



216. A fair representation

Thermine 246
Casy 204

A FAIR
REPRESENTATION
O F
His Majesty's Right
T O
NOVA-SCOTIA or *ACADIE*.

Briefly stated from the

MEMORIALS of the *ENGLISH*
Commiffaries;

WITH AN

ANSWER to the OBJECTIONS

Contained

In the *FRENCH* MEMORIALS,

A N D

In a TREATISE, Entitled,

*Discussion Sommaire sur les anciennes
Limites de l'ACADIE.*

L O N D O N :

Printed by EDWARD OWEN, in *Warwick-Lane*.

MDCCLVI.

A PAIR

REPRESENTATION

OF

His Majesty's Rights

TO

WONA-SCOTT or ACADIE

Briefly stated from the

MEMORIALS of the ENGLISH

Commissioners;

WITH AN

Answer to the Objections

Contained

In the FRENCH MEMORIALS

AND

In a TREATISE, Entitled,

Discussion de la question des terres

de la Nouvelle Acadie.

L O N D O N :

Printed by Edward Owen, in Strand.

MDCCLXXII



A FAIR
REPRESENTATION
OF
His MAJESTY'S Right
TO
NOVA-SCOTIA or ACADIE, &c.



IS Majesty's Right to what is claimed as the Ancient Limits of *Nova-Scotia* or *Acadie*, is so just and indisputable, and the Maintenance of it so essential to the Trade and Security of his other Colonies, that this Nation cannot but be alarmed to find the *French* calling that Right in Question, and attempting to re-

duce the Extent of the *British* Dominions in those Parts, to imaginary Boundaries and arbitrary Limits ; however His Majesty, to convince the World that he forms no Pretensions, but such as are founded upon a lawful Acquisition, has been pleased to submit the Points in Question to an amicable Negotiation, by Commissaries sent to *Paris* for that Purpose soon after the Treaty of *Aix-la-Chapelle*, hoping by this Means to settle the same Tranquility in *America*, as had been happily established in *Europe* : But if all Endeavours to so salutary an End should prove fruitless, and these Disputes be brought to such Extremities, as to require a more disagreeable Method of Decision, still we have the Consolation of appealing to the Rest of Mankind in Vindication of our Claim, justified as it is, by the most evident Proofs and convincing Arguments. Hence it becomes necessary that the Publick should be acquainted with the true State of His Majesty's Title ; and the more so, since the *French*
have

have published partial Representations of the Dispute between us, by printing their Memorials without the *English* Reply; and, together with them, distributing a Treatise, entitled, *A Summary Discussion of the Ancient Limits of Acadie*, in order to prejudice all the Courts of *Europe* in Favour of their unjustifiable Pretensions. To obviate therefore the wrong Impressions that these might create, it has been thought expedient to print at *London*, an Edition of *All* the Memorials upon this Point; but these being very Voluminous, it may be proper, for the Satisfaction of such as have not Leisure to examine them, briefly to recapitulate what has been offered in Support of His Majesty's Claim, collected from the *English* Memorials; and of what has been advanced in Opposition to it, collected from the above-mentioned Treatise and the *French* Memorials.

First, Let it be observed, that the Dispute between *England* and *France* is

NOT

not at present concerning the RIGHT to *Acadie*, but what are the LIMITS of *Nova-Scotia* or *Acadie*, yielded to the Crown of *Great-Britain* by the XIIth Article of the Treaty of *Utrecht*.

For this Purpose the *English* Commisfaries, by a Memorial dated the 21st of *September* 1750, fet forth what was claimed on the Part of *Great-Britain*, as the real Limits of that Country, described to be bounded as follows:—“ On
 “ the West, towards *New-England*, by
 “ the *River Penobscot*, otherwise called
 “ *Pentagoet* ; that is to say, beginning
 “ at it's Mouth, and from thence draw-
 “ ing a streight Line towards the North
 “ to the River of *St. Laurence*, or the
 “ Great River of *Canada*.—On the North
 “ by that River all along as far as *Cape*
 “ *Roziers*, situated at its Entrance.—On
 “ the East by the great Gulph of *St.*
 “ *Laurence* from *Cape Roziers* to the
 “ South-East by the Islands of *Cape-Bre-*
 “ *ton*, leaving these Islands and the Gulph
 “ on the Right, and *Newfoundland* and
 “ the

“ the Islands belonging to it on the Left,
 “ unto the *Cape* or *Promontory* called
 “ *Cape-Breton*.—On the South, by the
 “ Great *Atlantic* Ocean, going South-
 “ West from *Cape-Breton* by *Cape-Sable*,
 “ taking in the Island of that Name,
 “ round to the Bay of *Fundi*, as far as
 “ the Mouth of the River *Penobscot* or
 “ *Pentagoet*.”

But they observed, “ That the Island
 “ of *Cape-Breton*, as also all others, both
 “ in the Mouth of the River *St. Lau-*
 “ *rence*, and in the Gulph of the same
 “ Name, although described as above to
 “ be within the Ancient Limits of *Acadie* ;
 “ are, nevertheless, by the XIIIth Article
 “ of the Treaty of *Utrecht*, excepted and
 “ declared to remain under the *French*
 “ Jurisdiction.”

His Majesty's Commissaries having been
 so particular in describing the Boundaries
 of this Country, as claimed by the Crown
 of *Great-Britain*, it was expected, That
 the *French* Commissaries, on their Part,
 would have been as explicit ; but, on the
 contrary,

contrary, by their Memorial, dated on the same Day, they confined themselves only to a Negative Assertion, “ That *Port-Royal* was not comprised within the “ Limits of *Acadie*, and, consequently, “ that Ancient *Acadie* took in only a Part “ of the *Peninsula* which goes by that “ Name;—that the Island of *Canceau*, “ being in the Mouth of the Gulph of *St. Laurence*, was not comprised within “ *Acadie*; — that the Limits of *New-England* and *New-France* had received “ no Alterations by the Treaty of *Utrecht*, “ and therefore ought to remain as they “ were before:—And lastly, they referred themselves, as to all other Particulars, to such Consequences as might be “ deduced from the *Letter* and *Spirit* of “ the Treaty of *Utrecht*.” This Description not being Satisfactory, and being called upon to mark out in a more particular Manner, what they deemed to be the Ancient Limits of *Acadie*, they contented themselves with delivering only this further Declaration in Writing; namely,

“ That

“ That Ancient *Acadie* begins at the Ex-
 “ tremity of the Bay *Françoise* from the
 “ Cape of *St. Mary*, or the Cape *Four-*
 “ *chu*, that it extends along the Coast,
 “ and terminates at Cape *Cançeau*.”

This, at first setting out, discovers that the *French* had invented imaginary Limits, and created, if I may be allowed the Expression, a *New Acadie*, under the Name of the Ancient One, of which they would allow us only a Part, and that an indeterminate Part, in lieu of *All Acadie*, which had been yielded to us in those express Terms by the Treaty of *Utrecht*: And accordingly our Right to the Whole of that real Country has been supported by solid Proofs, whilst they have endeavoured to prop their chimerical System by wrong Citations and Misconstructions of the *Words* and *Intent* of that Treaty, as will appear in the following Parts of this Treatise.

