

Photographic Sciences Corporation

**23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503**

1.4 1.8 2.0 2.2 2.5 2.8 3.2 3.6 4.0 4.5 5.0 5.6 6.3 7.1 8.0 9.0 10.0 11.2 12.5 14.0 16.0 18.0 20.0 22.5 25.0 28.0 31.5 36.0 40.0 45.0 50.0 56.0 63.0 71.0 80.0 90.0 100.0

**CIHM/ICMH
Microfiche
Series.**

**CIHM/ICMH
Collection de
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

1.0 1.2 1.4 1.6 1.8 2.0 2.2 2.5 2.8 3.2 3.6 4.0 4.5 5.0 5.6 6.3 7.1 8.0 9.0 10.0 11.2 12.5 14.0 16.0 18.0 20.0 22.5 25.0 28.0 31.5 36.0 40.0 45.0 50.0 56.0 63.0 71.0 80.0 90.0 100.0

© 1982

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- ☐ Coloured covers/
Couverture de couleur
- ☐ Covers damaged/
Couverture endommagée
- ☐ Covers restored and/or laminated/
Couverture restaurée et/ou pelliculée
- ☐ Cover title missing/
Le titre de couverture manque
- ☐ Coloured maps/
Cartes géographiques en couleur
- ☐ Coloured ink (i.e. other than blue or black)/
Encre de couleur (i.e. autre que bleue ou noire)
- ☐ Coloured plates and/or illustrations/
Planches et/ou illustrations en couleur
- ☐ Bound with other material/
Relié avec d'autres documents
- ☐ Tight binding may cause shadows or distortion
along interior margin/
La reliure serrée peut causer de l'ombre ou de la
distortion le long de la marge intérieure
- ☐ Blank leaves added during restoration may
appear within the text. Whenever possible, these
have been omitted from filming/
Il se peut que certaines pages blanches ajoutées
lors d'une restauration apparaissent dans le texte,
mais, lorsque cela était possible, ces pages n'ont
pas été filmées.
- ☐ Additional comments:/
Commentaires supplémentaires: Map is a photoreproduction.

- ☐ Coloured pages/
Pages de couleur
- ☐ Pages damaged/
Pages endommagées
- ☐ Pages restored and/or laminated/
Pages restaurées et/ou pelliculées
- ☒ Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées
- ☐ Pages detached/
Pages détachées
- ☒ Showthrough/
Transparence
- ☐ Quality of print varies/
Qualité inégale de l'impression
- ☐ Includes supplementary material/
Comprend du matériel supplémentaire
- ☐ Only edition available/
Seule édition disponible
- ☐ Pages wholly or partially obscured by errata
slips, tissues, etc., have been refilmed to
ensure the best possible image/
Les pages totalement ou partiellement
obscurcies par un feuillet d'errata, une pelure,
etc., ont été filmées à nouveau de façon à
obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X

The copy filmed here has been reproduced thanks to the generosity of:

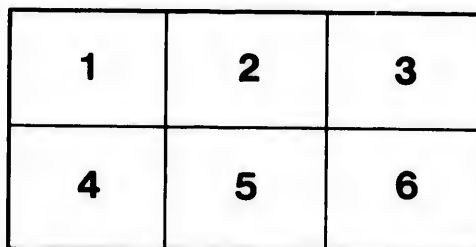
Library of the Public
Archives of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol → (meaning "CONTINUED"), or the symbol ▼ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

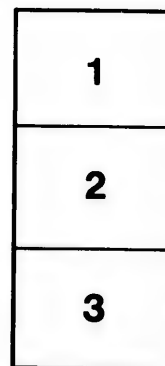
La bibliothèque des Archives
publiques du Canada

