepers](#) 1828-1912
- E. [Maine Cedes Jurisdiction of Baker's to USA](#) (Feb 20, 1824)
State of Maine - An Act to cede to the United States of America the jurisdiction of Baker's Island retaining certain concurrent jurisdiction to the State
- F. [Bingham Heirs Deed Baker's to USA](#) (Dec 28, 1827)

Trespass Case

- G. [Inspector Franklin Recommends Removal of Gilleys](#) (Dec 10, 1853)
- H. [Inspector Franklin Advises Keeper of Agreement](#) (Oct 8, 1855)
- I. [Summary of Gilsey \[sic.\] Trespass Affair](#) (Dec 12, 1891)
- J. [Map Showing Lighthouse, Dwellings, and Landing](#) (1894)
- K. [Treasury Secretary Asks U.S. Attorney General for New Investigation](#) (Nov 5, 1896)
- L. [Local U.S. Attorney Reminds Attorney General of 1855 Agreement](#) (Mar 11, 1898)
- M. [U.S. Attorney General Reminds Treasury Secretary of 1855 Agreement](#) (Mar 18, 1898)
- N. [Commerce Secretary Accepts Terms of a Final Settlement](#) (May 6, 1909)
- O. [U.S. Circuit Court, Maine, Issues Final Settlement](#) (May 26, 1909)
U.S. Circuit Court, District of Maine, Doc 53 in which the court rules:that "the U.S. is estopped to claim any other or further rights than it acquired by the aforesaid [1855 agreement]." Also gave the government title and responsibility to forever after "keep open" the boat landing and affirmed USCG right of way from the landing to the light house.
- P. [U.S. Attorney General Informs Commerce Secretary of Final Settlement](#) (July 29, 1910)
- Q. [Drafts of July 1957 & March 1958](#)
Probably prepared for transfer of the USCG property to Acadia National Park. Retains only the light tower (20'x20') to the Coast Guard.

Background

- R. [Solstice on Baker's Island](#) by Arn H. Pearson and Mary Lou Wendell (Dec 1989)

[Sacred Places](#) by Rev. Tony Burkhard

[next section \(Introduction\)](#)

[^top](#)

A. Baker's Island Clippings 1853-1905

Baker Island

REPRODUCED AT THE NATIONAL ARCHIVES

(Established in 1828; rebuilt in 1855.)

Appropriated by act of Congress, for a Lt-ho. on Baker's Island, near Mount Desert, Me.,	Mar 3, 1823,	\$2,500
" for Baker's Island in addition to former appro.,	Feb 25, 1825,	\$1,300
" Re-appropriated for do do,	Mar 14, 1826,	\$2,500
" Re-appropriated for do do to complete Lt-ho.,	Feb 12, 1828,	\$1,300
" for rebuilding Baker Island light-house,	Aug 3, 1854,	\$5,000

[The above is typewritten.]

REPRODUCED AT THE NATIONAL ARCHIVES

Baker's Island, Me.

1853	<p>2. <i>Baker's island light-house and Franklin island light-house.</i> — These two are secondary lights. The towers of both are entirely worthless, the lanterns are worn out, and the keepers' dwellings are so old and leaky that they are unhealthy. I recommend that both be rebuilt and fitted up with Fresnel lens lights of the fourth or fifth order. For this purpose, an appropriation of \$10,000 will be required.</p> <p>I select these two lights, not because they are absolutely the worst on the coast, but because a beginning must be made in rebuilding nearly all of the lights of this class on the coast; and these are important lights, and are as bad as any.</p>
1855	Baker's Island and Franklin Island light—houses have been rebuilt, and are ready for the lighting apparatus, which in both is to be a fourth order lens, showing a fixed light, varied by flashes.
1867	At Baker's island, outside of keeper's dwelling repaired, revolving machinery cleaned, and wickholders repaired.
1868	10. <i>Baker's island.</i> — Dwelling painted outside; new door furnished to boat-house; cooking stove and fixtures supplied; ventilator for lantern and smoke-pipe provided; seven panes of glass set; inside wood-work of tower painted; two lens covers supplied; illuminating apparatus examined.
1869	10. <i>Baker's Island.</i> — Burners have been refitted with new tubes, oil butts repaired, glass supplied, and a cast-iron smoke-pipe provided for the lantern.
1875	14. <i>Baker's Island, off Mount Desert Island, and south of entrance to Frenchman's Bay, Maine.</i> — The roof of the keeper's dwelling has been resingled, and other general repairs have been made about the station.
1880	14. <i>Baker's Island, off Mount Desert Island, and south of entrance to Frenchmans's Bay, Maine.</i> The exterior

	walls of the dwelling were repainted with two coats of white paint, and the cellar floor was cemented.
1881	14. <i>Baker's Island, off Mount Desert Island, and south of entrance to Frenchman's Bay, Maine.</i> — Five storm-doors were furnished for the dwelling and the boat-slip was rebuilt.
1882	14. <i>Baker's Island, off Mount Desert island, southwest side of entrance to Frenchman's Bay, Maine.</i> — The interior plastering of the dwelling was repaired.
An. Rep. 1885	14. <i>Baker's Island, south of the entrance to Frenchman's Bay, Maine.</i> — The roof of the kitchen was renewed, the chimney was rebuilt, the roof of the work-room was reshingled, and other repairs were made.
1895	18. <i>Baker Island, off Mount Desert Island, Maine.</i> — An oil house was built. Minor repairs were made.
1898	18. <i>Baker Island, off the entrance to Southwest Harbor, Atlantic Ocean, off Mount Desert, Maine.</i> — A telephone line to connect this station with Northeast Harbor, Maine, was being constructed by hired labor at the close of the fiscal year and will be completed in July, 1898. The cost of this line is to be paid from the appropriation for national defense.
1899	18. <i>Baker Island, off the entrance to Southwest Harbor, Atlantic Ocean, off Mount Desert, Maine.</i> — A telephone line to Northeast Harbor was completed. Various repairs were made.
1903	18. <i>Baker Island, Atlantic Ocean, off Mount Desert and of entrance to Frenchman Bay, Maine.</i> — The light tower was reinforced by a 4-inch brick wall built around the outside; one end of the dwelling was renewed; and the revolving clock and boat slip were repaired.
1905	18. <i>Baker Island off entrance to Southwest Harbor, off Mount Desert, Maine.</i> — A fuel house was built. Various repairs were made. 19. <i>Great Duck Island, Atlantic Ocean, Maine.</i> — A coal bunker was built at the landing, and various repairs were made.

[The above clippings were apparently copied and pasted onto one sheet from several years of printed journals (as italic letters appear.) The years on the left are hand-written.]

[next section \(B\)](#)

[^top](#)

B. USCG Real Estate Questionnaire (Feb 7, 1930)

REPRODUCED AT THE NATIONAL ARCHIVES

JCW:JJ

Identifying Serial No. of Property: **LH-1b**

QUESTIONNAIRE COVERING REAL ESTATE OWNED BY THE UNITED STATES

Note: Use a separate sheet for each separate piece or parcel of property, with as many extra blank sheets as may be required for the replies.

1. Dept. or establishment having custody:
Department of Commerce, Lighthouse Service.
2. Name and location of property:
Baker Island Light Station, Hancock County, Maine.
3. Present use (such as Navy Yard, military reservation, hospital, etc.):
Lighthouse reservation.
4. Original purpose (if it has been changed by Executive Order, so state):
Lighthouse reservation.
5. Date of and authority for acquisition: **Act of March 3, 1823.**
War. Deed of Baring, Bros., London England December 28, 1827.
[word in italics is hand-written]
6. Original cost: **\$300 - for the entire island.**
7.
Area: (**Final determination**) Land: **about 18-1/2 acres**
Water: ---
Marsh: **about 1/2 acre**
Total: **About 19 acres.**
8. If the property is held incident to navigation purposes, so state, and describe whether the Government's interest is fee simple, or reversionary.
Yes — fee simple.
9. If the property is held for water power purposes, so state; and describe whether the Government's interest is fee simple or reversionary.
No.

