

respecting the construction of this Charter of William and Mary - This tract of land mentioned in the Charter as lying between Nova Scotia & the Province of Maine is expressly called "a tract of land lying between the Rivers S^t. Croix, and Kennebec (Sagadahoc)" (a)

And the Attorney and Solicitor General in giving their opinion upon this case, say

"It appears to us that all the said tract of land, lying between the Rivers Kennebec and S^t. Croix is among other things granted by the said Charter to the Inhabitants of the said Province" &c.

Now the River S^t. Croix intended both in the State of the case and opinion thereon could be no other than the River S^t. Croix which was a part of the original western boundaries of Nova Scotia in Sir William Alexander's Grant, as a reference to the Terms Nova Scotia, in the Charter of William & Mary could alone authorize the adoption of the terms River S^t. Croix in these instances; - the river S^t. Croix not being mentioned at all in the Charter.

(a) In this State of the case it is expressly said. - "The Inhabitants of the Massachusetts-Bay do not now pretend any right to that part called Nova Scotia, which is likewise included in the Charter". vid. State.

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But in the geographical description of the Province of Nova Scotia, annexed in jurisdiction to Massachusetts-Bay by the Charter of William & Mary, given by Dr. Douglas in his Summary (a) this construction of the Term Nova Scotia in the Charter is abundantly confirmed; After describing that part of the Province lying on the East side of the Bay of Fundy he begins with the westernmost part of the Province on the West side of the Bay, as follows,

"Upon the opposite or westerly shore of the Bay of Fundy are the rivers of Pa. Samaguddy and S^t. Croix, being about 17 leagues N. W. from the Gut or entrance of the Bason of Annapolis; - The River S^t. Croix is the boundary between Nova Scotia Government, and the Territory of Sagadahoc or the Diocese of York's property; for the present in jurisdiction annexed to the neighbouring New England Province of Massachusetts-Bay."

The same observation applies here as was just now made, respecting the Terms River S^t. Croix, in the Case of Opinion thereon.

(a) Vol. I. p. 332.