

Thomas Temple; and to William Crowne, under the designation of "the country and territory called Acadia, and a part of the country called Nova Scotia:" and in the same year, Temple was sent out as Governor. Subsequently, in 1664, Charles II. granted the territory to the Duke of York, and annexed to the grant the country west of the St. Croix, as far as the Kennebec. But in 1667, the whole country was, by the 10th Article of the Treaty of Breda, *restored* to France, under the designation of "*Le pays appelé l'Acadie, situé dans l'Amérique Septentrionale, dont le Roi très-Chrétien a autrefois joui.*"

In forming, then, a just estimate of the character of this grant of 1664, it is to be remembered that its substantial and most important feature is, that it gives "*all the lands from the west side of Connecticut River to the east side of Delaware Bay,*" comprehending the territory of the present States of New York and New Jersey. The annexation, therefore, of the country between the Kennebec and the territories of Nova Scotia, or the Sagadahoc territory, to the grant of 1664, amounted, as we have before observed, to nothing but a war-title, which of course expired with the restitution of the country to France. This restitution, although agreed upon in 1667, only took place in 1670. In the "*Mémoires des Commissaires du Roi et de ceux de Sa Majesté Britannique,*" are to be seen the documents of the Restitution then made by Sir Thomas Temple to the French authorities, with a particular description of the fort of Gemisick and its condition, by which we learn that this fort was on the River St. John, a few miles to the north of the forty-sixth degree of north latitude.

French fort of Gemesick, near the 46° of north latitude on the River St. John.

Grant to the Duke of York renewed in 1674, by Charles II.

False reason assigned in the official American Statement for the renewal. American Statement, p. 13.

In 1674 this grant was renewed to the Duke of York by his brother, Charles the Second, and in the official American statement we find the following erroneous assertion on this subject:—

"The Duke of York obtained from Charles the Second a subsequent confirmation of his grant, bearing date the 29th of June, 1674. This second grant, or confirmation, shows that in the restoration of Acadia, Great Britain did not mean to include any territory west of the St. Croix; and *the said confirmation was obviously asked and granted in order to remove any doubts on that subject.* The TERRITORY was afterwards governed under the authority of the Duke of York."

It is not difficult to clear up this mistake, the tendency of which is to mislead the public mind in America, as to the real motive of the renewal of the grant. In 1673, war having broke out with Holland, the territory of New York was surrendered, without resistance, to the commander of a Dutch squadron, and the inhabitants were sworn in to bear allegiance to the States General. By the Treaty of Peace signed at Westminster the succeeding year, 1674, the New Netherlands, or New York, were restored to England; and to obviate all difficulties that might arise in regard to titles to land, from the recent mutation in the sovereignty, the Duke of York solicited and obtained a renewal of the grant of 1664. The Governors sent out were Major Andros in 1674, and Thomas Dongan in 1682. But they were Governors of New York, and resided there. The renewal, therefore, of the grant of 1664 in 1674, was clearly not *asked* for or *granted* for reasons appertaining to the Sagadahoc territory, but arose out of the transfer, as stated, of the territory of New York; and the Sagadahoc territory was included in this last grant, as it had been in that of 1664, for the last grant is a mere copy of the first. As to acts of Government there by authority of these Governors, one only can be quoted. A fort was built at Pemaquid, near the Kennebec River, to curb the Indians, whom the wars of the Indian Sachem, commonly called King Philip, had rendered troublesome. This confirmation of the duke's grant, therefore, left his title to the Sagadahoc territory upon precisely the same footing on which it had stood before.

True reason for the renewal of the Grant of 1664.

On succeeding to the throne, his claims to that territory merged in his rights as Sovereign\*; then came the Charter of William and Mary, 1691, and subsequently to that, the Treaty of Ryswick, in 1697, which restored to the French every thing they had possessed before the declaration of war.

\* We quote the following passage from "the Case of the Provinces of Massachusetts Bay and New York," &c., before mentioned, forming part of the pleadings made on behalf of Massachusetts Bay in 1764, in order to show that it was the legal opinion in that Colony at that time, that all the lands of the Sagadahoc country belonged to the Crown up to 1691.