

That Supreme Legislature of the British Empire might have thought fit, and that if the boundaries so fixed and determined, however different from the present, had remained unaltered till the Peace in 1783, and the treaty had been the same in bounding the United States upon the Province of Nova Scotia, leaving this Province entire to His Majesty; that in such case both His Majesty & the United States must have been concluded thereby, for the reasons that have been given already, and others that will presently be assigned; — Yet he contends that it has been made abundantly evident, that the Act under consideration, created no new boundary, but merely recognized, confirmed, & established that River St. Croix as a boundary between the Provinces of Massachusetts-Bay & Nova Scotia, which from the year 1621 to the passing of the Act had continued and remained a part of the western boundary of the Province of Nova Scotia; — and that it has been made equally clear, that, at the time of the passing of this Act, the Province of Massachusetts-Bay had neither territory nor jurisdiction eastward of the River St. Croix described in the Act.

129 3
[113]
[a] Another Answer given to this Act of Parliament is, "that the Parliament passed it with an evident conviction, that the boundary was not settled, and that they had no right to settle it in that mode, for they say in the Act, that the River therein described, shall be held and deemed the boundary between the two Provinces for all the purposes in that Act mentioned. — If the boundary was known and fixed before, there could be no necessity of an Act of Parliament on the subject."

Enough it is presumed, has been said about the right; and by the smallest degree of attention we may discover why the words, "for all the purposes in this Act contained," were inserted in this section of the Act. —

The Act was made to restrain the trade and commerce of the Provinces & Colonies ^{men-}tioned in it; it was therefore not only unnecessary ^{but improper} for the purposes it contained, to mention any other part of the boundary than that upon the Sea Coast between Massachusetts-Bay, which was included in the Act, and Nova Scotia, that was not included in it. — These words were then obviously necessary as the Act did not go on to describe the residue of the boundary lines, between the two Provinces, the same being altogether foreign

[a] Vid. Mr. Sullivan's Argument p. 3. §. 3.