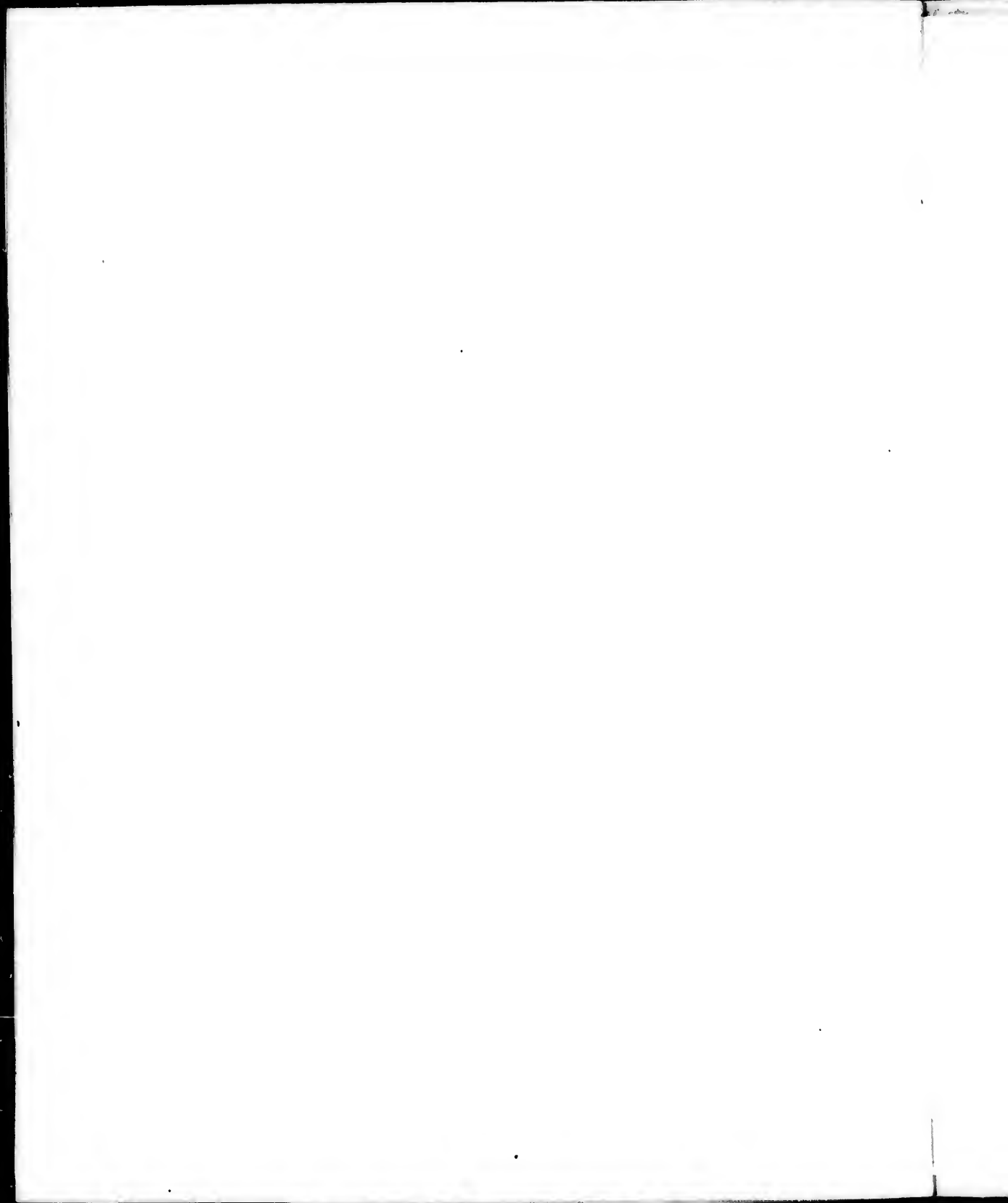
Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

