The Charter of William and Mary, of 1691, does not authorize the Colony of Massachusetts to go to the St. Lawrence.

But the Royal Charter of 1691, even if it had not been annulled in relation to Sagadahoc, by the Treaty of Ryswick, furnishes no ground for a claim on the part of Massachusetts to go to the St. Lawrence; the words of the Charter are simply:—

"Those lands and hereditaments lying and extending between the said "country or territory of Nova Scotia and the said river of Sagadahoc." The furthest point, therefore, to which this north-western corner of Sagadahoc can be claimed, is the source of the river, which being the Kennebec River, is the point passed by the Highlands of the Treaty of 1783, in north latitude 46°, or nearly so. This Charter, then, gives no title beyond the head of that river. Indeed, the pretence to go from thence to the St. Lawrence, has been altogether discountenanced by intelligent Americans, who had carefully studied the subject, both before and after their Independence. Mr. Jasper Mauduit was the Agent in London, for the General Court of Massachusetts, immediately after the conquest of Canada; and the Royal Proclamation of 1763 having brought him into correspondence with the Board of Trade, on the subject of the northern boundary of Massachusetts, he writes to the General Court thus:—

Extract from Mr. Jasper Mauduit's letter, June 9, 1764.

"It appeared to me, that though the Duke of York's original patent "extended to the river of Canada, northward, yet that that was mentioned "*rather to preserve the national claim*, than as intended by the Crown to be of "force against itself."

And Mr. Gallatin, a most acute statesman, and Plenipotentiary for the United States to negotiate the Treaty of Ghent, writes thus to their Secretary of State, December 25, 1814:—

Mr. Gallatin's Opinion, that the State of Massachusetts had no claim to go to the St. Lawrence.

"That northern territory is of no importance to us, and belongs to the "United States, and not to Massachusetts, *which has not the shadow of a claim* "*to any land north of* 45° to the eastward of Penobscot River, *as you may* "*easily convince yourself by recurring to her Charters.*"

The Americans, however assert, that the King, not having the power to curtail the Chartered Limits of the Colony of Massachusetts Bay, by the Royal Proclamation of 1763; the effect of it was to reinstate the River St. Lawrence as the northern boundary of that Province; and this they say is proved by an opinion given by the Attorney and Solicitor-General, upon a case submitted to them, when they decided,—

Opinion of the law officers of the Crown, 1731.

"That the said tract of country, not having been yielded by the Crown "of England to France by any Treaty, the conquest thereof by the French, "created (according to the Law of Nations) only a suspension of the property "of the former owners, and not an extinguishment of it."

Now, it is obvious that this opinion is founded entirely upon the hypothesis that the country in question had never been restored to France by any Treaty, whereas we have seen that it had been twice restored, in 1667 and in 1697. But this opinion of the law officers did not sanction at all the right of Massachusetts to go to the St. Lawrence,—a right, as we have before seen, which was not granted by the Charter of 1691. The opinion is purely applied to the terms of the Charter of 1691, and not to those of the grant of 1664 to the Duke of York, and runs thus:—

The law opinion applies only to the Charter of 1691.

"Upon considering the said case and questions, and the *evidence laid be-* "*fore us*, and what was alleged on all sides, it appears to us, that all the "said tract of land lying between the rivers of Kennebec and St. Croix, is "(among other things) granted by the said Charter to the inhabitants of the "said Province, &c., &c."

No inference can be drawn from this that they meant to sanction the right of Massachusetts to go to the St. Lawrence, although it is insinuated by the American statement.

"Upon the accession of the Duke of York to the Crown of England in 1684, all the title "acquired by virtue of the grant aforesaid was merged in the Crown. This doctrine has always "been established where the Gothic Governments have taken place. If it should now be dis- "puted; and it should be supposed to remain King James's private estate, yet there was a "forfeiture at the time of his being in arms in Ireland, and King James's private estate in Ireland "upon one or both of those principles vested in the Crown. Therefore, whether the lands in the "grant to the Duke of York, upon the abdication of King James came with the Crown to King "William and Queen Mary, or whether they were forfeited, it is certain that before the Charter "to the Massachusetts Province in 1691, the right was in the Crown."