

(154) It is in the first place to be observed, that there is but one instance, in which any grant has been made under the seal of the Province of Nova Scotia, of lands out of its jurisdiction, or lying westward of the Scoudiac, the true River S^t. Croix, and that is, the very first grant that was made of lands lying upon the Main, in this part of the Province, being the Grant to Francis Bernard & others before mentioned, dated the 30th of October 1765, of 100,000 Acres of land, including Moose Island and S^t. Croix (since called Dudley) Island.

Upon the Oath in 1763 and the subsequent order of His Majesty in Council to the Governors of the Province of Nova Scotia, to grant the lands within the Province, to encourage settlements there, great pains were taken to ascertain the true ancient River S^t. Croix, the western boundary of Nova Scotia, from the descriptions given of it by the French & other Historians. — Governor Bernard, as has been before observed, being desirous to obtain a grant of lands for himself & associates, indisputably within the Province of Nova Scotia,^(a) for the reasons which have been mentioned sent Surveyors in the year 1764, with the order or instructions which have been already under consideration, to survey the River S^t.

(a) Sullivan's History. p. 41.

175 Croix and Caprimaquady; the latter of which, agreeably to all the Maps then extant, he considered as lying westward of the former, and framed his instructions accordingly, and in those instructions, as has been fully stated, may be seen by recurring to them, followed the description of the river S^t. Croix given by Champlain, which has been proved to be the Scoudiac; — These instructions it appears by the deposition, annexed to the copy of them, of John Mitchell the principal Surveyor, sworn to on the 16th Sept. 1790, were given to him by Governor Bernard for his direction in the survey of Caprimaquady Bay in the year 1764, and he swears that "this deposition contains the whole truth on the subject to which it relates." (155)

The instructions were beyond all doubt very pertinent & proper, for the purpose for which they were given, the surveying and ascertaining the true ancient river S^t. Croix, the original western boundary of the Province of Nova Scotia, its courses and extent.

Notwithstanding this deposition made by Mr. John Mitchell in the year 1790, another deposition appears to have been made by him on the 9th of October 1784, a copy of which has been communicated to the