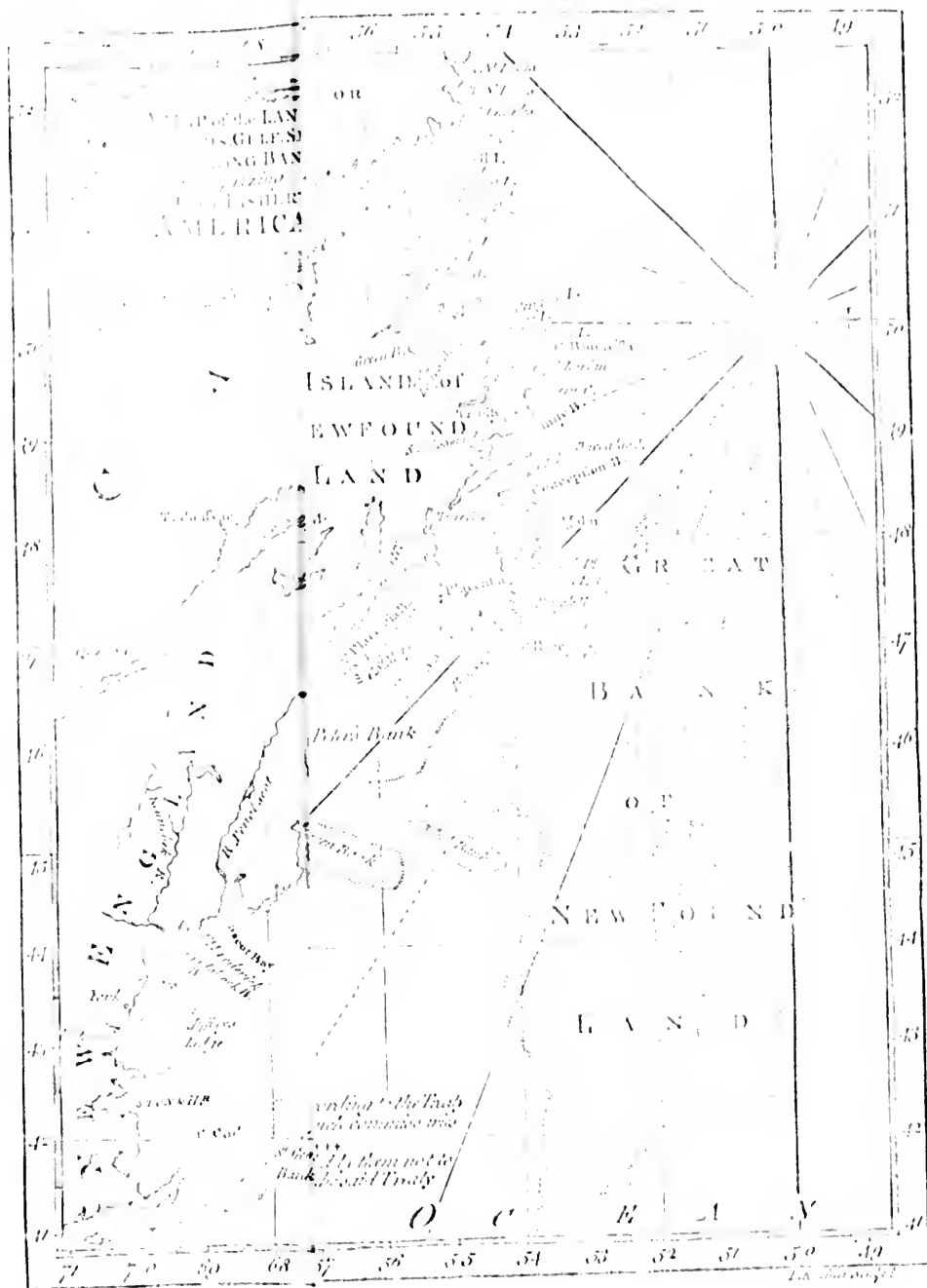
Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