Note: See Explanatory Notes on other side.

10. If property is held for agriculture, manufacture or other purpose, state the purpose and the Government's interest.
No.
11. Describe briefly and generally the improvements on land such as buildings and other structures with uses.
Tower; dwelling; oil house; fuel house; barn, boat house and slip.
12. Describe streets, waterways, sewers, telephone and telegraph lines, owned by the United States or held by it under lease or permit.
Coast Guard Telephone line
[words in italics are hand-written]
13. If under exclusive jurisdiction or laws of the United States so state; if not explain.
**Concurrent jurisdiction, State of Maine February 20,1624.
for service of civil and criminal processes.**
14. Is the property owned by the U. S. Government, or under permanent lease, to revert to original owners in case Government vacates.
Owned by United States Government (what there is left of it) see (16).
15. Appraised value: _____
Land: **\$550**
Improvements: **\$13,000**

Total: **\$13,550.**
16. If available, submit sketch or blue print of the property in question with this questionnaire.
Blueprint of reservation filed with Bureau of Lighthouses, Washington, D. C.
17. Remarks:
18. **No.**

Date: FEB 7 1930

By whom made (Name; Title; Address): **C. R. SHERMAN Superintendent of Lighthouses.
P O Box 467, Portland, Maine.**

Questionnaire-Government-owned-real estate -2

[next section \(C\)](#)

[^top](#)

C. Historical Sketch (Mar 1954)

REPRODUCED AT THE NATIONAL ARCHIVES

HISTORY OF BAKER ISLAND, MAINE LIGHTSTATION

Baker Island Light Station was first established in 1828. The Act of March 3, 1823, provided that the Secretary of the Treasury be empowered to Contract for its construction. An initial appropriation of \$2500 was made and this amount was later supplemented with appropriations totaling \$5,100. The cost of completing the original structure was \$3,798.26.

The title to Baker Island was deeded to the Federal Government on December 28, 1827 by the trustees of the estate of William Bingham of Philadelphia. The consideration was \$300. The land area was 123 acres and 75 rods.

The first keeper of Baker Island was William Gilley, who received his appointment June 12, 1828. Gilley was a resident on Baker Island for some 17 years prior to the purchase of the island by the Government. He served as keeper for 21 years and was removed on July 28, 1849, at which time he left the island. His sons, however, remained on the island and in time came to be a source of irritation to the keepers that followed the elder Gilley.

The first record, dated December 10, 1853, on file in the controversy that was to span more than half a century is from W. B. Franklin, a Light House Inspector in the First District. It describes the disagreement as follows:

"It has become necessary for me to call the attention of the Board to the fact that Baker's Island in this state which is owned by the United States as a light house site is now occupied by two men named Gilley, and that the light house keeper is almost debarred from the use of the land, and from free access to his landing place, and that quarrels are continually taking place between him and these men. Each one of them has a house on the island and lately a third family has moved there. They allow cattle to graze there, and receive money for the use of the land which the light keeper is entitled to if any one is. They have been ordered to leave repeatedly but have always refused to go threatening to use force, and are very abusive."

Franklin closed his letter to the Board with the recommendation that the Gilley brothers be ejected. He also suggested that a Revenue cutter might be required to "have the business thoroughly done."

On December 27, 1853 the Secretary of the Treasury directed that legal steps be taken to eject the trespassers. About May 1, 1853 the District Attorney reported that the squatters would contest the title and asked for original or certified copies of the deed of conveyance And correspondence at the time the land was purchased. The Board sent copies of the deeds of conveyance and cession on May 6, 1854.

On September 15, 1854 the District Attorney reported that there would be difficulty in securing evidence to prove the United States title, owing to the death or great age of witnesses, the question hinged upon possession having been taken about 1806. He suggested a survey and marking boundaries with a view to a possible compromise. An agreement, made with Elisha and Joseph Gilley, provided that the Government shall have the right of way from the landing on the island and the road leading to the lighthouse. The agreement also provided for the use of pasturage for the keeper and set aside an area of about 19 acres for the lighthouse.

It was not until 1896 that the matter of alleged trespass of the Gilley brothers came up again. In March, 1898 the U. S. Attorney at Portland wrote to the Attorney General and concluded that the Government had title only to that part of the

island upon which the lighthouse was built and had waived its title to all that part of the island not embraced by the disclaimer given by the Gilleys in 1855. He felt that it would be "unfair and oppressive at this late day to assert the paramount title of the Government as against the few poor and hardy fishermen living there; and if the United States has and intends to allow them peaceable possession of these scanty and sterile lands, I can see no earthly objection to allowing the town of Cranberry Isles to build a school house for the proper education of their youth. This school house is not built upon what is known there as the Government reservation..."

The Government decided in 1909 to clearly and finally settle the matter of its rights on the island. On May 26, 1909 the United States Circuit Court District of Maine, found that the Government was entitled to the possession thereof as tenant of the freehold; and "as such owner is entitled without let or hindrance to have and enjoy the right of way and passage from the landing on said Island used for boats and landing, to the Lighthouse and buildings of said United States, as the same was laid out as a Town way and used and traveled on said 29th day of September, 1855 (the date of the original agreement)."

The conclusions of the court provided that the boathouse site and landing would forever remain open and used in common for landing purposes by the Government and all other persons who may have an interest in the island.

In 1855 an appropriation of \$5,000 was authorized for the rebuilding of the lighthouse. All but \$36.93 of the appropriation was spent. In the 1855 Annual Report it was stated that the rebuilding was completed and that a fourth order lens, showing a fixed light, varied by flashes" was to be installed.

According to the 1953 Light List, Baker Island Light is fixed and flashing white, with candle power of 4,000 and 25,000 respectively; 105 feet above the water and visible 16 miles. The structure is a white tower.

Prepared March, 1954
USCG [hand-written]

[next section \(D\)](#)

[^top](#)

D. Light Keepers 1828-1912

REPRODUCED AT THE NATIONAL ARCHIVES

Bakers Island, Maine

1. William Gilly - June 12, 1828
2. John Rich - July 28, 1849
3. Joseph Bunker - April 20, 1853
4. Jno [Jonathan] Bunker - Oct 23, 1860
5. Freeman G. Young - July 8, 1861
6. Alden H. Jordon - July 8, 1867
7. Roscoe G. Lopaus - Oct 27, 1883
8. Howard P. Robbins - July 24, 1888
9. George D. Connors - June 14, 1902
4th Quarter 1912 He was still there

L.H. Appointment Records

3/4/54

[everything on this page is hand-written, apparently notes taken by Dwelley at the Archives]

[next section \(E\)](#)

[^top](#)

E. Maine Cedes Jurisdiction of Baker's to USA (Feb 20, 1824)

Transcription

[See original document](#)

REPRODUCED AT THE NATIONAL ARCHIVES

State of Maine

In the year of our Lord one thousand eight hundred and twenty four.

An Act to cede to the United States of America the jurisdiction of Baker's Island.

Section 1. Be it enacted by the Senate and House of Representatives, in Legislature assembled, That there be, and hereby is ceded to the United States of America, the jurisdiction of Baker's Island, so called, in the State of Maine, near Mount Desert, containing about one hundred and twenty acres, for the purpose of erecting a Light-house and dwelling house thereon.

Section 2. Be it further enacted, That this State shall have concurrent jurisdiction with the United States in and over the said Baker's Island, so far as that all civil and criminal processes issued under the authority of this State, or any Officer thereof, may be executed on any part of the said Island, ~~on any part of the said Island~~ or any building that may be erected thereon, in the same way and manner as if the jurisdiction had not been ceded, as aforesaid.

