

However from what has been shewn, the fact appears to be established beyond a controversy, that what is now, the Provinces of Nova Scotia & New Brunswick, was within the Charter of the Province of the Massachusetts-Bay, that, that Province exercised Jurisdiction over it, and the only remaining question on this point is—how the territory became separated from the Province.

Mr Hutchinson gives us a satisfactory account of this transaction in his second volume, page 111.

"Representations were made to the ministry, and the right of the English to the Eastern Country, as far as Saint Croix was insisted upon. The Lords of Trade write thus to the Earl of Bellamont. "As to the boundaries, we have always insisted, & shall insist upon the English right, as far as the river Saint Croix; but in the mean while, in relation to the encroachments of the French, and their building a Church on Kennebeck River, that seems to us a very proper occasion for your Lordship's urging the General Assembly of the Massachusetts-Bay to rebuild the Fort at Pemaquis, which they ought to have done long ago, & thereby, they might have prevented this and many other inconveniences." [a]

This honorable Board may wonder, that when Hutchinson had wrote so accurate, & so minute a history of this transaction, that he should in his report of 1763, say, what his Majesty's Agent represents him as saying: but when his Report shall be fully understood, the astonishment will vanish.

After the peace of 1763, or rather on the reduction of Canada, and the consequent subjection of the Nova

[a] an attested copy of the Letter is on the table

Nova Scotia Indians in 1760, a number of ambitious speculators attempted to avail themselves of the Charter restrictions on the title of the Province to the Territory of Acadia, between Penobscott and Saint Croix. The general Court was alarmed at this, and appointed a committee to investigate the subject. The inquiry was confined altogether to that spot, and the committee, unless as a mere incidental concern, was concerned with no other.

The questions called up before, and reported upon by the committee, were such as had been agitated in 1731. Whether from the tenor of the charter of 1691, the property of the soil was vested in the Province, as an incorporation? whether on the grant of the Territory by the Treaty of Ryswick to the French crown, and the reconquest of it, the right was restored to the Province Jure Postliminii? And whether the Province had not forfeited its right in the soil, by neglect to defend it?

The reasoning on these questions, was applied only to the Territory of Acadia, for though the right of the Province to all Nova Scotia, was derived from the same charter, ~~it~~ ^{it} had been before relinquished, and was done with. ~~However it might be obtained~~
~~And in the case~~

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