Here, that the Publick may be apprised of the Views of each Court in this Discussion, let it be observed, that *England*

B

not

not only claims, as *Nova-Scotia* or *Acadie*, all the *Peninsula* that goes by that Name, but also all the Territory on the *Continent* above described, within the Degrees of 43 and 50 Northern Latitude ; and more particularly we insist, that all the Sea Coasts of this District on the *Atlantick* Ocean, and round the Bay of *Fundi*, on which are situated the Forts of *Pentagoet* and *St. John* on the North Side, and *Port-Royal* or *Annapolis-Royal*, on the South, are Parts of the Country yielded to us by the Treaty of *Utrecht*. But the *French* pretend, that neither these Forts, nor any Part of the Coasts round the Bay of *Fundi*, are to be comprised within the Ancient Limits of that Country : It was incumbent upon us therefore, to demonstrate our Right to these Coasts, and the particular Forts above-mentioned, as being all within the Ancient Limits of *Nova-Scotia* or *Acadie*.

Accordingly the *English* Commissaries, as appears by their Memorials, produced the Evidence of several Treaties

con-

concluded between the two Crowns, with Historical Accounts of the Publick Transactions to enforce the Terms of those Treaties, and Commissions granted, and Claims set up, in Consequence of them; all uniting in the same Description of this Country, as demanded above by the Crown of *Great-Britain*: Which I shall now endeavour briefly to set forth by recapitulating the Proofs of its Limits and Boundaries at three different Periods of Time.—First, at the Time of concluding the Treaty of *St. Germain's* in the Year 1632.—Secondly, at the Treaty of *Breda* in 1667.—And Thirdly, at the Treaty of *Utrecht* in 1713.

The Treaty of *St. Germain's*, bearing Date the 29th of *March* 1632, was made, between *Charles I.* and *Lewis XIII.* for the Restitution of *New-France, Acadia,* and *Canada,* and the Ships and Merchandizes taken on both Sides, as appears by the Title: And accordingly, by the III^d Article, the King of *England,* on his Part, “ Promises, to restore to his Most Chri-

“ Christian Majesty, all the Places possessed
 “ by his Subjects in *New-France, Acadia,*
 “ and *Canada*; and to that Effect to send
 “ Orders to such as Command in *Port-*
 “ *Royal, Port-Quebec, and Cape-Breton,*
 “ to give up the said Places and Forts.”

Although *Acadie* was thus given up
 in general Terms, and its Limits not de-
 scribed by this Treaty; yet the Restitution
 that was made in Pursuance of it, and the
 Commissions that were granted to the
French Governors to take Possession upon
 such Restitution, very particularly point
 out the Extent of the Territory.

As Proofs of this, several Original Com-
 missions were produced, whereby it ap-
 peared, that the Court of *France*, in con-
 stituting certain Persons, Governors and
 Lieutenants General of *Acadie*, mentioned
 the Forts of *Pentagoet* and *St. John*, as
 being under their Jurisdiction; and de-
 scribed the Extent of the Country “ to be-
 “ gin from the Banks of the Great River
 “ of *St. Laurence*, and to take in as well
 “ the Coasts of the Sea and the adjacent
 “ Islands,

“ Islands, as the inland Part of the *Terra*
 “ *firma* ; and this to extend as far as may
 “ be to *Virginia*.”

It may be necessary to explain, that *Virginia* was, at that Time, the Name of all the *English* Colonies on the *Continent* of *America*, divided into separate Provinces and Governments, and extending to the Eastern Boundaries of what we now call *New-England*, bordering upon *Acadie*.

During the Time the *French* were thus in Possession of this Country, several Hostilities were committed by the two Nations in those Parts ; and, in 1654, *Oliver Cromwell* sent thither a Fleet of *English* Ships, and took *Pentagoet*, which was delivered up to him, by the then Governor of *Acadie* ; and, keeping Possession of what he had so acquired, constituted, in the Year 1656, Colonel *Thomas Temple*, Governor of the Forts of *St. John* and *Pentagoet*, as appears by the original Warrant which was produced, wherein these Forts are mentioned as being

ing in *Acadie*, commonly called *Nova-Scotia*, in the Parts of *America*. And, in 1662, this Acquisition still remaining in the Possession of *Great-Britain*, the same Colonel *Thomas Temple* was appointed Governor of *Nova-Scotia* in *Acadie* by King *Charles II.*

It was about this Time that the Count *d'Estrades* arrived in *England*, as Ambassador from the Court of *France*, in order to demand the Restitution of *Acadie*; whose original Letters upon this Subject, have been cited as authentick Evidences of what were then deemed to be the Limits of the Country they wanted to be restored: For Example, in his Letter of the 27th of *February* 1662, he acquaints His Most Christian Majesty, that certain Deputies from *New-England* had presented a Petition to King *Charles II.* and the Parliament of *England*, setting forth many strong Reasons against the Restitution of *Acadie* to the *French*, which he had repeated Instructions to demand; and Commissaries having at his Desire
been

been appointed to treat with him upon that Affair, he had, in the Conferences with them, demanded the Restitution of all *Acadie*, containing 80 Leagues of Country; and that the Forts of *Pentagoet*, *Port-Royal*, and *La Heve*, should be restored in the same Condition they were in when taken.—Also in his Letter of the 13th of *March* following, he calls *Pentagoet* the first Place in *Acadie*. — And in another Letter of the 25th of *December* 1664, where he is reasoning in Favour of a League with *England*, he says, “ Your Majesty may also, by a
 “ Treaty with the King of *England*, get
 “ *Acadie* restored from *Pentagoet* to
 “ *Cape-Breton*, containing 80 Leagues of
 “ Coast.”

The Restitution which the *French* had so much desired, was at Length accomplished by the Treaty of *Breda*, dated the 21st of *July* 1667. This brings us to the second Period of Time, in which it was necessary to examine what were then the Limits of *Acadie*,

By

By the Xth Article of this Treaty, the King of *England* was to restore and give up the Country called *Acadie*, situated in *North-America*, which His Most Christian Majesty *formerly* enjoyed; and, for the compleating this Restitution, he was forthwith, after the Ratification of that Alliance, to deliver all such Acts and Orders, expedited in due Form, as were necessary to that End.

Accordingly the *English* Commissaries produced this very Instrument for the Restitution of *Acadie* to the *French*, dated the 17th of *February* 1667, whereby King *Charles II.* in Pursuance of the above Agreement, surrendered for himself, his Heirs, &c. all that Country called *Acadie*, lying in *North-America*, which the said Most Christian King did *formerly* enjoy, as namely, the Forts and Habitations of *Pentagoet*, *St. John*, *Port - Royal*, *La Heve*, and *Cape-Sable*.

Monfieur *de Ruvigny* was at this Time at *London*, Ambassador from the Court of *France*; and it is remarkable, that in
that

this Instrument there is a Marginal Note opposite to the Names of the above-mentioned Forts, in these Words, *viz.* “ inserted at the Request of Monsieur de Ruvigny.”

