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Acadia National Park

Random Notes on the Significance of the Name

By

William Otis Sawtelle

Curator of the Islesford Collection, Inc.

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ACADIA NATIONAL PARK
RANDOM NOTES on the SIGNIFICANCE of the NAME

By WILLIAM OTIS SAWTELLE
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ACADIA NATIONAL PARK

In the issue of December 12, 1928, there appeared in the BAR HARBOR TIMES a news item which attracted considerable attention and favorable comment. It was to the effect that Congressman John E. Nelson of the Third Maine District had, on December 10, introduced a bill in the House providing for the enlargement of Lafayette National Park and for changing the name to Acadia National Park; that the bill was introduced at the request of Superintendent George B. Dorr, and that Senator Frederick Hale would introduce an identical bill in the Senate.

THE SECRETARY OF THE INTERIOR WRITES A LETTER

On December 21, 1928, the Secretary of the Interior, Roy O. West, wrote to the Honorable Don B. Colton, Chairman, Committee on Public Lands, House of Representatives, stating that he was heartily in favor of the enactment of the Acadia National Park measure, (H. R. 15088) and recommended that it receive the favorable consideration of Mr. Colton’s committee. The Secretary also said in his letter that “Great progress has been made in the establishment of this park, and additions are being tendered and accepted yearly through the generosity of public spirited citizens. It is believed that authority should be given to accept areas that might be similarly donated involving a number of important headlands and islands off the island of Mount Desert and form beautiful exhibits in themselves measuring up to national park standards and which if privately held and exploited might in time present unsightly views from the mountainous park section on that island. Several such headlands have already been tendered. The United States would be put to no expense in the acquisition of these lands. The purpose of the bill is plainly to give greater scope to the national park which is desirable. The description of the area involved as worded in the bill has been carefully drawn and appears to be satisfactory.”

“The change of name from Lafayette National Park to Acadia National Park,” said the Secretary, “has been suggested in accordance with the desire and policy to employ names only descriptive of the region or associated with it in the popular mind from earliest times.”

The bill passed the House on January 7, 1929, the Committee on Public Lands and Surveys reporting favorably and with the recommendation “that the bill do pass without amendment.” On January 21, 1929, President Coolidge attached his signature. The Secretary of the Interior is authorized “in his discretion, to accept in behalf of the United States lands, easements, and buildings, as may be donated for the extension of Lafayette National Park, lying within the bounds of Hancock
County within which the park is situated, together with such islands in Knox County adjoining, as lie to the east and south of the main ship channel through Penobscot Bay, which complete the archipelago of which Mount Desert Island, whereon the park is situated, forms the dominant and largest area."

The second section of this measure provides "That the area now within the Lafayette National Park, together with such additions as may hereafter be made thereto, shall be known as the Acadia National Park——."

Acadia National Park lies on both sides of Somes Sound; title to lands on the west of the Sound being of English origin, and of French on the east. Both nations claimed jurisdiction over what is now Eastern Maine from earliest times; and as the conflicts arising from these claims invariably involved "Acadia, according to its ancient boundaries," never defined, a brief excursion among colonial documents may indicate that the name policy emphasized by Mr. West in his letter to Mr. Colton is well exemplified in the provisions of the second section of the park bill recently passed by Congress.

DE MONTS' LA CADIE VERSUS ALEXANDER'S NOVA SCOTIA

Strictly speaking, La Cadie, as the name appears in the grant of King Henry IV of France to Sieur de Monts, and known later to the French as Acadie and to the English as Acadia, did not possess the usual attributes of a place name. It had peculiar propensities for not staying put. If a parallel of latitude be passed through the site of the city of Montreal and another through Philadelphia the region along the Atlantic coast between the two intercepts represents the approximate extent of de Monts' La Cadie of 1603. But in these modern times Acadia is considered as the Evangeline country in Nova Scotia.

The origin of the name is obscure. There are some who claim that the word Acadia comes from the Indian; while others contend that it traces back to the Spaniard and means "there is nothing there." In truth, historians in the States have inclined, in general, to the belief that there really was nothing there, and let it go at that, leaving to our friends to the eastward of the St. Croix the investigation of an absorbingly interesting subject.

Acadia included the Territory of Sagadahoc, or what is now Eastern Maine, as well as the provinces of New Brunswick and Nova Scotia, thus endowing all three of these sections with a colonial history common to them all. Mr. George B. Dorr, writing of the Mount Desert region, calls attention to the fact that "the name Acadia remains today in the adjective Acadian, used descriptively by biologists referring to the forests, the flora, and wild life of the region as that of the Acadian Zone, and by geologists referring in their writings to its coast as the Acadian."

By act of Congress there has been restored to Eastern Maine, or to some thousands of acres of it in Acadia National Park, a name not only reminiscent of earliest American colonial history, but also of the initial moves in the struggle between France and England for supremacy on the North American continent.

The arrival of Sieur de Monts and Samuel Champlain on our shores in 1604 marked, as Professor Ganong has well said, "the first actual step of North America from barbarism over the threshold of civilization, and the first stage in the expansion of two of the most virile races of Europe into the wonderful New World."