In the House of Representatives, February 18, 1824,
This bill having had three several readings passed to be enacted. Benja. Greene, Speaker

In Senate February 1824 Bill, having had two several readings, passed to be enacted.
Benjamin Ames, President
February 20, 1824, Approved
Albion K. Parris

State of Maine
Secretary of State's Office
Portland, February 20, 1824

I hereby certify, that the foregoing is a true Copy
of the original deposited in this office.
Attest A. Nichols, Secretary of State

No fee

[everything in this section is hand-written, apparently a photocopy of the original Act]

[next section \(F\)](#)

[^top](#)



F. Bingham Heirs Deed Baker's to USA (Dec 28, 1827)

Transcription

[See original document](#)

REPRODUCED AT THE NATIONAL ARCHIVES

Know all men by these presents, That we Alexander Baring and Henry Baring, both of the City of London, in the County of Middlesex, and Kingdom of Great Britain, Esquires, John Richards of Boston, in the County of Suffolk, and Commonwealth of Massachusetts, Esquire, Joseph R. Ingersoll, and William Miller, of the City of Philadelphia, and State of Pennsylvania, Esquires, Devises in trust of the Estate of William Bingham of said Philadelphia, Esquire, deceased, and John Richards and Joseph R. Ingersoll, aforementioned, in our own right, in consideration of Three hundred Dollars, paid by Isaac Stesley Esquire, Superintendent of Light houses in the State of Maine, and agent for the United States of America, the receipt whereof we do hereby acknowledge, do give, grant, sell and convey to the said United States a certain Island, called Baker's Island, lying and being situate south of the island of Mount Desert, near, and joined by a bar at low water, to the Little Cranberry Island, in the county of Hancock, and State of Maine aforesaid, and containing one hundred twenty three acres and seventy five rods, more or less

----- [there appears to be a missing part of the deed here]

To have and to hold the aforementioned premises, with all the privileges and appurtenances thereunto belonging, to the said United States, and their assigns forever. And we do covenant and agree with the said United States that we are lawfully seized in fee of the aforegranted premises, that they are free from all incumbrances; that we have good right, and authority by the Will of said Bingham to sell and convey the said premises and that we will warrant and defend the same to the said United States and assigns, forever, against the lawful claims of all persons.

In witness whereof, we the said Alexander Baring, Henry Baring, John Richards, Joseph R. Ingersoll, and William Miller, Devises in trust as aforesaid, have hereunto set our hands and seals, this twenty eighth day of December in the year of our Lord eighteen hundred and twenty seven.

Sign'd, seal'd, & deliver'd	Alexander Baring
in presence of-	Henry Baring
George Dounes	John Richards
Francis Richards	Joseph R. Ingersoll
	William Miller

by their Attornies-
John Black
Henry Richards

[everything on this page is hand-written, apparently a photocopy of the original Deed]

[next section \(G\)](#)

[^top](#)

G. Inspector Franklin Recommends Removal of Gilleys (Dec 10, 1853)

REPRODUCED AT THE NATIONAL ARCHIVES

PORTLAND ME. DEC. 10, 1853.

SIR:

IT HAS BECOME NECESSARY FOR ME TO CALL THE ATTENTION OF THE BOARD TO THE FACT THAT BAKER'S ISLAND IN THIS STATE WHICH IS OWNED BY THE UNITED STATES AS A LIGHT HOUSE SITE IS NON OCCUPIED BY TWO MEN NAMED GILLEY, AND THAT THE LIGHT HOUSE KEEPER IS ALMOST ENTIRELY DEBARRED FROM THE USE OF THE LAND, AND FROM FREE ACCESS TO HIS LANDING PLACE, AND THAT QUARRELS ARE CONTINUALLY TAKING PLACE BETWEEN HIM AND THESE MEN. EACH ONE OF THEM HAS A HOUSE ON THE ISLAND AND LATELY A THIRD FAMILY HAS MOVED THERE. THEY ALLOW CATTLE TO GRAZE THERE, AND RECEIVE MONEY FOR THE USE OF THE LAND WHICH THE LIGHT KEEPER IS ENTITLED TO IF ANY ONE IS.

THEY HAVE BEEN ORDERED TO LEAVE REPEATEDLY BUT HAVE ALWAYS REFUSED TO GO THREATENING TO USE FORCE, AND ARE VERY ABUSIVE.

THEY ARE SONS OF A FORMER KEEPER OF THE LIGHT HOUSE, WHO FROM THE BEST INFORMATION I CAN GATHER LIVED SEVENTEEN YEARS ON THE ISLAND BEFORE IT WAS PURCHASED BY THE UNITED STATES, AND WHEN THE LIGHT HOUSE WAS FINISHED WAS APPOINTED KEEPER. HE HELD THE POSITION UNTIL 1849 WHEN HE WAS REMOVED. HE THEN LEFT THE ISLAND, BUT HIS SONS WHO HAVE ALWAYS LIVED THERE, REMAINED, AND THERE REMAIN NOW.

I THINK IT VERY NECESSARY TO HAVE THEM REMOVED FOR THEY ARE A CONTINUAL SOURCE OF TROUBLE TO EVERY ONE CONNECTED WITH THE LIGHT HOUSE ESTABLISHMENT WHO HAS BUSINESS AT THE ISLAND.

I THEREFORE REQUEST THAT THE DISTRICT ATTORNEY BE AUTHORIZED TO TAKE SUCH MEASURES FOR THEIR EJECTMENT AS MAY BE NECESSARY. THEIR HOUSES ALSO SHOULD BE TAKEN DOWN, AND I BELIEVE THAT THE PRESENCE OF THE REVENUE CUTTER WILL BE REQUIRED TO HAVE THE BUSINESS THOROUGHLY DONE.

VERY RESPECTFULLY
YR. OBDT. SERV'T.
:SIGNED: W. B. FRANKLIN
L. H. INSPECTOR.

LIEUT. T. A. JENKINS
SEC. L. H. BOARD

WASHINGTON
D.C.

[everything on this page is apparently a modern typed transcript of the original letter]

[next section \(H\)](#)

[^top](#)

H - Inspector Franklin Advises Keeper of Agreement (Oct 8, 1855)

REPRODUCED AT THE NATIONAL ARCHIVES

A.H.R.
Copy.

No. 2.

Portland, Me., Oct. 8, 1855.

Sir:

I send you a copy of an agreement upon which the suit against the Gilseys has been discontinued by the United States. You will please regulate yourself according to it.

Be it remembered that it is agreed and understood, that hereafter forever the United States of America shall without let or hindrance have and enjoy the right of way or passage from the landing on Baker's Island used for boats and landing, from thence to the light house and buildings of said United States and shall as the same is now laid out as a town way and as now used and traveled, be forever kept open as an easement for the use of the said United States and its servants and officers as well as for all other persons and travel whatsoever.

And it is further understood and agreed that hereafter the said United States by its Light-house-keeper and all and every other of its officers and persona by them employed on said Island as keepers and laborers in and about the business of said light shall have in common the right of pasturage on any and all the lands on said Island now used and suitable for pasturage, as fully as we now enjoy the same. Given under our hands and seals this twenty-ninth day of September, A. D. 1855.

(Sign) Elisha Gilsey (Seal)

(Sign) Joseph Gilsey (Seal)

Attest:: (Sign) Thomas Amory Deblois

The Lightkeeper is to have for his exclusive possession all of the cultivated land lying south of a line commencing at a point on the stone wall running from Elisha Gilsey's barn, seventeen rods from South corner of said barn, and running thence East to the East corner of the stone wall which starts from the barn near the Lightkeepers old house.

Very respectfully,
Your obedient servant
(Sign) W. B. Franklin
L. H, Inspector

Joseph Bunker, Esq.,
Keeper Bakers' Id. L. H.

Maine.

[everything on this page is apparently a modern typed transcript of the original letter]

[next section \(I\)](#)

[^top](#)

I - Summary of Gilsey [sic.] Trespass Affair (Dec 12, 1891)

Transcription

REPRODUCED AT THE NATIONAL ARCHIVES

Baker's Island, Maine

U.S. title - trespassers, etc.