They further proved, that the *Sieur Morillon du Bourg*, was then commissioned, under the Great Seal of *France*, to take Possession of *Acadie*, and that accordingly, on the 21st of *October* 1668, he demanded the Restitution thereof from *Sir Thomas Temple*, the same Person mentioned before to have been appointed Governor of it by *King Charles II.* presenting him at the same Time with a Letter from the King of *England*, dated the 31st of *December* 1667, under His Signet, containing His Majesty's Orders for that Purpose; and that *Sir Thomas Temple* making several Scruples in complying therewith, alledging that *Pentageot* was not in *Acadie*, but in *Nova-Scotia*; *King Charles II.* disapproving these ill-grounded Distinctions, sent His final Orders to him, by another Letter dated the 6th of *August* 1669,

therein repeating, that it was His Majesty's exprefs Will and Pleasure, that he should, without any Manner of Doubt, Difficulties or Delay, restore or cause to be restored to His Most Christian Majesty, the said Country of *Acadie*, as namely, the Forts and Habitations of *Pentagoet*, *St. John*, *Port-Royal*, *La Heve* and *Cape-Sable*, which His Most Christian Majesty's Subjects formerly enjoyed ; and that he should conform himself in the Execution thereof to what is set down in the Xth and XIth Articles of the Treaty of *Breda*: Accordingly the Possession of *Acadie*, with the said Forts, were delivered on the 6th Day of *July* 1670, to the Chevalier *de Grand-Fontaine*, at that Time appointed by Commission under the Great Seal of *France*, to receive the same.

The *French*, being again in Possession, began frequently to make Attempts towards enlarging the Boundaries beyond *Pentagoet*, as far as *St. George's*, and even to *Kennebequi* River, situated further Westward than *Pentagoet*. This
has

has been proved by several Memorials which had been presented by *French* Ambassadors, residing at those Times at the *English* Court, in which, when they were to complain of the *English* for fishing on the Coasts of *Acadie*, they describe the Coasts as extending from the Isle *Percée*, which lies near *Cape Roziers*, at the Entrance of the River *St. Laurence*, to *St. George's* Island, lying at the Mouth of the River *St. George*. When they were to vindicate their Right of importing Goods into *Pentagoet*, they insisted, that by the Treaty of *Breda*, it was decided to be in *Acadie*, and had been delivered up to the King their Master by Virtue thereof. It appears also, that when the Governors of *Acadie* were to complain to those of *New-England* of Encroachments made on their Territories, they mention in their Letters the River *Kennebequi* as the Boundary of the two Nations: And lastly, it has been shewn, that when *Port-Royal* was taken by the *English* from the *French* in 1710, Monsieur *Subercaise*, then

Governor of *Acadie*, and Commandant of that Fort, in the Articles of Capitulation, stiled himself “ Governor of *Acadie*, “ *Cape-Breton*, and the Islands and Lands “ adjacent, from *Cape Roziers* of the Ri- “ ver of *St. Laurence* to the West of the “ River *Kennebequi*.” It cannot be presumed that he would have taken this Title, unless he had been warranted by his Commission.

All the Proofs above recited were alledged to be so much the stronger as they were produced from the *French* Records, and from Representations, which the *French* themselves made of the Extent of this Country, whilst they were in Possession of it. Whence it appears, that from the Treaty of *St. Germain's* to the Treaty of *Breda*, and from the Treaty of *Breda* to the Time of the Treaty of *Utrecht*, which was the last Period of their Possession, they made *Acadie* to comprehend not only the *Peninsula*, but also the *Continent* on the other Side of the Bay of *Fundi*; and to take in the Forts of *Port-Royal*,

Royal, Pentagoet, and St. John, together with the same Northern and Eastern Boundaries, as are now claimed by the Crown of *Great-Britain*.

But as the XIIth Article of the Treaty of *Utrecht* transferred over to *Great-Britain* both *Nova-Scotia* as well as *Acadie* with its Ancient Limits; it was necessary to set forth the Letters Patent, or Instrument in Writing, by which *Nova-Scotia* was first erected into a Colony, and from whence it originally took its Name. To this Purpose the *English* Commissaries produced the Grant from King *James* the Ist, dated the 10th of *September* 1621, to Sir *William Alexander*, afterwards Earl of *Sterling*, of certain Districts and Territories in *North-America*, to be ever after called by the Name of *Nova-Scotia*; in which Grant, all the Lands, Continents and Islands, intended to be comprised under that Name, are there marked out by the same Northern, Eastern, and Southern Limits, as we have before ascribed to *Acadie*. For this Reason it may be supposed,

posed, the same Territory was generally called either by one or the other, or by both these Names, except that *Nova-Scotia*, if distinctly considered under this Grant, was bounded on the West by the River *St. Croix*; and *Acadie*, considered by itself, extended a little farther Westward to the River *Pentagoet*. But both are now included as one and the same Country, being so surrendered to *Great-Britain* by the Treaty of *Utrecht*.

To these Historical Accounts was added the Evidence of Maps, both Ancient and Modern, *French*, *English*, and Neutral Ones; all which have extended the Limits of the Country, marked by them to be *Nova-Scotia* or *Acadie*, to comprise not only the whole of the *Peninsula*, but also Part of the *Continent* on the other Side of the Bay of *Fundi*. And these Maps were also relied upon to be so much the stronger Evidence, if Maps are at all to be relied on, as the Ancient *English* Maps have marked out this Extent at the Time when the *French* were in Possession of that
Country;

Country; and the Modern *French* Maps have marked out the same since the *English* have been in Possession of it.

It is farther to be observed, that this Territory, in most of the Maps printed before the Treaty of *Utrecht*, is called by the Name of *Nova-Scotia*. So was it also called by several ancient Historians, and accordingly was demanded by that Name, on the Part of the Crown of *England*, in the Transactions previous to the Treaty of *Utrecht*, whilst the *French*, in their Proposals, affected to call it *Acadie*; yet all the while both meant the same Country: And since it was sometimes called by one, and sometimes by the other, and oftentimes by both Names; it was agreed at last to be ceded by the Name of *Nova-Scotia* or *All Acadie*, and to put it beyond all Dispute, the Cession of it was afterwards made by the Name of *Nova-Scotia* otherwise called *Acadie*.

As therefore the Right of the Crown of *Great-Britain* to the Country claimed by the Name of *Nova-Scotia* or *Acadie*

is

is founded on the XIIth Article of this Treaty, it may be proper here to insert the literal Translation of it in *English* with the Original Text, as follows.

“ * The most Christian King shall
 “ take Care, on the same Day that the
 “ Ratiſications of the present Peace shall
 “ be exchanged, to have delivered to
 “ the Queen of *Great-Britain* solemn
 “ and authentick Letters or Instruments,
 “ by Virtue whereof the Island of *St.*
 “ *Christopher* is to be possessed alone here-
 “ after by *British* Subjects; likewise *No-*
 “ *va Scotia* or All *Acadie*, with its an-
 “ cient

* Dominus Rex Christianissimus eodem quo Pacis Præsentis Ratiſicationes commutabuntur die, Dominæ Reginæ Magnæ Britanniæ Literas, Tabulasve solennes et authenticas tradendas curabit, quarum vigore, Insulam Sancti Christophori, per subditos Britannicos sigillatim dehinc possidendam, Novam Scotiam quoque, sive Acadiam totam, Limitibus suis antiquis comprehensam, ut et Portûs Regii Urbem, nunc Annapolin Regiam dictam; cætera-omnia in istis regionibus quæ ab iisdem Terris et Insulis pendent, unà cum earundem Insularum, Terrarum et Locorum Dominio, Proprietate, Possessione