When Champlain first viewed from the sea what now comprises a part of Acadia National Park he was impressed by the bleak and barren character of the mountain
tops, “destitute of trees and covered with rock.” The physical aspect was suggestive; for in his journal, under date of September 5, 1604, he concludes a descriptive paragraph with: “I named it the Island of Desert Mountains.”

Among the early records of Acadia is Mount Desert mentioned; for the region in which Acadia National Park is situated got its name a year before Port Royal was settled; two years before King James I granted a charter to the Virginia Company; four years before Quebec was established, and sixteen years prior to the embarkation of the Leyden Pilgrims for Plymouth.

The Acadia of King Henry IV of France and the Virginia of King James I of England comprised a considerable portion of the same territory. A clash between the two conflicting interests was inevitable; and the initial blow was struck at Mount Desert by Captain Samuel Argall from Virginia who demolished the Jesuit mission of St. Sauveur established in 1613 by Antoinette de Pons, Marquise de Guerchville. The site of St. Sauveur is now included within Acadia National Park.

There were two important results of Argall’s conquest which included the demolition of Port Royal as well as the destruction of St. Sauveur; no further serious attempts were made by France to plant a colony in what is now Eastern Maine, and a new charter was issued to the Plymouth Company which conferred territory from the fortieth to the forty-eighth parallel, including not only de Monts’ Acadia but a lot more to the north.

Out of this vast grant King James, in 1621, gave to Sir William Alexander, afterwards first Earl of Stirling, the territory of New Scotland or Nova Scotia, the western boundary of which was fixed at the St. Croix River; a point of great importance as future developments will show. France tried all sorts of diplomatic means to obtain possession again of Acadia; but as long as King James was sovereign no such propositions were countenanced.

**A QUEEN’S DOWRY IS PAID**

Soon after Charles I came to the throne he was given to understand in no uncertain terms that the unpaid balance of the dowry of his queen Henriette Marie, would never reach his coffers unless Acadia be restored to France. Figuring that there was nothing in Acadia but Indians and forests and that money is money and utterly oblivious to English interests he sanctioned a section in the Treaty of St. Germain-en-Laye under which restitution of “Acadia, according to its ancient boundaries,” never defined, was effected.

It was not de Monts’ Acadia which reverted to France. English settlements, backed by English grants, had been made to the southward in New England, and it would have been a large order, even for Charles I, to turn over to France a considerable portion of the Atlantic seaboard.

King Charles did not encroach upon Sir Ferdinando Gorges’ Province of Maine, with eastern boundary at the Kennebec River, but he evinced no scruples in regard to Nova Scotia with western boundary at the St. Croix River, though he did compensate Alexander for the loss of his province by bestowing upon him, together with lands elsewhere, the county of Canada which was erected out of the Territory of Sagadahoc and extended from the Kennebec to the St. Croix.

By the grant of the County of Canada it is very evident that England claimed as far east as the St. Croix. Incidentally, some years previously Mount Desert had
been granted as Mount Mansell by the Council for New England to Sir Robert Mansell whose name is borne by one of the mountains in Acadia National Park; but as the grant was never consumated, it did not stand in the way of the County of Canada.

On the other hand with Acadia restored to France "according to its ancient boundaries" that nation could not very well claim territory as far south as Philadelphia, though she did maintain that the Kennebec River was the western boundary of an Acadia whose limits had never been defined.

Thus the region between the Kennebec and the St. Croix, first mentioned in English records as the Territory of Sagadahoc in Virginia, and next as the County of Canada in New England, was disputed territory as early as 1632, claimed by both France and England. In the French records it was a part of Acadia; but after the abrogation of de Monts' grant, when King Louis XIII bestowed upon the Marquise de Guercheville the entire Atlantic coast as far south as Florida, that noble dame, fired by a religious zeal to christianize the Indians, established her Jesuit mission at Mount Desert, only to have it obliterated by Sir Samuel Argall.

A few hundred thousand crowns, coveted by King Charles I, couples another noble dame with the Marquise de Guercheville; for in the Acadian narrative the determining factor in the return of Acadia to France was the question of dowry of Queen Henriette Marie, Duchesse d'Orleans.

**CROMWELL, CHARLES II AND LOUIS XIV PLAY THE GAME**

In Cromwell's time the English again conquered Acadia with the result that there was granted to Sir Thomas Temple and others "the country and territory called Acadia and a part of Nova Scotia." It is here to be noted that both names appear in the text of the grant, and that it extended as far west as the present site of Thomaston, Maine, which is to the westward of the Penobscot River. The revival of the name Nova Scotia was unfortunate, and though disavowed at the time, it remained a prolific source of misunderstanding for years to come.