The first record on file is a letter from Inspector Franklin, making complaints against certain trespassers on Baker's Island, named Gilsey, sons of a former keeper. The elder Gilsey lived seventeen years on the Island before it was purchased by the U.S. He was the first Keeper appointed when the light was established; he was removed in 1849 - and then left the Island. His sons remained, and made themselves so obnoxious to the Government employees, that the Inspector on 10 Dec 1853, made complaint as above. On 27 Dec 1853 the Secretary of the Treasury directed that legal steps be taken to eject the trespassers. About May 1, 1854 the District Attorney reported that the squatters would

contest the title and asked for original or certified copies of deed of conveyance and correspondence at the time the land was bought. The Bd. sent copies of deeds of conveyance and cession on 6 May 1854. On 15 Sept. 1854 the Dist. Attorney reported that there would be difficulty in securing evidence to prove the U.S. title, owing to the death or great age of witnesses, the question turning upon possession having been taken about 1806. He suggest [sic.] a survey and marking boundaries with a view to possible compromise. The survey was authorized 20 Sept. 1854. As a result an ⁺Agreement was made with E. and S. Gilsey to remain on the Island under certain limitations. On 16 Aug. 1888 Engineer Stanton sends a copy of this Agreement.

⁺ Note: For copy of Agreement see L.R. v.771 p.68

12 December 1891. E.S.I.

[everything on this page is apparently a handwritten note from 1891]

[next section \(J\)](#)

[^top](#)

Introduction:

Who Owns Baker's Island?

The Pioneers who settled it, or the Government that bought it?

by **Hugh L. Dwelley**

The documents in this folder were copied from files of the U.S. Light House Board held by the National Archives in Washington, D.C. The documents suggest that the Gilleys may have taken "possession" of Baker's Island as early as 1806 but they also state that William [Gilley] "was a resident on Baker Island for some seventeen years prior to [its] purchase" by the Government in 1827. Thus, it would appear that William and his family probably began to live on the island full time only in about 1810.

A [copy of the deed](#) by which the U.S. Government purchased, for \$300, all of Baker's Island from the Bingham estate in 1827 is included. The purpose of the purchase was to build the lighthouse of which William Gilley became the first keeper. No provision was made and there appears to have been no thought given to Gilley receiving any sort of a squatter's title to the portion of the island which he and his family had cleared and had been working and living upon for seventeen years.

These records show that William Gilley was "removed" as keeper in 1849 after having served in that capacity for twenty-one years. There is no hint in these documents as to the reasons for his removal. The documents indicate that, following his removal, William Gilley left the island but that two of his sons remained. William had undoubtedly been living in the keeper's house and his sons had houses of their own. Only those three houses are [shown on the 1894 map at "J"](#) in this folder.

In 1853, Lighthouse Inspector Franklin based at Portland, [reported](#) that Gilley's sons, Elisha and Joseph, were being so "abusive" to the present keeper (Joseph Bunker) that they should be removed from the island and their houses taken down. Seeking to accomplish this, the Government initiated suits against the Gilleys for trespass.

Surprisingly, the Gilleys contested the Government and won! In 1855, the U.S. Attorney at Portland accepted an agreement with the Gilleys that gave the Government possession of a reservation only 40 rods square (about 19 acres) and withdrew the suits for trespass. The Agreement also granted the Government grazing rights for the keeper and a right of way from the lighthouse to the boat landing. The Bingham estate deed to the Government was for "one hundred and twenty-three acres and seventy-five rods more or less."

These documents show that the Government [raised the issue again](#) in 1896/98 when the Cranberry Isles wished to build a school house on the island. It was finally settled only in 1909 with the issuance of a [ruling](#) by the U.S. District Court at Portland that confirmed the terms of the 1855 Agreement but also gave the Government title and responsibility to forever thereafter "keep open" the boat landing for all persons interested in the island.

Nothing in these documents indicates who must have arranged and paid for the Gilley's attorneys. Their attorney in 1909 was one Benjamin Thompson. The Gilleys appear to have been treated with great sympathy by the U.S. Attorneys at Portland. In 1898, one of them, Isaac W. Dyer, wrote: "...it would certainly be unfair and oppressive at this late day

to assert the paramount title of the Government as against the few poor and hardy fishermen living there... ."

Will wonders never cease!!

Hugh L. Dwelley

3/4/1997

[next section \(A\)](#)

[^top](#)

From:

**Records of the United States Coast Guard
Record Group 26**

Records of the United States Lighthouse Service

Selected Records Relating to Baker's Island Lighthouse

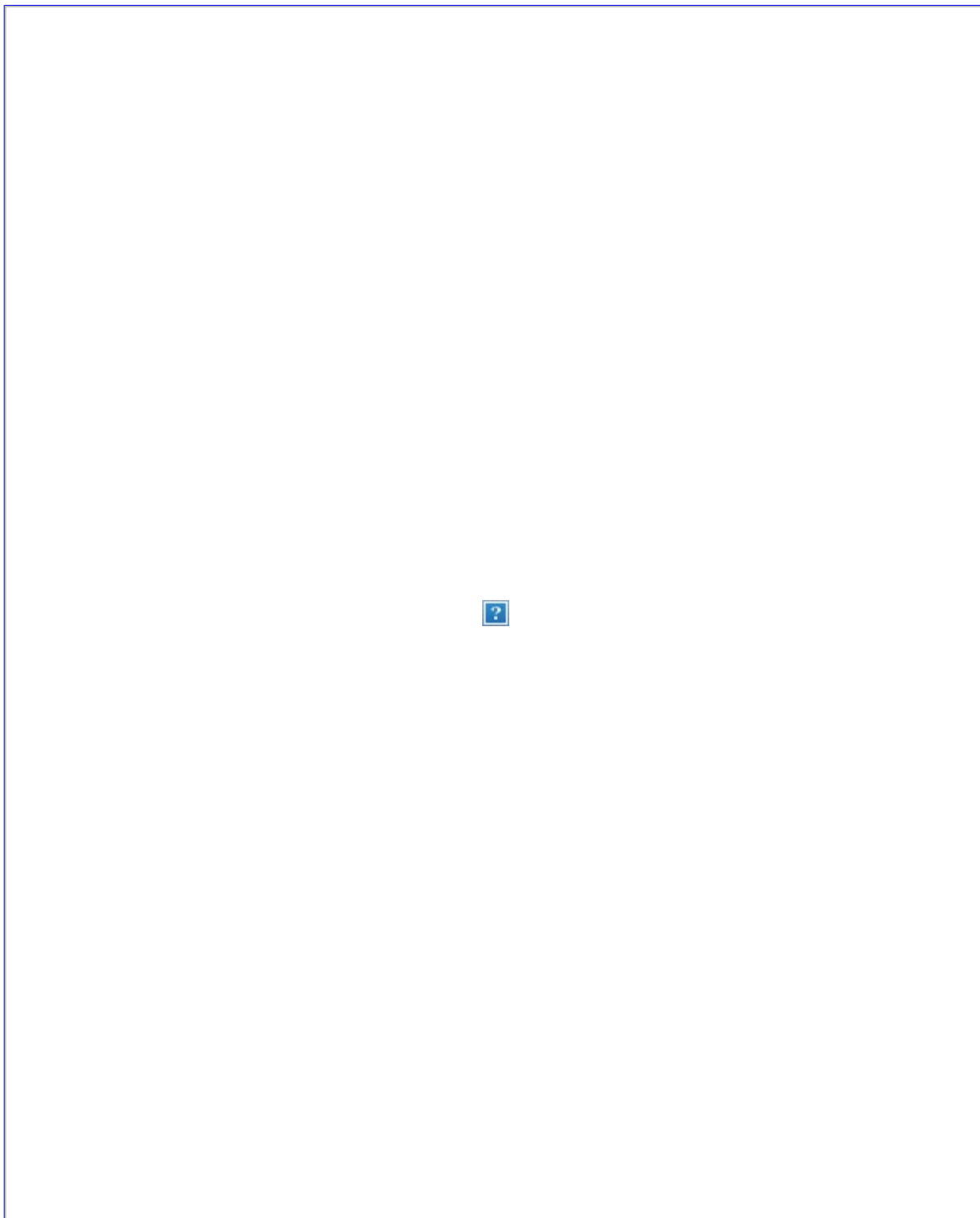
**The National Archives
National Archives and Records Service
General Services Administration
Washington: 1959**

[next section \(A\)](#)

[^top](#)

J. Map Showing Lighthouse, Dwellings, and Landing (1894)

REPRODUCED AT THE NATIONAL ARCHIVES



click to enlarge



[next section \(K\)](#)
[^top](#)

[Who Owns Baker's Island?](#)

Background

Trespass Case

[Index](#)

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#)

K. Treasury Secretary Asks U.S. Attorney General for New Investigation (Nov 5, 1896)

REPRODUCED AT THE NATIONAL ARCHIVES

A.H.R.

