

(76) "lawful right or title whatsoever
 "shall be, by such person & persons, bodies politic
 "and corporate, Towns, Villages, Colleges or Schools
 "their respective heirs successors and assigns
 "for ever thereafter held and enjoyed, according
 "to the purport and intent of such respective
 "Grant, under and subject nevertheless to the
 "rents and services thereby reserved or made
 "payable, any matter or thing whatsoever to
 "the contrary notwithstanding". and it is ac-
 "cordingly further provided in a subsequent
 "clause of the Charter, "that no grant or grant
 "of any lands lying or extending from the river
 "of Sagadahock to the Gulf of St. Lawrence
 "and Canada Rivers and to the main Sea
 "northward and eastward to be made or
 "part by the Governor and General assembly
 "of the said Province, be of any force, validity
 "or effect, until his Majesty his Heirs or Successors
 "shall have signified his or their approbation
 "of the same". (a)

In this sense the Charter was always
 understood by the Massachusetts Bay, and
 that Province never at any time claimed,
 or pretended to have, any right or title whatever
 to the property of the soil of the Province of
 Nova Scotia, under or by virtue of their

(a) vid. this Charter at large in the appendix.

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 charter, and very soon after the date of it, for-
 mally relinquished even their jurisdiction over
 it.

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 Governor Hutchinson in his history tells us
 (a) that in the year 1696 the general Court of
 the Province of Massachusetts-Bay from a
 sense of their inability to protect the Province
 of Nova Scotia, "petitioned the Crown that the
 "Province might be freed from any further
 "expense in the defence of Port Royal or
 "St. Johns, and that Garrison might be
 "kept in both those places at the charge
 "of the Nation".

But with respect to the jurisdiction it
 is to be observed, that as the terms of the
 Charter itself imported only the erection of
 a Government over the territory of Nova Scotia,
 and not a grant of the soil, - that Govern-
 ment or jurisdiction was dissolved & lost
 by the surrender of the territory to the Crown
 of France by the treaty of Ryswick in 1697.
 and therefore upon the recovery of the soil
 by the Treaty of Utrecht, the King of Great
 Britain again constituted Nova Scotia a se-
 parate Province or Government. (b)

"Anno 1717 Col. Philips was appointed Gover-
 "nor of Nova Scotia. (c) In order to colonize this
 "Country, Governor Philips had a Royal Instruction

(a) 2 Vol. p. 91. (b) "after the treaty of Utrecht, when possession
 "was returned to the Crown, it" (Nova Scotia) was settled a distinct
 "Province". ib. -

(c) - His Commission contained no specific description of the boundaries of the
 Province. - The Province of Nova Scotia therefore of which he was appointed Governor, must
 have been the Province of Nova Scotia as originally limited in the Charter to Sir W. Alexander.
 vid. appendix p. 43.