In the time of King Charles II, under the terms of the Treaty of Breda it was not a part of Nova Scotia but "Acadia according to its ancient boundaries," never defined, which was restored to France with no mention of Nova Scotia. King Charles soon evidenced his knowledge of American geography, or the lack of it, by ordering Sir Thomas Temple to relinquish Pentagoet, the modern Castine, as a stronghold of Acadia, and at the same time granting to his brother James, Duke of York, among other properties, "all that part of the mainland of New England, beginning at a certain place called or known by the name of St. Croix, next adjoining New Scotland in America, and from thence extending along the seacoast into—Pemaquid."

The question may well be asked: If Acadia extended as far west as the Penobscot River as an article in the Treaty of Breda so declared, and the mainland of New England began at the St. Croix River next adjoining Nova Scotia according to King Charles II, what did France get by the cession of "Acadia, according to its ancient boundaries?"

Whatever the answer it may be stated as a fact that the lands which now comprise Acadia National Park were by the Treaty of Breda a portion of Acadia and ceded to France; that Subercase was appointed French governor over a considerable territory which extended from "Cape Rosiers of the Great River of St. Law-
rence as far as the east part of the Kennebec River,” together with Cape Breton Island. These lands were also by order of King Charles II a part of the Duke of York’s County of Cornwall extending from the St. Croix to Pemaquid, for a time under the jurisdiction of New York and later annexed to New England.

The Stuart monarchs were ever a bit careless of English interests when those of France were involved, and King Charles II sustained the family reputation. Undoubtedly King James II knew but little of his County of Cornwall, and when he found France more to his liking than the soil of England, especially after the battle of the Boyne, he was entertained by King Louis XIV at the chateau of St. Germain-en-Laye. While sojourning there his royal host was pleased to ratify and confirm a certain feudal grant of Acadia made the year before, in his Majesty’s name by Governor Denonville of Canada, in which Mount Desert Island figured. Of this grant of some hundred thousand acres made to Sieur Antoine de la Mothe Cadillac in the royal guest’s County of Cornwall several thousand now constitute the major portion of Acadia National Park.

Subsequent events made the Cadillac grant of 1688, ratified by King Louis XIV the next year, the basis of all land titles on Mount Desert Island east of Somes Sound; since a large part of the original grant was restored at the close of the Revolutionary War to the granddaughter, Marie Therese de la Mothe Cadillac de Gregoire who later became possessed of the eastern half of Mount Desert.

In the Bibliotheque Nationale in Paris is the original manuscript of Cadillac’s memoir on Acadia written in 1692 at the request of Louis XIV, one page of which is descriptive of Mount Desert. Cadillac’s choice of title is local in origin since he selected that of Seigneur de Douaquet et Monts Deserts, wherein is combined the French equivalent of the Indian word Ottowakeik or Adowaukee, the ancient name for Frenchman’s Bay, and the survival of Champlain’s Isle des Monts Deserts. The highest mountain in Acadia National Park is called Cadillac, certainly a happy choice, since the Park’s title, east of Somes Sound, traces back to a brevet de confirmation which King Louis XIV signed in Cadillac’s favor at Versailles in 1689, the official record of which, together with that of the original grant of Mount Desert the visitor to the Hotel du Government at Quebec will find spread upon the provincial records.

**COLONEL DUNBAR PLANS THE PROVINCE OF GEORGIA**

It was during King William’s War that Le Moyne d’Iberville rendezvoused his fleet at Southwest Harbor preparatory to an assault upon Pemaquid. The combined attack of French and Indians was successful, and sad havoc was made of the Pemaquid defenses. After the Treaty of Ryswick the English Government repeatedly urged Massachusetts to rebuild the fortifications; but this the Province repeatedly refused to do. Incidentally, it seems superfluous to add that at the close of King William’s War that Acadia, according to its ancient boundaries, never defined, was restored to France by the Treaty of Ryswick, for that is practically what happened.

By the twelfth article of the Treaty of Utrecht it was another story. At the close of Queen Anne’s War England was in a position to dictate terms, and the old formula was discarded; for Acadia remained under the British flag. Unfortunately, it was “Acadia or Nova Scotia” that was ceded by this article; not Acadia and Nova Scotia; and this confusion of conjunctives was to be a most prolific
source of misunderstanding for many years that were to follow.

It would be interesting to relate how, after the Treaty of Utrecht, with the English in possession of “Acadia or Nova Scotia” the boundaries of Acadia underwent, from the French standpoint, a contraction until it comprised the peninsula of Nova Scotia with the English there cooped up, their ingress and egress by land being challenged by Fort Beausejour which the French had erected on the isthmus of Chignecto. But the story properly belongs to the colonial history of Nova Scotia; and our primary concern is with the region between the Kennebec and the St. Croix—or the Territory of Sagadahoc, the County of Canada, the County of Cornwall, and next to be known, at least temporarily, as the Province of Georgia.

A reference to the British Board of Trade Journals shows that as early as June, 1713, petitions were before that body, signed by officers and soldiers of the late war, asking for a grant of land between “New England and Nova Scotia,” with the region sometimes referred to as “between Nova Scotia and the River Sagadahock alias Kennebeck.” Conditions were then too disturbed for the promotion of settlement; but at the close of Father Rale’s War, so called, the Board of Trade proposed to the Privy Council that settlers should be placed in this region, and that a new province to be called Georgia, independent of both Massachusetts and Nova Scotia should be here erected.