“ cient Limits, as also the City of *Port-*
 “ *Royal*, now called *Annapolis-Royal*, and
 “ all *other* Things in those Regions,
 “ which *depend* on the said Lands and
 “ Islands, together with the Dominions,
 “ Propriety and Possession, and all
 “ Right whatsoever, whether by *Treaties*,
 “ or any *other Way* acquired, which the
 “ Most Christian King, the Crown of
 “ *France*, or any of its Subjects have
 “ *hitherto* had to the said *Islands, Lands,*
 “ and *Places*, and the Inhabitants thereof,
 “ to be yielded and transferred to the

fione et quocunque jure, five per *Paſta*, five *alio*
modo quaesito, quod Rex Christiannissimus, Corona
 Gallia, aut ejusdem subditi quicunque, ad dictas
Insulas, Terras et Locas, eorumque Incolas *Hactenus*
 habuerunt, Regina Magna Britannia, ejusdemque
 Coronae, in perpetuum cedi constabit et transferri,
 prout eadem omnia nunc cedit ac transfert Rex
 Christiannissimus : Idque tam amplis modo et for-
 ma, ut Regis Christiannissimus subditis in dictis
 Maribus, sinibus, aliisque locis ad littora Novae
 Scotiae, ea nempe quae Eurum respiciunt, intra tri-
 ginta Leucas, incipiendo ab Insula vulgo Sable
 dicta, eaque inclusâ, et Africum versus pergendo,
 omni Piscaturâ in posterum interdicatur.

D

“ Queen

“ Queen of *Great-Britain*, and to Her
 “ Crown for ever, as the Most Christian
 “ King now yields and transfers all the
 “ said Particulars : And that in such am-
 “ ple Manner and Form, that the Sub-
 “ jects of the Most Christian King shall
 “ hereafter be excluded from all Kind of
 “ Fishing in the said Seas, Bays and
 “ other Places on the Coasts of *Nova-*
 “ *Scotia*, that is to say, on *those* which
 “ lye towards the South East, within
 “ 30 Leagues, beginning from the Island
 “ commonly called *Sable*, inclusively,
 “ and thence going towards the South
 “ West.”

The Crown of *Great-Britain*, in Con-
 sequence of this Cession, has ever since in-
 sisted on its Right to *Nova-Scotia*, or *All*
Acadie, with the same Ancient Limits,
 with which it was acquired and possessed
 by *France*, in Virtue of any former *Trea-*
ties or *otherways*. Whatever therefore
 were the Limits of this Territory, at and
 before the Treaty of *St. Germain's*, in
 1632 ; or at and before the Treaty of
aBaps^e

Breda, in 1667 ; or at and before the Treaty of *Utrecht*, in 1713 ; they are still the same, reconfirmed to His Majesty by the late Treaty of *Aix-la-Chapelle* in 1748, founded on the Basis of the former Treaties ; by the IXth Article of which, after fixing the Times in which the particular Restitutions, there referred to, were to be made in the *East* and *West-Indies*, it is stipulated, that every Thing besides should be re-established on the Foot they *were*, or *ought* to have been, before the War.

Thus far having recapitulated the uniform Series of Proofs, in due Order of Time, to justify our Claim to what we call the Ancient Limits of *Acadie* ; it is but just, that We take Notice of what the *French* Commissaries have been pleased to urge in Support of their System ; by which they would reduce *Acadie*, to be a Part only of the *Peninsula*, that goes by that Name.

This they have attempted, by their Memorial dated the 4th of *October* 1751,

which is divided into several Chapters ; in some Parts Historical, in some Parts Argumentative ; in all Parts eluding or evading the Point in Question ; misciting in several Instances the Proofs referred to, by either transposing the Words, or adding others ; and from hence offering in the Room of the Real to substitute an Ideal *Acadie*, not described in any History, nor mentioned in any Treaty, nor delineated in any Map ; in which they neither include *Port-Royal*, hitherto considered as one of its principal Forts, nor have told Us what they call the Inland Parts of the *Peninsula* ; so that *Port-Royal* is a Fort situated in no Province, and *Acadie* is the Coast of a Country that has no Name. Such is the System they would endeavour to set up, which being founded neither on Reason nor Reality, has been entirely overthrown by the *English* Reply, dated the 23d of *January* 1753, divided, as the *French* Memorial, under several Heads ; exposing in some Parts the Fallacy of their Objections ;

refuting

refuting them in others from the Testimony of Historians, Maps and Treaties; and upon the Whole by a Series of Proofs and Arguments establishing His Majesty's Right to that Real Country, and those Ancient Limits, which have been so often before described.

Notwithstanding all this, the Author of the *Summary Discussion* has adopted the System of the *French* Commissaries, without any Regard, excepting in one or two Instances, to what has been urged to the contrary in the *English* Reply. When therefore he forms his Arguments from the *French* Memorials, he will be answered from that Reply; and where he starts new Objections, they will be opposed by new Proofs, which there has not yet been an Opportunity of producing. And since the above-mentioned Abstract has been published, with a View, as it is said, of reducing the Arguments on both Sides into a short and yet sufficient Compass to explain the Points in Question; and

this being the very Intent of the Treatise now offered; it will be the best Method to confine it to the chief Points taken Notice of in the *French* Treatise; and to consider such Arguments only upon those Points, as may be deduced, by way of Consequence, from what the *French* Commissaries are pleased to call, The *Letter* and *Spirit* of the Treaty of *Utrecht*, to which they refer themselves by their first Memorial.

But previous to our entring into the Consideration of this Treaty, it will be necessary to take Notice of the Evidence of two Persons, cited by the Author of the *Summary Discussion*, as the only two, who, he says, have properly treated this Subject concerning the Limits of *Acadie*; namely, the *Sieur Denys* a *Frenchman*, and *Sir Thomas Temple* an *Englishman*: The first is described as a Writer, in all Respects, worthy of Credit; and who has marked out, in the most precise Manner, that *Acadie* begins at the setting out
of

of the Bay *Françoise*, and extends to *Cançeau* ; but in what Part of his Works this precise Remark is to be found, is not mentioned ; and it seems only to be collected from a Passage, wherein that Historian gives an Account of a Tour he made round the Bay of *Fundi*, called by the *French* Bay *Françoise* ; and in coming out from thence, he calls the Coast from *Cape Sable* to *Cape Cançeau*, the Coast of *Acadie*, of which it certainly was a Part, but nothing from hence can be inferr'd that it was the whole Coast.

