

"But the Territorys on the North Side of the s^d River which belonged to the Kirkes and which were delivered up to the French upon the Terms afores^d were never mentioned in that Treaty, but the Kirks have still a *jus perpetuum* or Standing right thereunto, and if so, it may be plainly inferred that the King of France cannot have so much as a Right of Dependency (whatever he may have of Bienneance or Conveniency) to the Lands and Territorys which are continuous thereunto and lye behind it further North above Hudson's Bay, which were first discovered and possessed by the subjects of this Crown and never pretended to by the French till Mons^r de la Barr by His letter of 7th November 1682 hath taken upon him to settle up by a pretended Title thereunto for the King His Master."

The papers from the year 1655 down to 1667, the date of the treaty of Breda, confirm the statement in the preceding document that under Cromwell Nova Scotia was taken from the French and retained. The proposed surrender by the treaty of Breda did not pass without protest on the part of Scotland and of New England and the retention by France of St. Christopher delayed the transfer of Nova Scotia, so that it was not till August, 1669 that the final order for its surrender was given.

On the 10th of January, 1671, Temple wrote to the King that he had delivered up Acadia, but complained that places ordered to be surrendered were not in Acadia, but included all Nova Scotia and part of New England. For information respecting the two sides of the questions of the right of possession, the boundaries, &c., reference may be made to the *Mémoire des Commissaires du Roy*, 1755 to 1757, 4 volumes 4to; *Histoire Géographique de la Nouvelle Ecosse*, which contains an account of the disputes between England and France on the subject of the possession of that province, 1755; *Discussion Sommaire sur les anciennes limites de l'Acadie*, 1755; *La conduite des Francois justifiée*, 1756; *Mémoire contenant le précis des faits*, 1756; *Mémoires de M. de Torcy*, 1757, which gives an account of negotiations from the treaty of Ryswick (1697) to the peace of Utrecht (1713). Although the works cited relate chiefly to the treaty of Utrecht, the questions of discovery, settlement, &c., are exhaustively discussed from the period of first discovery.

Before the end of the 17th century (1674) a new party had entered the political field. The Dutch, having been driven from the Hudson, took from the French the forts of Penatscop and St. John (so called in the state papers; otherwise spoken of as Pentagonet and Jemseg), and left men there to trade; the Dutch government which stated this, complained to the British authorities that the people of Massachusetts had seized the forts and carried off the men found in them. The Secretary of the Council in a letter dated at Whitehall, the 11th February, 1676, was directed to prepare a letter to Massachusetts ordering the Governor to answer the complaints of the Dutch and a letter was accordingly prepared and sent on the 18th of the same month, but although repeated remonstrances were made by the Dutch, the last noted being on the 4th of August, 1679, no reparation was made to them so far as the papers show. Neither Hutchinson in his "History of Massachusetts," nor Wynne in the "General History of the British Empire in America" refers to this incident. Charlevoix says that it was an Englishman who had been lurking about the forts, who came with the crew of a Flemish corsair and captured them. In this he is followed by Ferland and Murdoch, but the warning of Louis XIV. to Frontenac, dated 17th May, 1674, to watch the movements of the Dutch (*Hollandois*) against Acadia and the State papers noted in the calendar leave no room for doubt that the force was Dutch not Flemish.

The fishery disputes were brought to an acute stage by the seizure of New England fishermen and their vessels, although they asserted they had received