Col. David Dunbar who held a commission as “Surveyor General of the King’s Woods in America” went to Pemaquid and with funds supplied by the British Government rebuilt the fort which he called Fredericksfort, garrisoned it with British troops and placed settlers in the vicinity. But in April, 1730, Richard Philips, Governor of Nova Scotia, received instructions, superceding those given to Dunbar, telling him to take possession of the land between the Kennebec and the St. Croix.

Obviously, something was in the air, and it appears to have been this: France had claimed the region in question as a part of Acadia; Le Moyne d’Iberville, by his capture of Pemaquid in 1696, had won it back as Acadia, but General Nicholson, English commander, by the capture of Port Royal in 1710 became possessed of Nova Scotia. Hence, as Nova Scotia, the region belonged to the Crown; and Massachusetts had advanced a reason for not rebuilding Pemaquid since it was the belief that the Crown there had jurisdiction.

Nova Scotia’s claim had a champion on the Board of Trade in the person of Colonel Bladen who took the attitude that Massachusetts, by turning a deaf ear to the demands that she should rebuild and garrison Pemaquid and otherwise provide for an adequate eastern defense, as well as settle the region, had forfeited her claim. But there was another element to consider; and that the Muscongus Patent, originally granted by the Council for New England in 1630 for about a thousand square miles on the west bank of the Penobscot, later known as the Waldo Patent in which General Henry Knox was to figure. Naturally, the assigns of the Muscongus Patent were not idle; petitions from them found their way to England, Governor Belcher, of Massachusetts, issued a proclamation, and so on the Board of Trade and the Privy Council found themselves entangled.

Finally, the question having been referred to the Attorney and the Solicitor Generals, Yorke and Talbot, their decision was rendered in August, 1732, sustaining the Massachusetts claim to the region between the Kennebec and the St. Croix. Of this opinion, it has been said, that it was one of the most important in a long line
of those involving colonial interests; thoroughly English in its support of vested property rights. The King in Council approving, orders were issued to Governor Philips revoking his instructions, and to Colonel Dunbar commanding him to quit Pemaquid. The Muscongus Patent and the Province of Georgia met in a head on collision; and the Province of Georgia was no more. Later, the name was attached to Oglethorp's colony in the south.

**MOUNT DESERT FIGURES IN FLAREBACK**

Towards the close of the French and Indian War attention became focussed upon a somewhat more restricted area than that concerned by the discussion in the Province of Georgia; for this time it was the territory between the Penobscot River and the St. Croix River that was involved.

The garrison at Fort Pownall, at what is now Fort Point on the Penobscot, about to be disbanded, petitioned for a land grant somewhere between the Penobscot and the St. Croix. Numerous other petitions for land in the same region were also before the General Court of Massachusetts at the same time, and upon all of them favorable action was secured.

Twelve townships east of the Penobscot were thus erected. But under a clause in the Charter of William and Mary each of these grants was invalid without the approbation of the sovereign. Soon after their establishment Governor Francis Bernard, of Massachusetts, received a grant of the entire island of Mount Desert as reimbursement for money he had spent on province property.

Bernard had been informed by some of his assemblymen when he sought repayment that there was no money but plenty of land; and though he would have preferred a grant in old Massachusetts, he was actually inveigled into asking for Mount Desert Island. It was a clever scheme on the part of certain Massachusetts politicians. Bernard was an official of the British Government, and would, of course, use his best endeavors to secure King George's approbation in order to complete his title. With the Mount Desert title perfected, that to the twelve townships would, so be, in time, and Massachusetts secured in any other grants to the eastward that might be made.

It would be supposed that the famous legal opinion of 1732 relative to land titles between the Kennebec and the St. Croix would stand without question in 1762 in regard to the region between the Penobscot and the St. Croix. But this "Acadia or Nova Scotia" matter was a nut with an exceedingly hard shell; and although the best legal minds in England had a crack at it they did not, as will now appear, extract the kernel.

When Governor Bernard petitioned to accept his grant of Mount Desert he employed William Bollan as London agent to there look after his interests. But Bollan is to receive from John Pownall, Secretary of the Board of Trade, when he visits that official, certain information which is not to his liking, nor to Governor Bernard, nor to the Province of the Massachusetts Bay. The letter in which Bollan communicates a most disturbing state of affairs is among the Sir Francis Bernard papers in the Harvard Library; and as some of the territory in question now lies within Acadia National Park certain extracts from Bollan's communication possess peculiar interest.