No better Success will attend the other Evidence of Sir *Thomas Temple*, in introducing of which a wrong Construction is offered to be put upon the Xth Article of the Treaty of *Breda*, by blending it with the XIIth Article of the same Treaty, as if both were relative only to one and the same Object ; whereas the Stipulation in the Xth Article is confined solely to the Restitution of *Acadie*, and the XIIth to the Restitution of all Places elsewhere situated, which had been respectively

spectively taken by the two Crowns from one another during the preceding War. Accordingly the Act of Restitution of King *Charles II.* in pursuance thereof, is divided into two Parts; in the First, it recites the Agreement made for the Restitution of the Country called *Acadie*, lying in *North-America*; and accordingly surrenders and delivers the same, as namely, the Forts and Habitations of *Pentagoet, St. John, Port-Royal, &c.* After which it recites the Restitution made of the Country of *Cayenne* in *America*, as being what the Crown of *England* had taken from *France* before the signing of the said Treaty. Whilst therefore this *French* Author is accusing the *English* of Illusion and Artifice, in wrongly applying the Word Cession instead of Restitution, in order to assimilate, as he calls it, the Treaties of *Breda* and *Utrecht*; although, by the Reply, it is proved to have been no Misapplication at all; may we not, with more Justice, retort this Accusation upon himself, for having assimilated the

Articles

Articles above-mentioned, with a Design of insinuating that *Pentagoet* was not delivered up as part of *Acadie* in pursuance of the Xth Article, but was restored as a Fort taken before the War, in pursuance of the XIIth Article ; yet even in this, he is not supported by the Evidence which he has produced for it ; for the Dispute between Sir *Thomas Temple* and the *French* Governor, went no farther than, whether *Pentagoet* was in *Acadie* or in *Nova-Scotia* ; now if that Fort had come under the Description of the XIIth Article, such a Dispute would have been unnecessary ; and after all, the Evidence of Sir *Thomas Temple's* Distinction is inconclusive in every Respect : For first, it must be observed, that it was overruled both by *France* and *England* at the Time it was made, and consequently is now an Authority against the Point it is cited for. Secondly, if any Distinction could be made, he was certainly mistaken in the Fact ; since *Pentagoet*, which he said was in *Nova-Scotia*, and not in *Acadie*,

die, was, if they were to be considered distinctly, in *Acadie* and not in *Nova-Scotia*; and lastly, to what Purpose are any such Distinctions now made, since both *Nova-Scotia* and *Acadie* are jointly given up by the Treaty of *Utrecht*.

I shall now proceed to the Proofs resulting from the *Letter* of this Treaty: The Author of the *Summary Discussion* sets out with citing only a Part of, what he calls, the XIIth Article; for in Fact he inserts the Words of the Cession and not of the Article. This Manner of citing from pretended and erroneous Translations has been more than once objected to by the *English* Commissaries, as appears by their Memorials, which Objection the above Author is pleased to say proves only the Extremities one is reduced to in defending a bad Cause. He pretends, at the same Time, that the *French* Text is the Original as well as the *Latin*; but it will presently appear, that in some of the following Citations, the Terms are very different, and consequently They cannot
both

both be Originals. It is well known, that this Treaty was drawn up in the *Latin*, as a Neutral Tongue between the contracting Parties; the Original of which is now in the Secretary of State's Office at *London*, signed by the proper Hand-writing of the respective Plenipotentiaries: In a Dispute therefore between Nation and Nation, no Article of it ought to be produced but from that original Text. So that citing it from a Translation and that a false Translation, shews indeed the Extremities to which the Advocates in a bad Cause are reduced, who often shew their Skill in wresting the Sense of what makes against them, by misciting the Words, or when the Words make quite against them, by not citing them at all.

How flagrant doth this appear, by this Author's having cited only a Part of the XIIth Article of the Treaty, omitting the explanatory Words, by which the Extent of the Cession is described, for after granting *Nova-Scotia* or *All Acadie*, with its antient Limits, as also *Port-Royal*, other-

wife called *Annapolis-Royal*, it further adds, “ And all other Things in those
 “ Regions which depend on the same
 “ Lands and Islands, together with the
 “ Dominion, Property and Possession of
 “ them, and all Right whatsoever by
 “ *Treaties*, or any *other Way* obtained ;”
 all which Part, tho’ the most material,
 and upon which lies the chief Stress of
 the Point in Question, has been industri-
 ously passed over by this, properly called,
Summary Discussion.

After this imperfect Citation, it proceeds to put the following Misconstruction upon it. It appears, says the Author, by the Terms of the Treaty of *Utrecht*, that the Cession, stipulated by the XIIth Article, was restrained to a Country singly called *Acadie*, with its Ancient Limits. As a Proof of this, he observes, that *Nova-Scotia* is only an empty Denomination, without having any real Existence before the Treaty; for that the Letters Patent of King *James I.* to Sir *William Alexander* in 1621, produced by the
 the

the *English* Commissaries, as marking out a Territory to be ever after called by the Name of *Nova-Scotia*, was a void Grant; inasmuch as no Possession was taken, nor any Government established in Pursuance thereof; and from whence, therefore, no Consequence could be derived in Support of our Claim to any Country by that Name in the present Dispute.

Now not to lay any farther Strefs upon what has been proved, that Sir *William Alexander* did take Possession of the Country described by Virtue of that Grant, let it suffice to remark, that the chief Purpose, for which the Grant was produced, was to shew the original Rise of the Name of *Nova-Scotia*: From whence, by a Chain of Consequences, the following Inferences are to be deduced, as unanswerable Arguments, in Proof of the Existence of a Country called *Nova-Scotia*, and of its Original and most Ancient Boundaries.

For since, from this Grant the Territory or District therein described first obtained

tained the Name of *Nova-Scotia*, the Country, afterwards called by that Name, must comprise all the Lands, Islands, Bays, &c. which passed by the original Grant under the Name of *Nova-Scotia*.

Therefore, if *France* yielded a Country, called by that Name by the Treaty of *Utrecht*, it yielded the Territory comprised within the Limits described by the Deed, from whence it derived that Name.

Hence it must be concluded, that if *England* has now a Right to the Possession of *Nova-Scotia*, it has a Right to the Possession of all the Lands, Islands, Bays, &c. to which this Grant originally gave the Name of *Nova-Scotia*; except what has been reserved to *France* by the Treaty before-mentioned.

Accordingly it was with a View to this Grant, as well as to former Treaties, that the Crown of *Great-Britain* demanded this Country at the Treaty of *Utrecht*, by the Name of *Nova-Scotia* or *Acadie*, which, we contend, by a natural Construction, implies a Country called by
either

either one or the other of those Names. We have shewn, that it was sometimes called by one and sometimes by the other, long before the Treaty of *Utrecht*; since therefore it was agreed, by the XIIth Article, to be yielded up under both those Denominations; and since the actual Cession of it was afterwards made by a yet clearer Description, in naming it *Nova-Scotia*, otherwise called *Acadie*; how groundless is the Presumption, now to assert, that *France* did not, and could not, make a Cession of any Country called *Nova-Scotia*?

But we find this Attempt of persuading us out of the Name of *Nova-Scotia*, is with a Design not only to confine the Cession solely to a Country called *Acadie*, but also to limit general *Acadie* to that particular Part of it, which from all Ages they say had no other Name. For now the *French* argue, that the Treaty must be construed to restrain the Cession to a certain Ancient *Acadie*, properly so called, distinguished from the Countries, to which
the

the same Name might have been given ; and this new Name of Ancient *Acadie* they ascribe to the South-Eastern Coast of the *Peninsula*, in Exclusion of all other Parts of the Province, which had any peculiar Names to distinguish them from each other, though they were all comprised under the general Appellation of *Acadie*. By this Method of Reasoning, we might as justly pretend to prove, that no Province in *France*, except that which is named *L'Isle de France*, properly so called, ought to be deemed to be within the Ancient Limits of the Kingdom of *France*. But how vain is it to use Subtleties and Refinements to restrain a Cession, which by the very Terms of it was intended to be made with the utmost Latitude, and in the most extensive Manner ; for by the Article above cited, the Grant of *Nova-Scotia* or *All Acadie* is made, “ together with all the Dominion, “ Property, and Possession of the said “ *Islands, Lands, and Places*, and all “ Right whatsoever, whether by Trea- “ ties

“ ties or otherways, which the Most
 “ Christian King, the Crown of *France*
 “ or any of its Subjects have *hitherto* had,
 “ *Hactenus habuerunt.*” Hence it is ma-
 nifest, first, that the Grant of *Acadie* is
 not to be restrained to a single Sea Coast
 of a Country, but must denote a Pro-
 vince or Territory containing all the
Islands, Lands, and Places, which *France*
 had hitherto been possessed by any former
 Treaty or otherways: And in the second
 Place, the Word *hitherto* destroys all No-
 tion of an Ancient *Acadie*, and brings
 down the Description of the Country to
 what it was at the very Time when
France gave it up; for so the Word
Hactenus in the original Text of this Ar-
 ticle must imply.