Copy.

TREASURY DEPARTMENT.

WAG.

5 Nov. 1896.

The Honorable,
The Attorney General.

Sir:

At the instance of the Light-House Board I have the honor to request that the necessary measures be taken to instruct the U.S. District Attorney for Maine, to put himself into communication with Major W. R. Livermore, U. S. A., Engineer of the 1st Light-House District, at Boston, Mass., for the purpose of making an investigation of the title of the United States to the Baker Island, Me., light house reservation. The object of this action is to take the proper measures to cause the eviction of unauthorized persons who may be found upon the light-house property, claiming title under adverse possession.

Respectfully yours,
(Signed) C. S. Hamlin,
Acting Secretary.
J.M.

[next section \(L\)](#)

[^top](#)

L. Local U.S. Attorney Reminds Attorney General of 1855 Agreement (Mar 11, 1898)

REPRODUCED AT THE NATIONAL ARCHIVES

A.H.R.
Copy.

Portland, Me., March 11, 1898.

To the Honorable,
The Attorney General,
Washington, D. C.

Sir:

Referring to the matter of alleged trespass of government property at Baker's Island, transmitted to this office November 9, 1896, (A. J. B. F17208, 896) and handed to me by my immediate predecessor, Mr. A. W. Bradbury, as unfinished business, I have the honor to report as follows:

This property was acquired by deed from the Baring Estate in 1827. The deed embraced the whole island, containing about one hundred and ninety-seven (197) acres. In 1854 the U. S. brought suits against Joseph Gilley and Elisha Gilley to recover possession of said island. Pleas were filed disclaiming title covering so much of the locus as is embraced in a forty rod square lot. (See accompanying paper No. 1) on which the lighthouse is erected, and denying disseizin of the remainder.

In 1855 at the September Term the Attorney of the United States accepted the disclaimer and the suits were discontinued. At or about the same time the said Gilleys granted to the United States the right of way from the landing to the light-house and buildings of the United States and agreed that the light-house keeper and other U. S. officers and employees should have in common the right of pasturage on any and all lands on said island now used and suitable for pasturage as fully as they enjoy the same. (See accompanying paper No. 2).

Construing the plea and action taken in the suit, together with the agreement made by the Gilleys to the Government, it seems to me that it is a fair inference that the United States waived its title to all that part of the island not embraced in the disclaimer. I do not mean to say that it did so legally but morally. If I am correct in this inference, it would certainly be unfair and oppressive at this late day to assert the paramount title of the Government as against the few poor and hardy fishermen living there; and if the United States has and intends to allow them peaceable possession of these scanty and sterile lands, I can see no earthly objection to allowing the town of Cranberry Isles to build a school house for the proper education of their youth. This school-house is not built upon what is known there as the Government reservation, that part of the land, as I understand it, embraced in the disclaimer of title. (See paper No. 1.)

So far as I can learn from observation on the spot and from inquiry in various directions, the U. S. does not need the land. This latter consideration against dispossessing the present occupants, it is true, might have no weight if the Government is not morally bound to observe the intent of the action taken in 1855. It is proper to add that I have not considered how far that action is legally binding upon the Government, and I do not know what defects, if any, exist in the title acquired by the U. S. It is certain that about all those early titles of the Baring estate are more or less defective.

Therefore, without further action, I refer the matter back for your approval of this view or for further instructions if you shall deem action necessary.

I have the honor to be,
Very respectfully,
Isaac W. Dyer
United States Attorney.
2 enclosures.

[next section \(M\)](#)

[^top](#)

M. U.S. Attorney General Reminds Treasury Secretary of the Agreement (Mar 18, 1898)

REPRODUCED AT THE NATIONAL ARCHIVES

A.H.R.
Copy.

F. 17,208-1896.
DEPARTMENT OF JUSTICE,
Washington, D. C.,
March 18, 1898.

The Secretary of the Treasury.

Sir:

Referring to a letter received from your Department, dated November 5, 1896, together with its enclosures, in regard to the Baker's Island, Me., light-house reservation, I have the honor to transmit to you herewith, for your information and consideration, a copy of a report made to this Department by the U. S. Attorney for the District of Maine, dated the 11th instant, touching the title of the Government to said reservation.

On reference to said report it will be seen that in 1854 the United States brought suits against Joseph Gilley and Elisha Gilley to recover possessibn of said island, the whole of which was embraced in a deed to the United States made by the Baring estate in 1827, but that in the following year, on a disclaimer of title made by the defendants to part of the island (a lot forty rods square), which was accepted by the attorney representing the government, the suits were discontinued. This course would seem to have met the approbation of the light-house authorities at that period. See the accompanying copy of a letter of the Light House Inspector addressed to the keeper of the light house on said island, dated October 8, 1855, embodying a copy of an instrument executed by said Gilleys on September 29, 1855, granting a right of way, etc., on the island.

I am, sir, very respectfully,
(Signed) John W. Griggs
Attorney General.

[everything on this page is apparently a handwritten note from 1891]

[next section \(N\)](#)

[^top](#)

N. Commerce Secretary Accepts Terms of a Final Settlement (May 6, 1909)

REPRODUCED AT THE NATIONAL ARCHIVES

2328 [Stamped] AUG 1 1910

DEPARTMENT OF COMMERCE AND LABOR
Office of the Secretary
Washington

May 6, 1909

Sir:-

I have the honor to acknowledge the receipt of the letter dated April 27, 1909, R.T.S. 17208-96 from the Department of Justice, relative to the case of the United States against Joseph S. Gilley et al., brought in order that the rights of the government on Baker Island, Maine, might be clearly and finally settled.

In reply I have to state that so far as this Department is concerned, the cession of the site on which the boat house actually stands, and an agreement that the boat landing as it exists shall be forever kept open and used in common by the Government and those interested in the island for landing purposes is satisfactory.

Respectfully,
(Signed) ORMSBY McHARG
Acting Secretary

Hon. Geo. W. Wickersham,
Attorney General.

[everything on this page is apparently a handwritten note from 1891]

[next section \(O\)](#)

[^top](#)

O. U.S. Circuit Court, Maine, Issues Final Settlement (May 26, 1909)

REPRODUCED AT THE NATIONAL ARCHIVES

UNITED STATES CIRCUIT COURT.
DISTRICT OF MAINE. AT LAW.
No. 53.

United States of America, vs. Joseph W. Gilley et als.

FINDINGS AND CONCLUSIONS OF COURT.