Of Bernard's grant of Mount Desert Bollan writes: "That this being the first Grant of this nature made by the General Court it required an especial considerat
tion.—That the Island granted being situated to the eastward of Penobscot it was not a part of Massachusetts Province, but a part of Acadia or Nova Scotia, all the country lying to the Eastward of Penobscot River being pursuant to the treaty of Breda delivered up to the French King as parcel of Acadia, that in the negotiations with France during the late Peace the claims of Great Britain were made accordingly; and it was necessary that in all subsequent proceedings of the Government the country lying between the Rivers Penobscot and St. Croix should be deemed and treated as part of Acadia or Nova Scotia.—"

Surely, poor Mr. Dick was never bothered as much by King Charles' head as was colonial Massachusetts by the lack of one on the part of his son for Mr. Bollan continues: "—That the delivering up of that country Acadia or Nova Scotia to the French pursuant to the treaty of Breda, was a matter not known and considered when the great opinion respecting the Jurisdiction and Soil of the country lying between the Kennebeck and St. Croix was given by the two late lord chancellors when Attorney and solicitor general—.""

Then, for good measure, or as Sam Slick would say, to put another crimp in his horn, Pownall informs Bollan that "it seemed to be questioned whether their Majesties King William and Queen Mary, when they gave to the Province their charter, had such complete right to the lands lying between the Rivers Penobscot and St. Croix so delivered by King Charles the 2d to the French King that they could then grant the same, the French Kings right not being extinguished without a cession. That the Province is not well entitled to these lands by the right of postliminy, upon considering particularly all the conquests and cessions made of them."

THE COUNTY OF CANADA AGAIN

The Treaty of Utrecht was signed in 1713; but fifty years later the meaning of the twelfth article was as well understood as the Einstein theory is today. When the French and English commissioners met, years after, to interpret the terms of the treaty as applying to Acadia, they remained at loggerheads and adjourned without reaching a decision.

Though the French and Indian War won Canada to Great Britain, the age old question as to what constituted the soil of "Acadia or Nova Scotia" was to remain in dispute, as Mr. Bollan has shown. Moreover, since the controversy was precipitated by Governor Bernard's grant of Mount Desert, it possesses a local interest, especially as the land title history of Acadia National Park is involved.

The reason for the flareback from the legal decision involving the Province of Georgia and the Muscongus Patent is to be found further on in the Bollan letter; and he attributes it to "an inclination or formed design of some Persons in Government to make the lands between Penobscot and St. Croix part of Nova Scotia."

A clue to the "formed design" is somewhat elusive; but if the story of Queen Henriette's dowry be recalled, when the Earl of Sterling was deprived of Nova Scotia that it might be restored to France as Acadia, "according to its ancient boundaries," never defined, we arrive at exhibit A. For exhibit B this will serve: King Charles I, to partially compensate Alexander for the loss of Nova Scotia, gave him the County of Canada which was limited on the west by Pemaquid and on the east by the St. Croix River. Exhibit C: The Treaty of Breda; James, Duke of York, and his County of Cornwall, once Alexander's County of Canada; Pentagoet, or Castine, on the east side of Penobscot Bay, which King Charles II insisted was a "stronghold of
Acadia," thus bounding Acadia on the west by the Penobscot River.

And lastly, there is to be found among the "Acts of the Privy Council, Colonial Period," an important exhibit which introduces another character in the person of William Alexander, of Baskenridge, New Jersey, one time professor of mathematics in King's College, now Columbia, and later a major-general in the Continental Army. About the middle of the eighteenth century this gentleman, with two of his kin, petitioned the Privy Council for the restitution to them of the County of Canada, claiming that it had not been properly acquired by James, Duke of York, but that it came into his possession "by design or otherwise." Alexander himself, as nearest of kin to Henry, last Earl of Sterling, also laid claim to the dormant earldom, a claim that was not sustained.

The petition was before the Privy Council not long before Bernard's for permission to accept the grant of Mount Desert was received; and the fact that both of them were scrutinized simultaneously undoubtedly gave rise to a situation relative to the lands between the Penobscot and the St Croix, with odds on William Alexander, of Baskenridge, and the County of Canada.

Encouraged by this attitude Alexander went so far as to distribute real estate advertisements, some of which are still in existence, of sales to be made on the east side of the Penobscot, every bit as flowery as those of modern realtors who wish to dispose of seashore property today. But a proclamation of Governor Bernard, calling attention to flaws in the title and warning prospective purchasers put a quietus on the business, so that from now on nothing more is to be heard of the County of Canada.

Now for the argument, which will be intrusted to Sir Francis Bernard, Royal Governor of Massachusetts, one time member of the bar at Middle Temple, solicitor at the Court of Chancery, and a thorough student of American colonial history. What our colonial ancestors thought of him at the time of the Stamp Act agitations is beside the point.

**ACADIA OR NOVA SCOTIA**

**SIR FRANCIS VERSUS THEIR LORDSHIPS**

It is unfortunate that Bernard's arguments against the formed design of some persons in government to make Eastern Maine a part of Nova Scotia cannot be offered in full, during the course of which he was bitterly assailed and reprimanded by their Lordships. But it is worthy of note that he never lost his poise; and that his courteous replies often contained irrefutable statements. In one letter he frankly admits that nobody in Massachusetts had ever heard that the western boundary of Acadia was formed by the Penobscot River, or that the Territory of Sagadahoc had ever been thus limited, while as for this Penobscot claim it was to him something "quite new."