The next Argument for restraining
Acadie to the South-Eastern Coast of the
Peninsula, is because *Port-Royal*, otherwise
 called *Annapolis-Royal*, which lies on the
 other Side of it, was ceded by the XIIth
 Article in separate Terms, namely, *as also*
Port-Royal, &c. in Answer to this, it has

F

been

been insisted upon on our Part, that the particular Stipulation for the Cession or Restitution of a Fort, never was deemed to separate it from the Province to which it belonged: To this Purpose three several Treaties were referred to in the Reply, as Instances, where, besides the general Cession of a Territory, the Towns and Fortresses situated therein, have also been specified in the same Article: The Author of the *French* Discussion observes, that the two last of these Treaties, were only Copies or literal Translations of the first; be it so, since it proves the Precedents to be more compleat and uniform. It appears, by the VIIth Article of that Treaty, concluded between *France* and the States-General at *Utrecht* the 11th of *April* 1713, That the Cession of *Upper Guelder* to the King of *Prussia* was made in general Words, and yet the Towns, Bailiwicks, and Lordships of *Strahlen*, *Wachtendonck*, &c. were afterwards particularly specified, although they were Dependents on the Town of *Guelder*: Upon this the

French

French Author has observed, that it is not a parallel Case to the present, because that Article did not make a Cession of all *Guelder*, but only of what His *Prussian* Majesty possessed in *Upper-Guelder*; whereas with Regard to the Point here in Question, the Treaty of *Utrecht* makes a Cession of all *Acadie*; from whence he deduces this Distinction, that in yielding all *Acadie*, there was no Necessity of specifying *Port-Royal*, if it was any Part of it; whereas in treating for a Part only of *Guelder*, the Enumeration of all the Parts yielded up was indispensable: Now, in Answer to this Distinction without a Difference, it must be observed, that the Town of *Guelder*, with its Præfecture and Bailywick, and all its Dependencies, were yielded in general Terms, specifying afterwards, *as also* the Towns and Lordships of *Strahlen*, *Wachtendonck*, &c. and yet their being so specified, was never presumed to imply that they were not Parts of what had been before given up by the general Cession. So we argue that *Port-Royal* was dependent upon *Acadie*,

and yet was particularly named in the Article of Cession, but being so named, did not therefore separate it from its Dependency.—That it was *dependent*, appears plainly by the subsequent Words of the Article, which after giving up all *Acadie*, as also *Port-Royal*, adds, “ And
 “ all *other* Things in those Parts, which
 “ *depend* on the said Lands and Islands,
 “ &c.” These subsequent Words, so very material to clear up all Difficulties in this Dispute, the *French* Author, in his usual candid Manner, has wholly suppressed.

No less unfair has He been in the Use he would make of his *French* Translation of the latter Part of the same Article, which, by the Words being transposed, he would insinuate determined the Extent of the Cession, by excluding the Subjects of His Most Christian Majesty from fishing in the Seas, Bays, and other Places, within thirty Leagues of the Coast of *Nova-Scotia* to the South-East, beginning from the Island commonly called *Sable*, and stretching from thence to the South-West. Hence he pretends that
 this

this is a Description of what were the Seas of *Acadie* ; namely, that they were the Seas, which begin from the Island called *Sable*, and go from thence to the South-West, and then he desires the Reader only to cast his Eyes on the Map, to see that this Description of the Seas of *Acadie*, can be reconciled only to the Limits of what the *French* call Antient and Proper *Acadie* : But the Reader is first desired to cast his Eyes on the original Text of this Article, where he will find the Falacy both of the Citation and of the Construction that is put upon it ; for in describing in what Parts the *French* should be excluded from fishing, it is not said on the Coasts of *Nova-Scotia* in general, but “ on the Coasts of *Nova-Scotia*, that is to say, on *those* which lie on the South East.” This therefore is not a Description of all the Seas and Coasts of *Nova-Scotia*, but only of those which lie on the South-East Side, which implies that the Country given up had Seas and Coasts on the other Sides ; we find also that Mention is made all along of the

Seas

Seas and Coasts of *Nova-Scotia*, in the plural Number, contrary to the Position which the *French* would lay down, that the whole consists of one Coast only. Lastly let it be particularly remarked, that these are here named the Coasts of *Nova-Scotia*, and not of *Acadie*, and yet they are the same Coasts which the *French* Commissaries would call *Acadie* upon the sole Foundation of their having never been called by any other Name.

But if *Acadie*, says this Antagonist, comprehends all the Coasts from *Cape-Canceau* to the Entrance of the River of *St. Laurence*; it would result from thence, that all the Islands, situated in the Gulph of that Name, would belong to *Great-Britain*. But, says he, the Treaty of *Utrecht* declares the contrary, in the most formal, precise, and clear Manner, namely, by the XIIIth Article. And so we allow it does; but it being by Way of Exception, proves, in the most formal, precise, and clear Manner, that all the Islands, within the Gulph of *St. Laurence*, were, at the Time of making this Treaty, under-

understood to be within the Limits of Ancient *Acadie*, just as it was described by the *English* Commissaries in their first Memorial. For *France* having yielded all *Acadie* by the XIIth Article; and it being nevertheless agreed, that it should reserve these Islands; it was stipulated in the latter Part of this XIIIth Article, by Way of Exception to what had been given up before, in the following Manner. “*Insula vero, Cap-Breton dicta, ut*
 “*& aliæ quævis, tam in Ostio Fluvii*
 “*Sancti Laurentii, quam in sinu ejusdem*
 “*nominis sitæ, Gallici Juris in posterum*
 “*erunt.*” From hence it appears, that the Island called *Cape-Breton*, together with all others, both in the Mouth of the River of *St. Laurence*, and within the Gulph of the same Name, were in *Acadie*, but agreed to remain under the *French* Jurisdiction, notwithstanding the Country, to which they belonged, was given up by the preceding Article.

Here I must observe, that this Part of the XIIIth Article is also wrongly cited in the *French* Discussion; which is the
 more

more inexcusable, as the Author must have known, that the *English* Commissaries, in their Memorials, had before complained of its having been so wrongly cited by the *French* Commissaries, who, in reclaiming the Island of *Canzeau* to be under the *French* Jurisdiction, as being excepted in the XIIIth Article above-mentioned, did for that Purpose change the Words of that Article, in such a Manner, as to make the Exception therein contained extend to all the Islands in the *Mouth of the Gulph of St. Laurence*; whereas the Article in the Original excepts only the Islands in the *Mouth of the River*, and *within* the Gulph of *St. Laurence*.