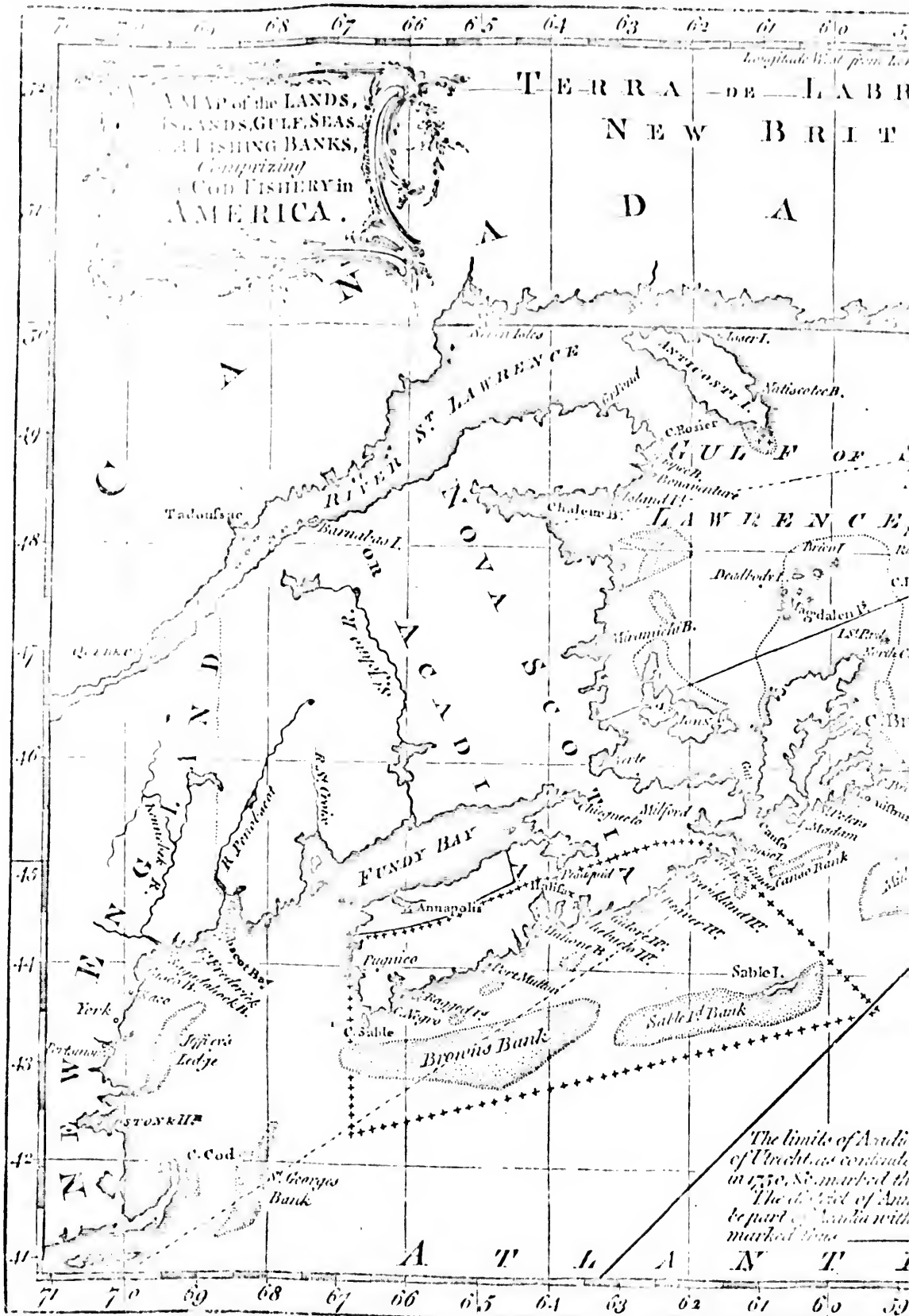
Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole → signifie "A SUIVRE", le