

come under the power of England, was placed upon the same footing with any claim she might have preferred to Nova Scotia. This is substantially admitted in the "statement on the part of the United States," referred to His Majesty the King of the Netherlands, in the following passage:

"Great Britain, however, agreed by the Treaty of Ryswick of 20th September, 1697, to restore to France, 'all countries, islands, forts and colonies, wheresoever situated, which the French did possess before the declaration of war,' Acadia or Nova Scotia being clearly embraced by those expressions, and being thus severed from the British dominions, the clause of the Massachusetts Charter, which annexed that territory to Massachusetts, was virtually repealed, and became a nullity."

Admission on the part of the United States, that the war grants were annulled by restoration. American Statement, p. 14.

Since, therefore, Massachusetts can have no title but that which she derives from her ancient colonial connection with England, and since it has been shown that England had no title which she could convey to any part of the country previously to the Peace of Utrecht in 1713, it results, that the title of Massachusetts to the tract of land called Sagadahoc, in relation to its boundary to the north, was not settled at that period.

We shall proceed to show that the right of Massachusetts to go to the River St. Lawrence, was denied by the British Government before the establishment of the southern boundary of the Province of Quebec by the Royal Proclamation of 1763; and that the Question of the northern boundary of Massachusetts as respected the *Sagadahoc* territory, continued unsettled after that period.

The English title to any part of this country first began in 1713, at the Peace of Utrecht, when France ceded Acadie according to its ancient limits, which extended only to the forty-sixth degree of north latitude; and the English title to the remaining part of the country accrued at the Peace of 1763, without the northern boundary of Massachusetts ever having been defined by any act of the British Government from the earliest of those periods; we think it therefore manifest, that the northern boundary of Massachusetts has always stood nearly in the same relation to the Charter of 1691, that her eastern boundary stands in to that of 1621. But it will be useful to give a more detailed account of the state of the question touching the northern boundary of the tract called *Sagadahoc*, and of the discussions which took place respecting it, previously to the independence of the United States.

First title of England to "Acadie" accrued in 1713.

It has been stated that in the charter of the Colony of Massachusetts Bay, granted by William and Mary in 1691, the original grant of the Colony of Massachusetts, lying east of New Hampshire, which had been vacated\*, was revived; and the Province of Maine, the Sagadahoc country, and Nova Scotia were annexed to it.

Question examined as to the ancient Northern Boundary of Sagadahoc.

The Province of Maine had been granted by Charles the First on the 3d of April, 1639, to Sir Ferdinando Gorges. It consisted of an area, comprehended between two lines, one extending from the coast, by the Piscataway River, 120 miles into the interior, and the other further east extending up the Kennebec River for the same distance. This area is marked out on many of the older maps, as well as on Mitchell's, and has its northern limit far to the south of the height of land described by Pownall, hereafter to be mentioned.

Grant of Maine by Charles 1st to Sir Ferdinando Gorges, 1639.

The Colony of Massachusetts had acquired Maine by purchase in 1677, from Sir Ferdinando Gorges, and by the Charter of 1691, acquired a war-title to the country intervening between the Kennebec and the territories of Nova Scotia. This country, in the grant by Charles the Second to his brother the Duke of York, in 1664, was bounded on the west by the Kennebec River, and so upwards by the shortest course to the River Canada northward. But the whole of this country was within the ancient limits of Acadie. The French had constructed a fort at the Kennebec, and at various points on the coast eastward from that river. These were subdued in 1654, by Major Sedgewick, under a Commission from Cromwell, who summoned the Sieur Charles de St. Etienne to surrender all that part of the country; and the summons being obeyed, he took possession of the French ports of Pentagoet (Penobscot), St. Jean, and Port Royal. On the 9th of August, 1656, Cromwell granted the country, under the Great Seal of England, to the same St. Etienne, to

Maine purchased by Massachusetts, 1677.

\* A judgment was given against the Colony in the Court of Chancery, in the 36th year of Charles the 2nd, and the Letters Patent ordered to be "cancelled, vacated, and annihilated."