In this Manner the *French* Advocates would curtail the Acquisition we claim by Virtue of the Treaty of *Utrecht*; to the *Words* of which they have appealed, yet avoided to cite the most essential Part; and either miscited or misconstrued all the others relative to the Point in Question. How then could it be imagined, that such an Attempt, to deceive or mislead the Judgment of the
several

several Courts of *Europe*, in which their Memorials and this Discussion have been distributed, would have been passed over by Us, without that Animadversion it deserves, or without a proper Vindication of His Majesty's Right, by a fair Representation of the *Letter* of the Treaty, which the *French* Commissaries, not being able to withstand, when expos'd in its true and genuine Light, have endeavoured, if we may borrow the Expressions made use of in the Discussion, *à l'offusquer, à le faire disparoitre, à le noyer pour ainsi dire, &c.*

But, not to dwell any longer on Cavils of this Nature, I shall only add this general Observation, that when a Cession of a Country has been made, in pursuance of a Treaty, to question the Validity of the Cession, merely from Criticisms on the Words of the Treaty, will be the Means of keeping up eternal Disputes; Disputes about Words, of all others the most trifling. Therefore, to put an End to these, let us now examine the *Spirit* of the Treaty, since the Commissaries of His Most Christian Majesty have, in a Manner pro-

G

mised

mised to abide by the Consequences, that may be derived from thence.

By the Spirit of the Treaty must be meant the Effect it ought to have towards the End, for which it was made; and, to determine this, we must consider upon what Motives, and in what Manner, it was agreed upon and concluded.

The Encroachments of the *French*, gaining upon Us, as has been before related, from *Pentagoet* to *St. George's River*, and even farther Westwards to the *River Kennebequi*, must have occasioned frequent Disputes concerning the Limits of such neighbouring Territories, possessed sometimes by one, sometimes by the other, and often jointly by both. This made it necessary, for the Preservation of the Harmony, which was intended to be established, that those bordering Districts should be united under one sole Jurisdiction. For while two such powerful Nations, jealous of each other, were so near to each other, it cannot be imagined they could long live in a peaceable Situation.

The Treaty therefore was agreed upon from the Motive of living in a more peaceable Manner in those Parts, as appears by the Preamble, which recites, “ That
 “ it was to establish an universal Peace
 “ between the two Crowns, and the Sub-
 “ jects of both, as well without as with-
 “ in *Europe*, that a *peaceable Neighbour-*
 “ *hood* might at all Times flourish.”

But if, after this, only a Part of the *Peninsula*, and that the most distant from our Colonies, was to be given up as *Acadie*, what was to become of all the near adjoining Parts? And how could a *peaceable Neighbourhood* subsist and flourish, if the *French* were to remain Masters of the intermediate Space between the Eastern Coast of the *Peninsula* and *New-England*? Whereas, by the *English* being put into Possession of all *Acadie*, with the *Atlantick Sea* on one Side, and the Gulph and River of *St. Laurence* on the other, as it's natural Boundaries, the two Nations might be supposed to be so separated from each other, as to remove all farther Cause of Jealousies.

To this the Author of the Discussion has opposed two Considerations, which He mentions, as being of great Weight.

The First is, that, at the Time of making the Treaty, it was not the *Intention* of the Parties to allow *Acadie* that Extent, which the *English* now pretend to give it. He cites, for that Purpose, the Answer of *Lewis XIV*, dated *June 10, 1712*, to the Proposition then made by the *English* to leave *Cape-Breton*, as a neutral Island, common to both Nations. He exults over the *English* Commissaries, as having themselves produced this Answer; and then, in his usual Method, leaves out the material Part, for which it was produced. For first, he pretends to quote these Articles, to shew the *Intention* of the Parties, and yet does not insert the Preamble which explains that *Intention*, and which appears to have been directly the same as mentioned above; since it recites, “ that Experience had made it
 “ too visible, how impossible it was to
 “ preserve Peace, in Places possessed in
 “ common by the *French* and *English*.”

The

The Experience, here alluded to, was their being jointly in Possession of the Island of *St. Christopher's*, and of the Northern Extremity of the Continent of *America*, when the Boundaries of *New-England* and *Acadie*, being only divided by Inland Rivers, gave Occasion to frequent Hostilities between two Rival-Nations so near to each other. This was the Foundation of the *English* demanding the sole Possession of the Island of *St. Christopher*, as also of *All Acadie*, conformably to its Ancient Limits ; which, it is evident, the *French* King supposed, at that Time, to reach to the Extremity of the Land on the Side of the Gulph of *St. Laurence* ; for he proceeds, in his Answer to observe, that “ the *English* being Masters of *Acadie* and *Newfound-* “ *land*, the Navigation of that Gulph “ would be rendered precarious, if the “ Entrance of it was not secured by his “ Reservation of the Island of *Cape-Bre-* “ *ton* solely to himself. This implies, that he considered the Gulph as situated between two Territories, of which the

English

English were to be possessed, by the Treaty. And this is more manifestly explained by the Proviso he offers, which the *French* Advocate has also thought fit not to mention, namely, “ That the Fortifications He intended to erect at *Cape-Breton* and on the Islands in the Mouth of the *River*, and in the Gulph of *St. Laurence*, were made only for the Security of the Country, and could never be of any Detriment to the *Neighbouring* Isles and Provinces.” From hence nothing can be more plain than that *Lewis XIV.* considered *Acadie* as being in the Neighbourhood of the *River* and of the Gulph of *St. Laurence*, agreeably to the Northern and Eastern Limits the *English* Commissaries have all along ascribed to it: And as to the Intent of the Parties with respect to the Western Limits, we may appeal to the farther Proposals made by *Lewis XIV.* in the same Memorial of the 10th of *June* above cited, and in another dated in *September* following; in both which He offers an equivalent for *Acadie*, “ which
“ if

“ if consented to by the Queen of *Great-Britain*, the River *St. George* should thereafter be the Boundary, as the *English* had formerly pretended.” Observe that these were Answers to a Memorial that had been delivered by the Court of *Great-Britain* dated the 29th of *May* 1712; wherein the Cession of *Nova-Scotia* or *Acadie* was demanded, in general Terms, according to its ancient Limits, well understanding, that as these had been fixed by former Treaties, there would be less Room for Disputes than if they were to be settled by any new Agreement; and it was the *French* King who thus pointed out its particular Boundaries, These, in his Opinion, were the antient Limits of that *Acadie* which he was going to transfer to Us, and consequently the Grant of it must be taken according to the Intention of the Parties at the Time of making it, and by the Rule of Construction strongly against him who makes it.