The parties to the above entitled action, by their respective attorneys of record, having filed with the clerk a written stipulation waiving a jury, the same came on to be heard by the Court without the intervention of a jury, on this twenty sixth-day of May, 1909, the United States being represented by Honorable Robert T. Whitehouse, United States Attorney for District of Maine, and the defendants being represented by Benjamin Thompson, their attorney; and after hearing the evidence offered by the respective parties and the arguments of their counsel, and fully considering the same, it appearing to the Court that the facts set out in the defendants' plea are correct, viz:-

That in certain actions in the nature of writs of entry, returnable at the September term, 1854, of this Court, brought by the said United States against Alfred Gilley, Joseph Gilley and Elisha Gilley, in which the United States sought to recover possession of the whole of Baker's Island, so called, pleas of disclaimer were filed by each of said defendants to that part of said Island, and the appurtenances thereto belonging, bounded and described as follows:

"Beginning at a point on a certain fence as it stood on said Island on the second day of October, 1854, enclosing the field, which point was seventeen rods from the barn then occupied by Elisha Gilley, and as the fence then ran, and from that point running to the end of a stone wall existing at the time aforesaid on the small enclosure, so called, and on the

[next page] 459-186 -2

same course until forty rods are completed, said bound being nearly in an easterly direction; thence running at right angles with the first bound forty (40) rods; thence at right angles with the second bound forty (40) rods; thence at right angles with the third bound forty (40) rods to the bound begun at, together with the right to enjoy without let or hindrance the right of way and passage from the landing on said Baker's Island used for boats and landing to the Lighthouse and buildings of the said United States, as such way was laid out as a Town way and used and traveled on the 29th day of September, 1855, to be forever thereafter kept open as an easement for the use of said United States, its servants and officers; and the further easement for the said United States by its Lighthouse keeper and all and every of the officers and persons employed by the said United States on said Island as keepers and laborers in and about the business of said Light, to have in common the right to pasturage on any and all the land on said Island used on said twenty-ninth day of September, 1855, and then suitable for pasturage as fully as said Elisha Gilley and one Joseph Gilley then enjoyed such pasturage:"

And as to all the rest and residue of said Island with the appurtenances, the said defendants pleaded that they did not disseize the said United States in manner and form as the said United States had alleged;

And thereafter on the second day of October, 1854, said United States accepted the disclaimer so filed by said Alfred Gilley, (one of the predecessors in title to the defendants in the present action): and on the eighth day of December, 1854, a writ of possession issued to the said United States as the plaintiff in said suit; and thereafter on the twenty-ninth day of September, 1855, said United States discontinued

[next page] 459-186 -3

the other two actions then pending against said Joseph Gilley and Elisha Gilley, and contemporaneously with such discontinuances, and as a part of the consideration thereof, the agreement set out in the brief statement to the defendant's plea in the present proceeding was made; and for more than forty years thereafter the understanding and agreement stated in such brief statement was recognized and carried out by both parties,- the Court thereupon finds and rules that the said United States is estopped to claim any other or further rights than it acquired by the aforesaid entries in said actions against Alfred Gilley, Joseph Gilley and Elisha Gilley, and by virtue of the agreement between said Joseph Gilley and Elisha Gilley and the said United States at the time of the discontinuance of the actions against them.

It further appearing that the United States now has the full and undisputed possession of that part of said Island hereinbefore described, and is enjoying the benefit of said easements, with the exception of that relating to pasturage, which both parties hereto concede is impracticable of being carried out; and both of said parties having requested that in the disposition of the present action, said easement as to pasturage shall be modified so that the said shall be enjoyed by the United States and its Lighthouse Keeper and all and every other of its officers and persons by it employed on said Island as keepers and laborers, in and about the business of said Light, in common with the inhabitants and occupants of said Island, in, on, and to, all of the lands on said Islands which may from time to time be used for said pasturage purposes, other than the lot hereinbefore specifically disclaimed; and said defendants conceding that the said United States, in addition to its ownership, rights and interest in, on and to,

[next page] 459-186 -4

said Island, which have hereinbefore been enumerated, shall forever hereafter own in fee simple the land near the shore upon which its boathouse, at the date of the disposition of this action, actually stands; both parties assenting and agreeing that the boat landing, so called, shall forever hereafter be kept open and used in common for landing purposes by said United States, and its servants and officers, and all other persons now or hereafter interested in said Island;

It is Ordered (counsel for both parties assenting and approving) that the present action be disposed of by the following entry, viz:- Judgment for the United States,- a writ of possession to issue for the following described real estate, and the appurtenances thereto connected, viz:-

Beginning at a point on a certain fence as it stood on said Island on the second day of October, 1854, enclosing the field, which point was seventeen rods from the barn then occupied by Elisha Gilley, and as the fence then ran, and from that point running to the end of a stone wall existing at the time aforesaid on the small enclosure, so called, and on the same course until forty rods are completed, said bound being nearly in an Easterly direction; thence running at right angles with the first bound forty (40) rods; thence at right angles with the second bound forty (40) rods; thence at right angles with the third bound forty (40) rods to the bound begun at, together with the right to enjoy without let or hindrance the right of way and passage from the landing on said Baker's Island used for boats and landing to the Light house and buildings of the said United States, as such way was laid out as a Town way and used and traveled on the 29th day of September, 1855, to be forever thereafter kept open as an easement for the use of said United States, its servants and officers; and the further easement for the said United States

[next page] 459-186 -5

by its Lighthouse keeper and all and every of the officers and persons employed by the said United States on said Island as keepers and laborers in and about the business of said Light, of the right of pasturage in common with the other occupants and owners of said Island, in, on, and to, all the land on said Island which may from time to time by used by the owners and occupants thereof for pasturage.

The Court finds that the United States is the owner of said lot of land, and entitled to the possession thereof as tenant of the freehold; and as such owner is entitled without lot or hindrance to have and enjoy the right of way and passage from the landing on said Island used for boats and landIng, to the Lighthouse and buildings of said United States, as the same

was laid out as a Town way and used and traveled on said 29th day of September, 1855, to be forever kept open as an easement for the use of said United States and its servants and officers, as well as for all other persons and travel whatsoever; and that the said United States and its Lighthouse keeper and all and every other of its officers and persons employed by the said United States on said Island as keepers and laborers in and about the business of said Light are entitled to the right of pasturage in common with the other occupants and owners of said Island in, on and to, all the land on said Island which may from time to time be used by the owners and occupants therefor for pasturage.

The Court further finds (counsel for both parties assenting, and approving) that the United States is, and shall forever hereafter be, the owner in fee simple of the land near the shore upon which its boathouse actually stands at the date of this entry; and the boat landing, so called, shall forever hereafter be kept open and used in common for landing purposes by said United States and its servants and officers, and all other persons now or hereafter interested in said Island.

[next page] 459-186 -6

The United States, however, is not entitled to any other or further ownership of, or easement in, on, or to, said Island.

It Is further Ordered that the conclusions of this Court, and the aforesaid entry, be made a part of the record of the disposition of this action; and that the Clerk be, and hereby is, directed to forward a certified copy of the same to the Registry of Deeds for the County of Hancock, and procure the recording of the same by such register.

By the Court,
L.S. James E. Hewey
Clerk of the Circuit Court of the
United States for the District of
Maine.

I, James E. Hewey, Clerk of the Circuit Court of the United States for the District of Maine, hereby certify that the above is a true and correct copy of the Findings and Conclusions of the Court in the action [sic] at law, in which the United States of America is plaintiff, and Joseph W. Gilley et als, defendants, and numbered 53 on the docket of said Court, April Term, 1909.

In Witness Whereof I hereunto set my hand and affix the seal of said Court this twenty-sixth day of May, 1909.

Court Seal

James E. Hewey,
Clerk.
Rec'd June 2, 1909 at 8h. 21m. A.M., and entered by,
Wm. O. Emery, Reg'r.

[next section \(P\)](#)

[^top](#)

P. U.S. Attorney General Informs Commerce Secretary of Final Settlement (July 29, 1910)

REPRODUCED AT THE NATIONAL ARCHIVES

WHM-copy R.T.S./CBM

DEPARTMENT OF JUSTICE
Washington, D.C.

R. T. S.
17208-'96-9

July 29, 1910.

The Secretary of Commerce and Labor.

Sir:

Referring to your [letter of May 6, 1909](#), in re Baker's Island, Maine, and the case of the United States v: Joseph W. Gilley et al., No. 53 at Law in the United States Circuit Court for the District of Maine, I have the honor to send herewith an uncertified copy of a judgment entered in said case in said court:

Judgment in this case is given in favor of the United States under certain conditions with a writ of possession to issue for the property described in said judgment, and the United States was adjudged to be entitled to have the right of way and passage to the boat-house landing on said island, as the same was traveled in 1855, to be forever kept open as an easement for the United States and its servants and officers, as well as the people of Baker's Island. The right of pasturage is also given and all parties assenting, the United States was adjudged to be the owner in fee simple of the land near the shore upon which said boat-house actually stands.

Respectfully,
J. A . FOWLER
Acting Attorney General.