Of the Penobscot claim Bernard has much to say, but a few extracts from his communications to the Lords Commissioners must suffice. As for himself he had not the least apprehension that the Penobscot River "was applicable to the limitations of King William's Grant to Massachusetts Bay," giving his reasons as follows:

"As a presumptive proof thereof (the only kind of proof which such an assertion is capable of) it appears that my immediate Predecessor Governor Pownall, although he came to this Government directly from England, was not acquainted with this Objection to the Provinces right. If he had, I am sure that he who was
never reckoned inattentive to this duty would not have taken formal and monumental possession of the East side of Penobscot on behalf of the Province of Massachusetts Bay——.

Of this particular formality, in which Governor Pownall buried a lead plate, properly inscribed, at Eddington Bend, just a few miles above Brewer, Bernard insists that an account must have reached their Lordships at the time; and that no record of their objections to Pownall's act, if any, has ever been noted. All of which must justify him in presuming "That the East side of Penobscot was allowed to belong to Massachusetts Bay."

This letter, a portion of which has been quoted, is dated at Boston, April 25, 1763, is significant; for on October 5, of the same year a certain entry was made in the minutes of the Privy Council to the effect that a representation from the Board of Trade makes the St. Croix River the boundary on the west of Acadia or Nova Scotia. But it was not deemed advisable by their Lordships "that this Restriction of the Western Bounds of Nova Scotia to the River St. Croix should pass without some reservation of Your Majesty's Rights to the Country between that River and Penobscot, being entered upon the Council Books."

It was then suggested that since, in some future time, a boundary dispute might arise between Quebec and Massachusetts it would be an excellent scheme for the King to hold fast to the region between the Penobscot and the St. Croix. For when, if ever, a boundary dispute did occur and it seemed to have been settled somewhat to the detriment of Massachusetts, the blow, if it ever did fall, would be somewhat alleviated by making Massachusetts "a reasonable Compensation." Then it would "be in Your Majesty's power" to allow the jurisdiction of Massachusetts "to extend as far Eastward as the River St. Croix, between which and the Penobscot they have made some considerable Settlements."

It was next suggested that his "Majestys Right to the Country between the River St. Croix and the River Penobscot—ought to be reserved in a more publick manner than by an Entry in the Council Books——;" and that in order to accomplish this it was agreed that there be an alteration in the draft of Montague Wilmont's commission to the effect that in the document appointing him to be "Captain General and Governor in Chief in and over the Province of Nova Scotia, the description of the Boundaries of the said Province to be left out——."

Among the mass of material submitted by Governor Bernard to Secretary Pownall, copies of which are in the Harvard Library, are two documents of outstanding importance; one, "An Enquiry into the Origin of the terms Acadia & Nova Scotia;" the other, "A State of the Facts upon which the Massachusetts Title to the lands between Penobscot & St. Croix depends."

In the first, after reviewing the French grant to Sieur de Monts and the English grant to Sir William Alexander, it was pointed out that Nova Scotia lay north of Acadia; that Acadia lay south of Nova Scotia, and that the territory common to both was the peninsula of Nova Scotia; that the "Synonymous confusion of the distinctions of these two Territories had its rise from the treaty of Utrecht, at which time the English Ministry were thought not to be precise enough in many distinctions of greater importance than this."

Here Bernard also comments on the careless wording of the twelfth article of the treaty with reference to "Acadia or Nova Scotia" and attributes to this the "principal Occasion of the doubts concerning the right of the Massachusetts Bay to the
lands between St. Croix and Penobscot,” emphasizing the fact that all this was really of no effect since “by going back to the origin of their title, there will be no foundation for including this Tract within the name of Nova Scotia.”

As to the southern boundaries of Acadia it is shown that they were “ideal only;” that the English being better settlers than the French soon gained possession, the French reluctantly giving way; at one time content to claim to the Kennebec, and at another would have been satisfied with an acknowledgement of a right as far as the Georges River to the eastward; or, in a word, that the Acadian boundary was “ambulatory.”

Of the Acadian cession under the terms of the Treaty of Breda Bernard has some caustic remarks to make. “When our complaisant Monarch,” he says, “upon granting a territory of which he had no idea of the Value, did not pretend to Set the bounds, but declared it to be of such part of Acadia as the French had been in possession of.” And of the inclusion of Pentagoet as a stronghold of Acadia he notes that “the English with great justice confined this disgraceful cession to the River Penobscot, altho’ the French were never satisfied with such bounds.”

The concluding paragraph of this first document deals with the name Nova Scotia as applied to lands west of the St. Croix River; and the point is well made that although this happened once in Sir Thomas Temple’s time the action was disapproved. Moreover, that these lands were included in Nova Scotia is controverted by Bernard in his citation of the grant of the County of Cornwall by King Charles II to James, Duke of York. Consequently, the properties of Acadia National Park were never a part of Nova Scotia.

Governor Bernard vehemently insists that the expression “Acadia or Nova Scotia” never found its way into the records of the seventeenth century; but that it was reserved for the “Utrecht Negotiations to couple those two words with an or; whereas a little attention on the side of the English would have placed an and between them, thereby comprehending the whole of both Sir William Alexanders & Dumonts Grants as well as what is common to both.”

