

Copy

State of the Disputes
depending between the Courts
of Great Britain and France,
with relation to the Limits
of Nova Scotia.

The Claim made by the Court of
Great Britain to the Country called Nova
Scotia, or Acadie, being founded on the
Twelfth Article of the Treaty of Utrecht, in
1713., by which, Nova Scotia sive Acadia
tota Limitibus suis antiquis comprehensa,
is ceded by France to Great Britain, the
Limits of the Country so described, are the
present Object of Discussion between the
respective Commissioners of the Two Crowns.

Those of Great Britain have conformed
Themselves, in describing this Country, to
the Words & Meaning of the Treaty of
Utrecht, by assigning those Limits, which
ever have been acknowledged to be such from
the earliest Times, which France has
received as such, and which was
considered

considered as such in the Negotiations of the Two Crowns, immediately previous to the abovementioned Treaty.

These Limits extend from the River Pentagoet on the West, to the River St. Lawrence Northward, by the River St. Lawrence, along its Southern Bank, to Cape Rogiers, Eastward, by the Gulph of St. Lawrence, leaving Newfoundland on the Left Hand, to Cape Breton, and Southward from the said Cape, to Cape Sable inclusively, and from thence along the Atlantick Ocean by the Bottom of the Bay of Fundy to the Mouth of the River Pentagoet.

To prove that France received this Country under the general Name of Acadie at the Treaty of St. Germain's in 1632, The English Commissioners have cited the Authorities of M. D'Estades, and Pere Charlevoix; To prove that France continued in the Possession of this Country till 1654, They have made

use

use of the same Authorities, together with a Letter of Lewis the 13th, regulating the Jurisdictions of the Sr. Charnizay and Du Saur, The Commissions granted to those Persons in 1647. & 1651., as well as that of the Sieur Denys in 1654: The Demand of the French Ambassador in 1654., reclaiming the Restitution of the Forts of Pentagoet, St. John's, and Port Royal, as being in Acadie, is brought as a Proof of the same Kind.

It is shewn that the French Ambassador at London, actually claimed in 1662. the Restitution of Acadie, under the Limits now asserted by Great Britain, and was particularly approved by his own Court. It is observed by the Commissioners of Great Britain, that France was so secure of her Right to these Limits, that she desired no particular Specification of them in the Treaty of Breda in 1667, when Acadie was ceded to Her, and upon some Dispute

afterwards

afterwards with Great Britain on this Head, reasserted Her former Claim, which was allowed. The Sense of France on this Subject in 1685, appears plainly from the Memorial of Her Ministers at London, complaining of Encroachments made by the English on the Coasts of Acadie, which He describes as extending from L. Isle & Percé to St. George's Island. In 1687, likewise a Complaint was made by the French Minister on Account of some Injustice committed on a French Merchant at Pentagoet, which is described as being in Acadie.

The Proposal made by the French Ambassador, in 1700. to restrain the Limits of Acadie to St. George's River; and the Terms of the Surrender of Port Royal in 1710. shew what was the Sense of France as to those Limits.

The Instructions given by the Queen of Great Britain to Her Ministers in 1711. The Proposal made by the French

French to restrain the Limits of Acadie to the River St. George, prove clearly what were the Ideas of both Courts, at that Period, of these Boundaries.

From all which Evidences it results, that the Country under the same Limits now assigned by the English Commissioners, is the very Country of Acadie, which has been received, possessed, & acknowledged as such by France; That this Country has been absolutely ceded and transferred to the Crown of Great Britain, by the Treaty of Utrecht, and that the Claim now made by Great Britain, to Acadie, under this Description, is supported by as strong, undeniable, Historical Facts, as ever were, or can be produced, in a Discussion of this Nature.

The French Commissioners, in their Answer, endeavour to shift entirely the Nature of the Question; They deny that the Limits, referred to by the Treaty of Utrecht, are the same with those under which

which Acadie was ceded by the Treaties of
St. Germain and Breda, and immediately
recur to the Testimonies of the Maps, and
Historians, for a Description of the Ancient
Limits of Acadie; They urge, that the
Commissions granted to French Governors,
as cited by the English Commissioners, can
be no Proof of the real Extent of Acadie,
because those Governments were over
Acadie & Pais Circonvoisins; That the
Country claimed as Acadie, by Great
Britain, cannot be considered as such,
because it passed under different Names;
They make a distinct Province of New France,
and then comprehend most of the Territory
of Acadie, under that of New France;
They declare the Arguments drawn from
the Treaties of St. Germain & Breda, as
well as the Proceedings immediately
preceding that of Utrecht, to be Preuves
étrangeres à l'Etat de la Question, in
which Question it is not Acadie selon le
Traité de Breda, but, selon ses Anciennes
Limites

Limites, that is concerned; And, upon the
whole, They confine the Boundaries of Acadie
to the South-East Part of the Peninsula.

The French Commissioners have not
been very successful in their new kind
of Proofs, to which They have had
recourse, Viz., of Maps & Historians,
The former (at least those of the best
Authority) making against them, and
assigning the same Limits to Acadie,
that are claimed by Great Britain,
almost in every Point, and by no
Means favorable to the French
Assertions. The Historians likewise
(viz.) Champlain, Denys, and
Esarbot, (as far as any Evidence can
be drawn from them) are of the same
side, and mark out the same Northern
and Western Boundaries to Acadie,
that the English Commissioners do.

As to the Words Pais Circonvoisins,
inserted in the Commissions granted to
the French Governors in America,

it has been shewn, that They are Expressions of mere Form, and cannot be construed in the Sense put upon Them by the French Commissaries, without introducing great Absurdities; But whatever Tendency They are of in Themselves, They cannot affect the present Question, as They never actually were inserted in the Commissions, but quoted from thence by Mistake.

The English Commissaries shew, that the Arguments, drawn from the several particular Names given to different Parts of Acadie, are of no Weight, and may be applicable to any Country almost in the World; But They, at the same Time, shew that all those different Districts have ever been comprehended under the more general Name of Acadie, in Opposition to the nominal Division of that Country upon the French System.

The Distinction between new
France

France, and other Provinces of America, under the French Dominion, has been proved to be ill grounded, it being clear from Acts of Government in France, that the Term, Nouvelle France, has been used to signify all the French Possessions in North America.

It is demonstrated, that the Declaration of France, with regard to Her Opinion of the Limits of Acadie, made in 1712. must be a real Proof of Her Sentiments on this Occasion, in Opposition to the dangerous Assertion of the French Commissaries, that no Judgement is to be formed of the real Opinion of any Party to a Treaty from their most solemn Declaration in a Negotiation immediately preceding it.

A full Answer is given to all the Reasonings of the French Commissaries, by which they attempt to set aside the Arguments drawn, by the English, from the Cessions made to France of Acadie,
Their

Their Possession of it in Consequence thereof,
their re-assertions, on some Occasions, of
particular Parts of it, all which are
shewn to be conclusive to the Point
advanced by the English Commissaries.
So that it appears by publick Acts
of Government, by every Transaction of
the Two Crowns for a Century past, by
the Authorities of Maps, & Historians,
(as far as they go) and by every other
kind of Proof urged on this Occasion, that
the Claim, made by Great Britain to
Acadie, under the Limits described by
the English Commissaries, is strictly
equitable.

*State of the Disputes
now depending between
the Courts of Great Britain
& France, with relation to
the Limits of Nova Scotia.*

Copy

N^o. 13. —

22