INC. 25426:
filed 6 Oct 1910
COPY

[next section \(Q\)](#)

[^top](#)

Q. Drafts of July 1957 and March 1958

[Probably prepared for transfer of the USCG property to Acadia National Park.]

REPRODUCED AT THE NATIONAL ARCHIVES

-July 1957

March 1958

DESCRIPTION OF PROPER _____ [unreadable, probably "property comprising the"]
FORMER U.S.COAST GUARD LIGHT STATION, BAKER ISLAND, MAINE

The following is a description of United States Government owned property and rights on Baker Island, Hancock County, State of Maine, as determined by the Circuit Court of the United States for the District of Maine, April Term 1909 and as recorded in the Hancock County, State of Maine Registry of Deeds, Record Book 459, Pages 186-190:

Judgment for the United States, a writ of possession to issue for the following described real estate, and the appurtenances thereto connected, viz:-

Beginning at a point on a certain fence as it stood on said Island on the second day of October, 1854, enclosing the field, which point was seventeen rods from the barn then occupied by Elisha Gilley, and as the fence then ran, and from that point running to the end of a stone wall existing at the time [sic] aforesaid on the small enclosure, so called, and on the same course until forty rods are completed, said bound being nearly in an Easterly direction; thence running at right angles with the first bound forty (40) rods; thence at right angles with the second bound forty (40) rods; thence at right angles with the third bound forty (40) rods to the bound begun at, together with the right to enjoy without let or hindrance the right of way and passage from the landing on said Baker' [sic] Island used for boats and landing to the Light House and buildings of the said United States, as such way was laid out as a Town way and used and traveled on the 29th day of September, 1855, to be forever thereafter kept open as an easement for the use of said United States, its servants and officers; and the further easement for the said United States by its Lighthouse keeper and all and every of the officers and persons employed by the said United States on said Island as keepers and laborers in and about the business of said Light, of the right of pasturage in common with the other occupants and owners of said Island, in, on, and to, all the land on said Island which may from time to time be used by the owners and occupants thereof for pasturage.

The Court finds that the United States is the owner of said lot of land, and entitled to the possession thereof as tenant of the freehold; and as such owner is entitled without let or hindrance to have and enjoy the right of way and passage from the landing on said Island used for boats and landing, to the Lighthouse and buildings of said United States, as the same was laid out as a Town way and used and traveled on said 29th day of September, 1855, to be forever kept open as an easement for the use of said United States and its servants and officers, as well as for all other persons and travel whatsoever; and that the said United States and its Lighthouse keeper and all and every other of its officers and persons employed by the said United States on said Island as keepers and laborers in and about the business of said Light are entitled to the right of pasturage in common with the other occupants and owners of said Island in, on and to, all the land on said Island which may from time to time be used by the owners and occupants thereof for pasturage.

The Court further finds (counsel for both parties assenting and approving) that the United States is, and shall forever hereafter be, the owner in fee simple of the land near the shore upon which its boathouse actually stands at the date of this entry; and the boat landing, so called, shall forever hereafter be kept open and used in common for landing purposes by said United States and its servants and officers, and all other persons now or hereafter interested in said Island.

All of the above property described herein, is hereby conveyed **excepting**:

a. A 20 foot square plot on which the Light Tower stands, bounded and defined as follows:

"From a point which is the center of the Light Tower, thence Easterly through the center of the door opening of the tower, a distance of ten (10) feet to a point, which point is the point of beginning of the property description; thence at right angles in a Southerly direction ten (10) feet to a point; thence at right angles in a Westerly direction twenty (20) feet to a point; thence at right angles in a Northerly direction twenty (20) feet to a point; thence at right angles in an Easterly direction twenty (20) feet to a point; thence at right angles in a Southerly direction ten (10) feet to the point of beginning, containing 400 sq. feet in all".

- b. The right of ingress and egress over the land herein conveyed for personnel, vehicles, and utilities as may be required by the Government to the plot surrounding the Light Tower; and
- c. Provided no construction or natural growth is permitted on the land herein conveyed which will obstruct the view of the Aid to Navigation by the mariner from the sea.

[The date in italics at the top was handwritten in; everything else is typed.]

[next section \(R\)](#)

[^top](#)

R. Solstice on Baker Island

SOLSTICE ON BAKER ISLAND

'Then' and 'now' are not so far apart when you're weathered in

ARN H. PEARSON AND MARY LOU WENDELL

December 21, 1989. Arn:

Our first Winter Solstice on Baker's Island started like every other day that December—bitter cold, windy, and starkly beautiful. Scraping the frost from our bedroom window, I took a quick look at the miles of whitecaps and seamoke separating us from the mountains of Acadia, then hurried downstairs to revive the night's embers in our two wood stoves and fix a cup of coffee for Mary Lou.

I was disappointed with the harsh weather. We had invited friends from Islesford to spend the solstice with us, but no one in their right mind would come on a day like today. We would miss the company. A week had gone by since we made our last supply run to the mainland, and several more would pass before we left our island again.

Still, Baker's looked glorious in her coat of fresh snow, and we settled easily back into our winter routine: stoking the stoves with spruce logs dragged out of the woods by sled, hauling buckets of water from the well outside, and making Christmas presents for far-off nieces and nephews. Mary Lou sat at the kitchen table most of the day hand sewing dolls, while I carved a block print of northern lights over Cadillac mountain.

It was nearly dusk when I decided to give Gail and Henry Grandgent a shout on the marine radio. Our closest neighbors, they live at the other end of a mile-long bar that, at extreme low tides, connects its with Little Cranberry Island.

"Don't get your hopes up," warned Mary Lou. The northwest wind had held steady at around 25 knots all day.

Henry answered. "We'll be there in an hour," he said.

Their lobster boat was hauled up for repairs, and we thought he was stringing us along. But he was serious. They had picked up their rowboat from the harbor, brought it down to the bar, and were busy closing up the house.

Excited, we spent the hour straightening up, making the guest bed, and bringing in enough wood for the night, while watching Gail and Henry's progress through the binoculars. We met them at the landing just after sunset, Henry at the oars, Gail all bundled up in the stern, and their sheepdog in the bow with a big red Christmas bow on her collar. In addition to their own gear, they had brought us a cooler full of much-needed groceries, cookies left over from the Islesford Christmas party, and a big box of mail and presents.

We hauled it all up to the house on the sled, broke out the rum and eggnog, and made a solstice feast of kielbasa roasted in the wood stove. Only our cat, who is terrified of dogs, failed to appreciate the good company.

December 22, early morning. Mary Lou:

Last night was the coldest of the winter, and the wind hasn't let up a bit. I step out of our little red house and into the five-degree air. My cheeks burn with the cold, but it feels good to get outside. Arn is making coffee and pancakes for our guests, still asleep, and I like getting outside for a few minutes before breakfast.

Our island is small and round, and a 15-minute walk through the woods will bring me to the other side half a mile due south. It is all I can do to keep from slipping on the sheer ice just beneath the snow. So I walk carefully onward, past the snow-laden spruce and out through the jagged stillness of this winter morning.

Along the path, I pass the old Gilley house, the red one-room school house, and the crumbling stone walls and foundations of farms now crowded with wild rose and spruce. Up ahead, the Baker's Island light, long since automated, stands atop a granite ledge at the center of the island, with the white clapboard keeper's house close beside it.

I imagine these houses lit and warm, the school full of children. How different would it feel to have neighbors here? Gail and Henry are our first visitors since a surprise blizzard brought us winter just before Thanksgiving. But Baker's Island has not always been so deserted. William and Hannah Gilley moved their family here in the early 1800s and eventually turned the island into a thriving community. At its peak, Baker's was home to 24 people. We may be alone here, I am reminded, but we are not the first.

The Gilleys found Baker's Island much as we did, covered with forest and encircled by a jumbled granite shoreline swept bare by countless Atlantic storms. Several miles out to sea from Mount Desert Island, Baker's offered a convenient refuge to William while fishing outer waters. Lore has it that he found an abandoned log cabin near the northern shore, gradually fixed the place up and cleared some land, and took to staying there during summers with his wife Hannah. In 1806 they left Southwest Harbor altogether and declared the island their home.

