

(80)

of Utrecht; This is readily admitted to be true but the Charter of 1691 having specifically mentioned the territory lying between the river of Sagadahoc and Nova Scotia, as separate & distinct from Nova Scotia, it is evident that by Nova Scotia in this Charter must have been intended the ancient Province of Nova Scotia as described in the grant to Sir William Alexander, bounded westward by the River S^t. Croix, to the exclusion of that part of Acadia lying westward of this river.

And in this sense have the words been uniformly understood not only by all the parties interested, and by English writers and historians, but even by the French in their construction of this Charter of 1691, — To begin with the latter. —

The French Commissioners in their memorial dated 24. Octo^r. 1751, giving their construction of this Charter of William & Mary, say that "by the second disposition of this Charter the thing of England who was then at war with France, re-annexed ^(thence) to New England, all that part of the possessions of the French in America, to which the English had given the name of Nova Scotia and also all the Country situated between this ideal (a) Province

(a) The French Commissioners call this Province ideal, as being void in itself at initio, for reasons which do not affect the present cause, which are stated at large and discussed fully in the memorials, & clearly refuted by British Commissioners.

"and New England, which according to the English System should extend from the river S^t. Croix to the River Sagadahoc" (a) — and again —

"It is moreover remarkable that all the Country situated between the rivers S^t. Croix (d) and Sagadahoc, is specified in the English Charter, but is not named, from which it is evident ^{in the first place} that England herself comprehend ed it neither under the name of Acadia nor Nova Scotia" (b) &c.

In the state of a case drawn (c) up by order of the Board of Trade in 1731, after calling before them the Agent of the Province of Massachusetts Bay, in order that the Opinion of the Attorney and Solicitor General might be taken thereon

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(a) "Par une seconde disposition de cette Charte, le Roy, d'Angleterre, qui étoit alors en guerre avec la France, réunit pareillement à la nouvelle Angleterre toute la partie des possessions des François en Amérique, à laquelle les Anglois avoient donné le nom de nouvelle Ecosse; et tout le pays situé entre cette province idéale et la nouvelle Angleterre, ce qui dans le système Anglois doit s'étendre depuis la rivière Sainte-Croix jusqu'à celle de Sagadahoc". — Memoir. Eng. & Fr. Com. p. 176.

(b) "Il est d'ailleurs remarquable que tout le pays situé entre la rivière de Sainte-Croix & le Sagadahoc, est désigné dans la Charte Angloise, et n'y est point nommé; ce qui fait voir, en premier lieu, que l'Angleterre elle-même ne le comprenoit point sous le nom d'Acadie, ni même de nouvelle Ecosse." &c. id. 177.

(c) vide State refer'd to in Mr. Sullivan's Argument part 2. §. 51. and Sull: Hist: of Maine p. 392.

(d) neither the French nor English Commissioners in these Memorials speak of any other River S^t. Croix than that named by de Meville in 1604.