Having explained what was the Intention of the Parties at the Time of concluding

cluding the Treaty, I shall proceed to consider the *Manner* of its *Execution*, which was the second Point proposed by the *French* Author, as being of great Weight in this Discussion: Upon this, He observes, that from the Conclusion of the Treaty of *Utrecht*, to the Conclusion of the late Treaty of *Aix-la-Chapelle*, the *English* never pretended to make Settlements in the Gulph of *St. Laurence*. If the Islands in the Gulph are here meant, it is true, the *English* have formed no Pretensions thereto, strictly adhering to what was stipulated by the XIIIth Article of the Treaty of *Utrecht*: But if, by this vague Expression, it is meant, that We never form'd any Pretensions to the Continent bounded by the Gulph of *St. Laurence*, it will appear, on the contrary, by the most conclusive Evidence, that the *English* not only formed Pretensions, but actually took Possession both of that Part of the Continent, as also of all the Coasts round the Bay of *Fundi*, and of the Whole *Peninsula*, under the Name
of

of *Nova-Scotia* or *Acadie*, by Virtue of the Cession made immediately after the Treaty. And with Regard to the *French* being suffered peaceably and quietly to enjoy the Settlements they had before made therein, as suggested by the *French* Author, it is manifestly to be accounted for, upon the Terms, that were stipulated by the XIVth Article of the same Treaty, which he has entirely omitted to make any Mention of, although material to the Point in Question, and whereby it was provided, “ That in all the Places
 “ and Colonies to be yielded and restored
 “ by the Most Christian King in pursu-
 “ ance of this Treaty, his Subjects might
 “ have Liberty to remove themselves
 “ within a Year to any other Place, as
 “ they should think fit, together with all
 “ their moveable Effects; but those who
 “ were willing to remain there, and to
 “ be subject to the Kingdom of *Great-*
 “ *Britain*, should enjoy the free Exer-
 “ cise of their Religion, according to the
 “ Usage of the Church of *Rome*, as far

“ as the Laws of *Great-Britain* would
 “ allow the same.”

In pursuance of this Agreement, the *French* had their Option, either to quit the Country, or to remain Subjects of the Crown of *Great-Britain*, upon the Conditions above-mentioned. And, since the Transactions hereupon are very material, I shall beg Leave briefly to state them from the authentick Records, now in the Possession of the Board for Trade and Plantations.

We find, that immediately after the Ratification of this Treaty, Notice of it had been sent to *Francis Nicholson*, Esq; at that Time the *English* Governor of *Nova-Scotia*; and to Mr. *St. Ovide*, the *French* Commandant at *Louisbourg*: Whereupon Commissaries were appointed, on each Side, for carrying the same into Execution; who, as appears, by their Report of the 30th of *August* 1714, went to *Port-Royal*, *Minas*, *Beaubassin*, *Copequid*, and several other Places on the Coasts, and inland Parts, of *Nova-Scotia*, at each
 of

of which they assembled together all the Inhabitants, to whom they read the Treaty, together with the Queen of *England's* Letter, promising them her Protection, and the free Exercise of their Religion, in Case they would abide under the *English* Government; after which they read the Proposal made by His Most Christian Majesty *Lewis XIV.* promising to all, that would continue his Subjects, and go to *Louisbourg*, to furnish Ships of Transport for them and their Effects, with Provisions for a Twelvemonth, and an Exemption from all Duties upon the Trade, that they should carry on in the said Island for the Space of Ten Years.— In pursuance of these Promises, such of the *French* Inhabitants, as were willing to continue the Subjects of His Most Christian Majesty, signed a Declaration expressing the same, and were soon after transported with their Effects to *Louisbourg*.

With Regard to those, who were content to abide under the *English* Government,

nothing more was required, at that Time, than their taking and subscribing an Oath, whereby they promised and swore to be faithful and bear true Allegiance to Her Majesty the Queen of *Great-Britain*.

Upon Her Majesty's Demise, Officers were appointed to go round to all the Places of chief Note, to proclaim His Majesty King *George I.* King of *Great-Britain*, and Sovereign of *Nova-Scotia*; which Proclamation was accordingly made in the Months of *March* and *April*, 1715, at *Annapolis-Royal*, *Beaubassin*, *St. John*, and *Pentagoet*; and the Oaths, as above, respectively taken, and subscribed, by the *French* and *English* Inhabitants in those Places.

The same Ceremony was performed upon the Accession of our present Most Gracious Sovereign *George II.* in the Months of *September* and *October*, 1727, at *Annapolis-Royal*, *Chinectou*, *Minas*, *Pisiquid*, and *St. John*.

In this Manner Possession was taken, and the Right of Sovereignty kept up, in
all

all the interior Parts of the *Peninsula*, and round all the Coasts of the Bay of *Fundi*, agreeably to what is claimed by Virtue of the Treaty of *Utrecht*. And the *French* Advocate, by thus reminding Us of the Manner, in which it was executed, has given Us an Opportunity compleatly to overthrow the whole System of confining *Acadie* to the narrow Limits, to which the *French* Commissaries would reduce it: For it results from hence,— That such of the *French* Inhabitants of the several Districts above-mentioned, who went away at the Time of the Treaty of *Utrecht*, acknowledged, by that Desertion, their Settlements to be transferred to our Dominion:—Those, who remained, and accepted our Terms, have, by that Submission, acknowledged the same:— And lastly, those, who have been found within those Territories, without complying with Our Terms, have been warned by Us to quit their Settlements, in Consequence of the same Right of Sovereignty hitherto kept up and exercised

exercised by Us ever since the Treaty. This is what the Author of the *Discussion* calls changing and overthrowing all the Possessions of the *French* in *America*, banishing them from thence, and exposing all *Europe* to see the Fire of War kindled by such Enterprizes.

But the Enterprizes, to speak more properly, that have brought the two Nations to the Brink of War, are those unjustifiable Encroachments, which the *French* have made on the very Districts, to which we have evidently proved our Right. Witness, their having built the Fort of *Beau-sejour* on the Isthmus of the *Peninsula*, the Fort of *Gaspereau* on the Bay called *Bay-Verte*, and their establishing a Fort and Garrison on the River *St. John*, which the *French* Author seems to justify, from its Utility in opening a Communication between *Louisbourg* and *Quebec*. But what must appear to the World unwarrantable, in every View, is, that all the Forts abovementioned have been erected since the Treaty of *Aix-la-Chapelle* ;

pelle ; they have been erected on Districts, the Right to which was submitted to be decided by an amicable Negotiation ; and they have been erected even during the Time that Negotiation was carrying on. This must imply a premeditated Design of maintaining the Possession, even though the Right should be decided against it ; and this will sufficiently justify his Majesty in demolishing those Forts by the Force of Arms, after having established his Right by the Force of Reason.

Here then we may rest the Question ; and to that Purpose, in like Manner, as in the *French* Discussion, I have endeavoured to reduce the Arguments, on both Sides, into as short a Compass, as was consistent with the necessary Explanation of the Points in Dispute : With this Difference, That, as the *French* Abstract has followed the Plan of their Memorials, in half-citing and quite misconstruing the Articles of the Treaty, on which the Discussion is founded ; this Treatise has pursued the nobler Example shewn in the

English

English Memorials, in openly describing what We claim, and in fairly producing the Arguments in Support of it : With this further Difference also, That, as the *French* Author sounds the Alarm to all the Courts of *Europe*, insinuating to them their own imaginary Danger, and calling out for their Joint-Aid to reduce the All-engrossing Power of the *English* ; We, on our Side, confine the Dispute singly, as it ought to be, between the Crown of *France* and ourselves ; Far from desiring to involve all *Europe* in a general War, We act only in our own Defence, and make Reprisals for the Injuries We have received from those, who have invaded our Rights, and were the FIRST AGGRESSORS in the Quarrel. So that, if any of the neighbouring Powers should think it necessary to take a Part in the Dispute, they will find, from the Reasons here produced, that, by siding with Us, they will side with the Cause of Truth and Justice.

F I N I S.

97

2709593