symbole ▼ signifie "FIN".

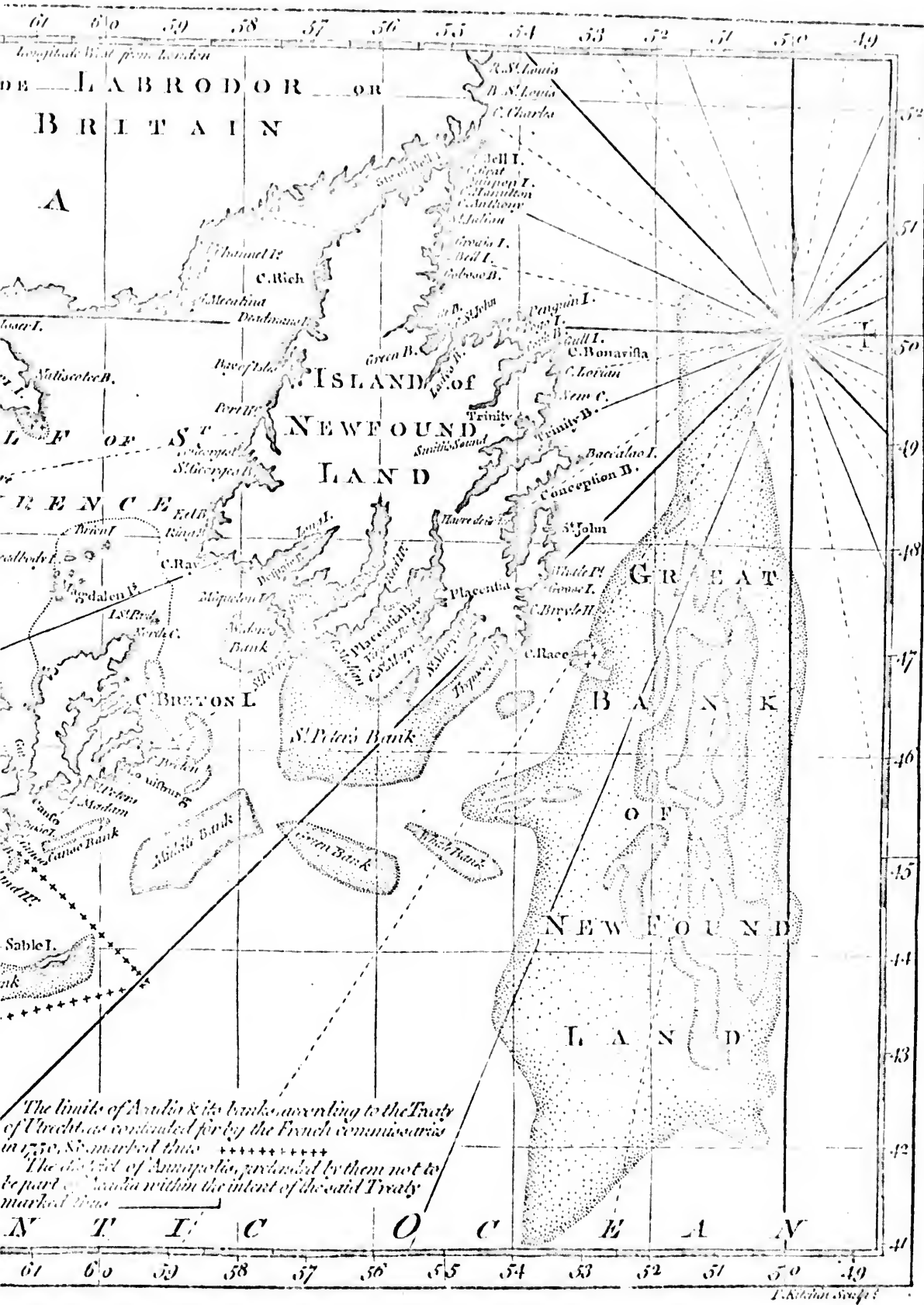
Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.