This is decidedly an irrefutable argument; and Bernard well observes that such an understanding, could it have been obtained years before “would have saved a good deal of trouble which now is happily put an end to.”

SIR FRANCIS BERNARD SCORES

In another document, the second from which quotations will be extracted, which bears the title “A State of the Facts upon which the Massachusetts Title to the lands between Penobscot & St. Croix depends,” Bernard must have labored long and hard. Herein he gives concise and accurate reviews of the numerous grants, charters, conquests, cessions, and treaties affecting the region now known as Eastern Maine, with special mention of Sir William Phipps’ capture of Port Royal prior to the granting of the William and Mary Charter.

“By the Treaty of Ryswick,” Bernard notes, “King William ceded to France all conquered places in America.” But of the tract between the Penobscot and the St. Croix it could be said that it “was not named nor did the French ever take possession of or make any settlements upon it. And that during Queen Anne’s War Massachusetts “made it a continual object of their Arms, having fitted out two expensive Expeditions against that Country & Nova Scotia, before it was finally conquered by a regular Army assisted by the Massachusetts forces.”
“By the Treaty of Utrecht,” continues Bernard, “This Country was ceded to England under the name of Acadia, by which it had been granted to Massachusetts by King William.” Massachusetts had assumed jurisdiction, made numerous treaties with the Indians who acknowledged their subjugation to Great Britain and to the Province of Massachusetts Bay, but settlement there had been prevented by the combined intrigues of the French missionaries among the Indian tribes.

And further, to put a stop to these annoyances, Governor Thomas Pownall, as already noted, built a fort on the Penobscot, and took formal possession of the territory east of the river in the right of Massachusetts; called the Indians together and declared his intentions of settling the region, at the same time threatening them with his resentment if they dared attempt an interruption.

It is a matter of considerable import in the history of Eastern Maine and Nova Scotia that shortly before Governor Thomas Pownall of Massachusetts took formal possession of the lands between the Penobscot and St. Croix, Governor Charles Lawrence of Nova Scotia issued a proclamation inviting settlers from the British provinces to the southward to take up lands which had been evacuated by the Acadian expulsion.

As a result of Pownall’s act the twelve townships, already mentioned several times in connection with Bernard’s grant of Mount Desert, came into existence and upon these lands many pioneers were soon to be established Lawrence’s proclamation was responsible for the removal of thousands of New England farmers to Nova Scotia in an exodus known as the Pre-Loyalist migration. Interest in the Nova Scotia lands was wide spread throughout the colonies, and among the lists of proprietors are to be found the names of Benjamin Franklin and other prominent gentlemen of Philadelphia.

Nevertheless, Nova Scotia’s resources were mainly potential at this time compared with those of Massachusetts; a fact upon which is to be based an interesting argument by Governor Bernard who assumes that even though Massachusetts’ right to the Penobscot-St. Croix region be invalid under the King William Charter, and void under the Treaty of Breda, or, in a word that it holds not “good in the strictness of Law,” there yet remains several good reasons why her claim should be sustained.

Arguments based upon common law, civil law, equity, and policy then follow; and after mentioning the implied warranty contained in every grant; the restoration of private rights in a country formerly belonging to a state, but removed from the enemy, he passes to the question of equity, and of policy, concerning which he writes:

“As this Province has for above 70 years acted under a royal grant & in consequence thereof expended in the defence of this land more than ten times the Value of it, if their Title is imperfect, the King ought in equity to make it complete.”

“Policy. The Great Purpose in America is to bring forward the peopling & improving the Waste lands there. If, Where Lands lie between two Provinces, one of them is ready to settle these lands & really wants them for the use of their super-numery people, and the other neither can nor ought in prudence to settle them, having already much nearer their headquarters land sufficient to employ them for at least 100 years to come, It surely would not be right Policy to prevent one Province extending its population, to add the already immense deserts of the other.”

Finally, after many letters on the subject of Mount Desert passed and repassed
from New to Old England, one of which was a direct appeal to King George, Bern­nard’s grant was validated on March 28, 1771, more than nine years after the resolve of the General Court of Massachusetts in his favor, and two years after Governor Bernard had been recalled from Boston.

As the lands of Acadia National Park now include soil once possessed by Sir Francis Bernard in proprietary ownership, a quotation from the Privy Council records, relative to his grant of Mount Desert has an important bearing upon the land title history of the island.

The record reads in part: “And Whereas, the said Sir Francis Bernard Baronet, hath by Petition to his Majesty at this Board humbly prayed his Majesty’s Royal Confirmation of the said Grant—His Majesty having taken the same into considera­tion, and received the Opinion of the Lords Commissioners for Trade and Plantations, and also of a Committee of the Lords of his Majesty’s most honourable Privy Council thereupon, is hereby pleased with the advice of his Privy Council to declare his Approbation of the said Grant, and pursuant to his Majesty’s Royal Pleasure thereupon expressed, the said Grant is hereby approved and confirmed accordingly; Provided nevertheless that his Majesty’s Approbation and Confirmation of the said Grant, shall not have the Effect to prejudice the Right of the Crown, in and over the Territory of Sagadahock, both as to the Dominion, and the property of the Soil.”