Our struggles here are slight compared to what the Gilleys must have endured. Arriving with two young children, they faced the challenge of making Baker's thin, rocky soil support a family with enough food for the winter. In addition to clearing virgin forest, William had to row provisions, tools, and livestock to the remote island and carry them ashore, weather permitting. Unprotected from the open sea, Baker's only landing place is a small rock beach, and even a modest northeaster can make it impossible to come or go.

In time, the Gilleys built up a successful farm. Hannah, in between cooking, cleaning, gardening, tending the animals, making butter, and spinning wool, somehow found time to give birth to 10 more children. An educated woman herself, Hannah schooled the children at home and had them take turns reading aloud during the long winter evenings. Like us, their closest neighbors lived on Islesford, and their trips off island were confined mostly to the summer months. For more than 20 years they raised their family on Baker's Island, alone.

The first winds of change came to the island in 1823, when the federal government commissioned the construction of the Baker's Island lighthouse. Virtually all the schooner traffic between eastern Maine and the Maritimes and the cities to the westward passed just outside of Baker's, loaded with cargoes of cordwood, lumber, potatoes, and coal. In foul weather, many a ship had foundered on the dangerous ledges nearby.

William won the appointment as first keeper of the Baker's Island light in 1828. The job was quite a windfall for the

Gilley family, for with it came a new house, \$350 per year, and all the sperm oil they could burn.

By the 1840s, Baker's Island had become a real community. Five of William and Hannah's children had married and moved away (five others still lived at home), but two of the sons, Elisha and Joseph, chose to bring their brides to the island, build new houses, and start their own farms. The brothers raised cows, oxen, cattle, sheep, and chickens, and planted hay and Irish potatoes. Like their father, they also fished and hunted wild ducks, both for home consumption and to earn cash from the sale of smoked herring and feathers.

The Gilley sons and their wives brought up another 15 children on Baker's, and the island air must have been full of young voices. But as the Gilleys soon learned,

new neighbors are not necessarily good news.

In 1848 Zachary Taylor's election ended the Democrats' hold on the presidency, and William, as a federal appointee, was called upon to join the Whig party. A lifelong Democrat, he refused and was promptly stripped of his post as light keeper.

The new keeper, John Rich, appeared at William's door in 1849 and, as instructed by the Superintendent of Lights, "reported the facts to him and gave him six or seven weeks to vacate." William complied, but insisted that all of the island except three acres belonged to him. Leaving the island in care of his sons, Elisha and Joseph, William moved out to Great Duck Island, which he had bought in 1837 for a sum of \$300. Hannah, her health failing, moved in with her son Samuel's family on Islesford, where she died three years later.

Elisha and Joseph showed no hesitation in taking charge of Baker's Island. Angry at the turn of events, they immediately began harassing the Rich family. The new keeper wrote the Superintendent in 1852 that he "can stand the base insults and insinuations no longer" and "cannot leave the island for one hour without [his] family being subjected to insults of the most indecent and vilest kind."

The Gilleys were repeatedly ordered to leave the island but each time they refused. By 1853 an exasperated Light House Inspector urged Washington to eject the brothers by force. "Their houses also should be taken down, wrote W. B. Franklin, "and I believe that the presence of the revenue cutter will be required to have the business thoroughly done."

Opting for a less extreme approach, the government filed suit against the Gilleys. At the center of the dispute lay a question that would simmer for more than 50 years—who owned Baker's Island anyway?

The government had purchased the entire island from trustees of the William Bingham estate in 1827 and therefore declared that the Gilleys were mere squatters. However, the Gilleys had lived there some 21 years by then and claimed they had won title to the land through their undisputed possession.

The Bingham estate's right to sell the island was also challenged. Around the turn of the century Bingham, one of the nation's wealthiest bankers, had used his political connections to lay claim to over a million acres in Maine. A ruling in favor of the government would have created a frightening precedent for many other coastal settlers living on "Bingham" land.

In 1855 both sides reached an agreement and the suit was dropped. The Gilleys were allowed to remain in possession of the island in return for disclaiming their rights to a 40-rod square lot around the light house and allowing the government and its employees unrestricted pasturage and right-of-way from the landing to the lighthouse.

Life on Baker's returned to normal. William eventually returned to the island, where he lived with his son Joseph until his death at the age of 90. In the course of a generation, the community grew to embrace five households, including our little house, which was built for Joseph's daughter Phebe shortly after she married in 1862.

But the dispute surfaced again in 1896 due to the construction of a new school house and quarreling over pasturage rights. The U.S. government decided to assert its claim to Baker's once and for all, and renewed its suit to declare the Gilleys squatters. This time, however, the government found few allies.

In an 1898 letter to Washington, the U. S. District Attorney for Maine wrote, "It would certainly be unfair and oppressive at this late date to assert the paramount title of the Government as against the few poor and hardy fishermen living there; and if the United States has and intends to allow them peaceable possession of these scanty and sterile lands, I can see no earthly objection to allowing the town of Cranberry Isles to build a school house for the proper education of their youth."

The courts agreed. In 1909 the U.S. Circuit Court upheld the 1855 agreement and formally stripped the government of any rights to the rest of the island. The Gilleys had finally won title to the land they had lived on and farmed for more than a century.

With matters resolved, the old tensions soon faded away. Now when old-timers tell us stories about life on Baker's Island after 1909, they speak of the school house, their neighbors, and long, cold winters. Few remember that there was ever a land dispute at all.

"I first went to school in the little school house there," recalled Eleanor Walker when we went to visit her in Southwest Harbor. Her father, Vurney King, took the job as light keeper in 1915, when she was in the first grade.

"When we moved on there, there were 13 pupils. And then it got down to seven. Then it got down to three. And when it got down to three, they closed the school, and my father used to bring us off here to go to school," she said. "I'd get so homesick when he'd bring me off here."

Eleanor also remembers her neighbors—Samuel Gilley, Elisha's son, and Bert Stanley, a taciturn lobsterman who rarely took off his boots and spent many a day down at the baitshed whittling trap latches. Born and raised on Baker's, Bert lived with his mother, Phebe, in what is now our house.

"Bert used to come up to the light house, up to my father's house there, every single afternoon about three o'clock," Eleanor told us, smiling at the memory. "And it was funny. He'd come up there and ... he wouldn't hardly ever say a word, just come tip and make his little visit, you know. Maybe for 20 minutes or a half hour. All of a sudden he'd get up and out through the door and not say a word. He was kind of strange."

Bert was the last of the Gilley line to live here. When his mother died in 1929, he moved to Great Cranberry Island to live with his sister Mabelle, saying Baker's was too quiet for him. Just 20 years after winning title to their land, the Gilleys left Baker's Island to the light keepers and a few Summer folk.

As I stand by the boarded-up keeper's house, the icy wind makes me think of the hot breakfast back at home. I bury my face in my scarf and head down "Main Street," now a narrow and overgrown path.

December 22 sunset. Arn:

Gail and Henry waited until mid-afternoon for the wind to die down, but it never did. It held at a gusty 25 knots and swung around north, which made for even rougher seas down at the landing. Mary Lou and I invited them to stay another night, but they needed to get home. After waiting for a hill in the chop, we helped them shove off and watched Henry row fiercely against the whitecaps. It was slow going.

Back at the house, I followed their progress through the binoculars and called them on the radio when they got home. "Did you get soaked?" I asked Gail. "No," she said. "The spray froze when it hit my jacket and just coated me with ice."

We thanked them again for coming and settled back again into our winter routine of fire-stoking and toy making. We are probably not much different from the Gilleys who lived here a hundred years ago except when winter rolled around for them they settled back into their little island, they had four or five families to keep each other company. Now it is just the two of us. Again.

Arn Pearson and Mary Lou Wendell lived in the Pearson family home on Baker's Island year-round from July 1989 to August 1991 and celebrated their marriage there in June 1991. They now reside on the island of Manhattan, where Mary Lou is studying journalism and Arn is writing a book about Baker's Island.

This is the last page of "Who Owns Baker Island?"

[^top](#)