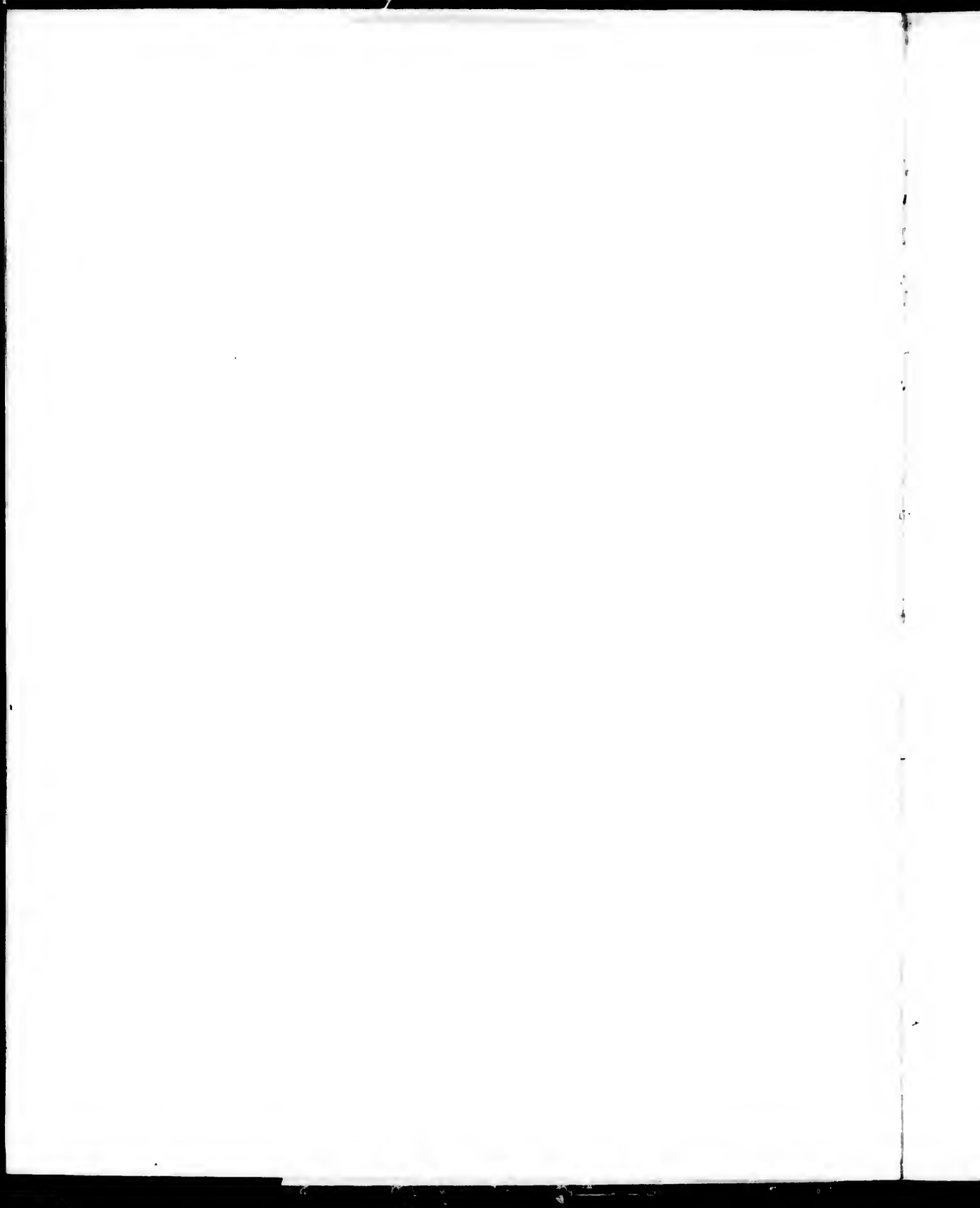








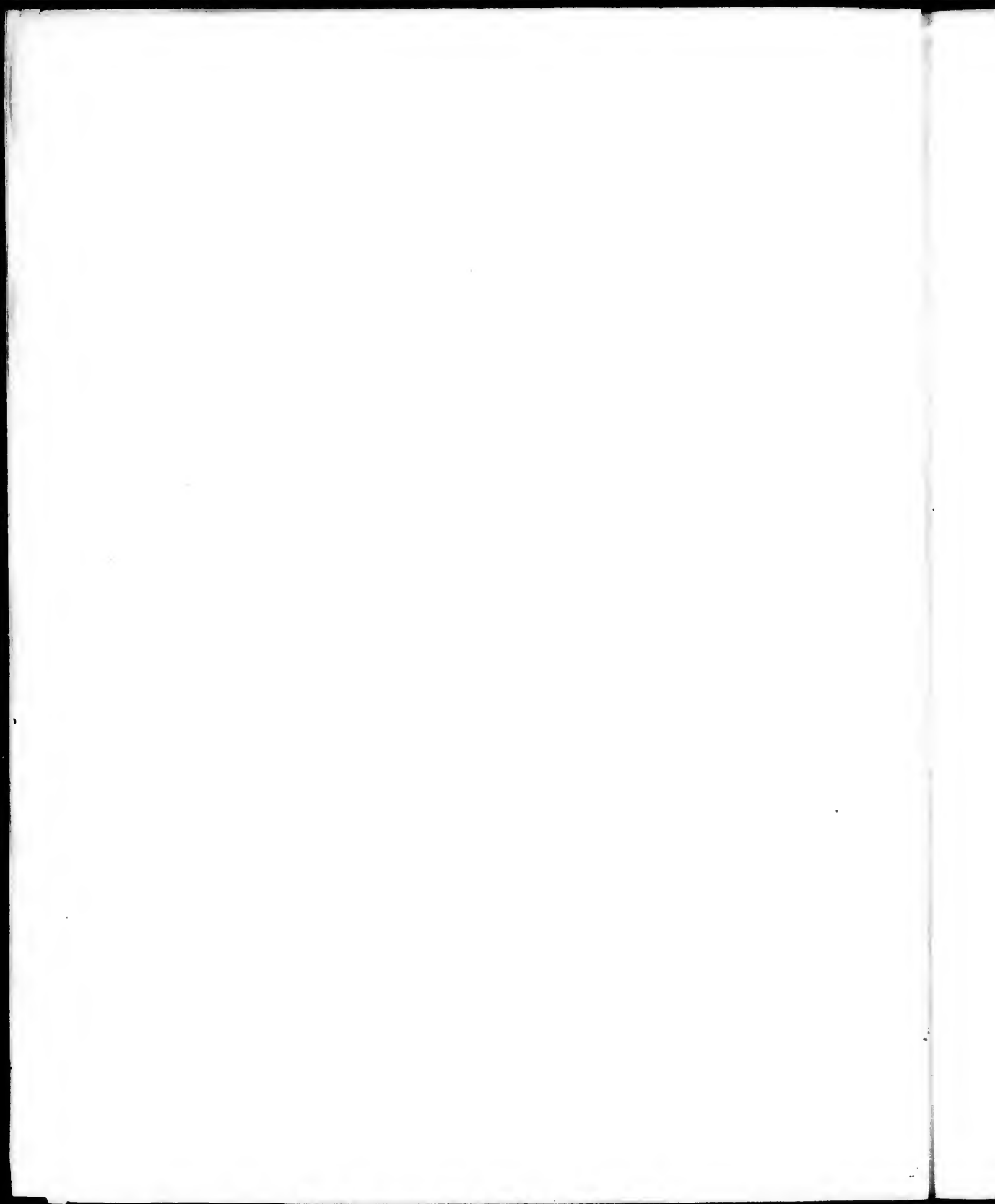
L. A. K. 1890. 1891.