During the Revolution, the American estates of Sir Francis Bernard, with those of other Loyalists, were declared confiscate; but Bernard had made a will before the passage of the confiscation act devising the whole of Mount Desert to his eldest son John. Curiously enough, John Bernard was a Whig and had his legal residence at what is now Bath, Maine. Petitioning the General Court for the restitution to him of Mount Desert, claiming, and rightly too, that this was the only bequest to him under his father’s will and that he was now indigent, his petition was acted upon favorably. But instead of receiving the whole of Mount Desert Island he obtained possession of an undivided half in 1785. Later, when his property and that of Madame Marie Therese de la Mothe Cadillac de Gregoire was subjected to a part­ition, Bernard received title to lands west of Somes Sound.

Acadia National Park today holds title to a portion of its lands on Mount Desert Island under an ancient feudal grant of Acadia, in a manner unique in the annals of American history; since in no other region within the territorial limits of the United States has a French grant ever been validated.

Equally interesting is the recital of facts in regard to the validation of Sir Francis Bernard’s grant of Mount Desert, whereby the title to the portion of Acadia Na­tional Park west of Somes Sound traces back to an origin that is English.

Sir Francis Bernard's labors in proving that the Territory of Sagadahoc was never a part of Nova Scotia; his repeated insistence that as a part of Acadia it belonged to Massachusetts, and his instrumentality in placing the first permanent settlers on Mount Desert Island make his name well worthy of remembrance in Mount Desert history. Like Cadillac his memory is perpetuated in an imposing mountain in Acadia National Park.

It is a curious commentary upon the attitude of some official minds that certain ideas, once impressed, will persist in spite of everything; but each generation has its “die-hards.” Such was the case in privy council circles, when, near the close of the Revolutionary War, it was proposed to erect the Loyalist province of New Ireland which was to include the Territory of Sagadahoc and lands to the westward as well.
Not only was the proposition approved by the councillors, but also by King George; the object being “to reward or Indemnify Loyal Sufferers from the other Province, and at the same time lay the ground of an Aristocratic Power, the Lands to be granted in large Tracts to the most Meritorious and to be by them leased to the lower People in manner as has been practiced in New York——.”

But this idea of an aristocracy with its tenantry, even though it was carried out to the extent of selection of officers for New Ireland, was doomed when the question was submitted to the Attorney General for a decision. Though Bernard’s grant of Mount Desert had been made “without prejudice to the Crown in and over the Territory of Sagadahoc,” and the British were in possession of Castine when the New Ireland scheme was proposed, the opinion rendered was to the effect that the Crown had no right to the soil in question; that the attempted erection of the Province of New Ireland would be a violation of the sacredness of the Massachusetts Charter. Thus, as has been facetiously remarked, was Mount Desert obliged to wait some hundred years for an aristocratic influx.

In conclusion, we may now look in upon a session of the conference which met in Paris in 1782 to negotiate peace after the Revolutionary War. A serious deadlock has occurred in regard to the northeastern boundary which the British members claim should be formed by the Penobscot River, again reviving the “Acadia or Nova Scotia” phrase in the twelfth article of the Treaty of Utrecht. Mr. John Adams and his associates are equally positive that it is the St. Croix River of Sir William Alexander’s grant of Nova Scotia that should limit the United States on the northeast; hence the situation which broke up the meeting.

After the adjournment Mr. Adams pays a visit to Count Vergennes, who played the part of intermediary, and told him a few things backed by documentary evidence, and of this interview Mr. Adams has left a record in his diary. “I took out of my pocket,” wrote Mr. Adams, “and showed him the record of Governor Pownall’s solemn act of burying a leaden plate with this inscription: ‘May 23, 1759. Province of Massachusetts Bay. Penobscot dominions of Great Britain. Possession confirmed by Thomas Pownall, Governor’.”

“I showed him also,” to again quote Mr. Adams, “all the other records,—the laying out of Mount Desert, Machias, and all the other towns to the east of the River Penobscot; and told him that the grant of Nova Scotia by James I to Sir William Alexander, bound it on the River St. Croix.” This information Count de Vergennes communicated to the British members of the peace commission who finally agreed upon the St. Croix River as the international northeastern boundary.

The superficial survey embodied in these random notes reveals a bit of the rich historical background pertaining to the region in which Mount Desert is a predominating factor. In the name Acadia there is epitomized much of a story which began with Sir Samuel Champlain and terminated with the establishment of the United States as a sovereign nation.

Moreover, not only are the desire and policy stressed in the letter of the Secretary of the Interior well exemplified, but in this particular case Mr. West might well have used an and instead of an or as the Utrecht commissioners should have done in that twelfth article; since there is in the designation Acadia National Park, a name both “descriptive of the region” and “associated with it in the popular mind from earliest times.”

—William Otis Sawtelle.