THE
BEGINNING, PROGRESS, AND CONCLUSION
OF THE
L A T E W A R,
WITH
OTHER INTERESTING MATTERS CONSIDERED;
AND
A MAP OF THE LANDS, ISLANDS, GULPHS, SEAS,
AND FISHING-BANKS, COMPRISING THE COD
FISHERY IN AMERICA ANNEXED, FOR THE
BETTER EXPLANATION OF SEVERAL
PROCEEDINGS RELATIVE TO IT.

MAGNA EST VERITAS, ET PRÆVALEBIT.

L O N D O N :
PRINTED FOR J. ALMON, OPPOSITE BURLINGTON-HOUSE,
PICCADILLY. MDCCCLXX.



T H E
 BEGINING, PROGRESS, AND CONCLUSION,
 OF THE
 L A T E W A R, &c.

HISTORY, reason, and nature, clearly evince, that empires in course decline, when they do not advance in counsel and strength---that the more extensive they are, the greater care and wisdom are necessary to govern and preserve them, when composed of distinct parts distant from each other, whose separation causing delusive appearance of distinct interests, tends to promote, on certain occasions, their disunion, with their consequent severance, distress, and danger, if not their utter ruin---that empires advance in dignity, strength, and safety, by observing the wise and provident counsels given by men of noble minds, endued and inspirited with public virtue, and public knowledge, the true and only sources of lasting public felicity---that when through caprice, intrigue, personal favour supplanting personal merit and ability, or other grievous error, the care of the common-wealth is committed to men unqualified for this great and difficult service, public mischief, discord, and danger, do as naturally ensue, as other effects flow from their causes---

that in limited monarchies the wisest institutions will not suffice to preserve public liberty free from violation, and the usual accroachings of power, without the aid of jealousy, vigilance, and spirit in the people, proper for the effectual defence of the public rights, when injured or endangered by ambition, corruption, fraud, or violence---that the power of the common-wealth being in the hands of men prepared for war at the public expence, and so many free states having been destroyed by the men appointed for their defence, but whose swords were employed in spilling the blood of the most noble bodies politic, and the utter overthrow of civil liberty, the strictest limitations, with their constant observance in execution, are requisite to prevent the abuse of their force, and departure from the intent of their institution, so that they, as well as the Prince, may remain *sub Deo et lege*, and the empire of the laws prevail over all---that without free national election, ancient forms, collected numbers, and other specious appearances, are mere phantasms of departed freedom---that by concord small things become great; by discord the greatest decline: wherefore a just and permanent sense of the several causes of our national discord, declension, and dangers, foreign and domestic, is desirable, in order to discern and apply those salutary measures which tend to conserve the state.

With respect to our foreign dangers, let us, in order to have a proper sense of them and their causes, reflect on our late wars. Spain, by her extravagant claims, repeated insults, and violation of our *American* rights of commerce and navigation, brought on that which was concluded in 1748. After its continuance several years, *France*, although the navigation we contended for was to be enjoyed in like manner by other *European* states who had planted colonies in *America*, united with *Spain*, with intent, by their joint force, to distress and prevail over us, and promote her own interest, especially in *America*, where she opened the war by taking *Canso*, a part of *Nova Scotia*, defended by a small fort
and

and garrison for the benefit of the *English* fishery : the fort she burnt, and carried the garrison prisoners to *Louisburgh*. She then laid siege to *Annapolis*, the sole remaining strength whereby *Nova Scotia* was held ; but this, and a subsequent attempt, were happily defeated by speedy succours sent from *Boston*. For illustration in several respects, let it be remembered, that *France*, whose policy leads her to consider the advantages of situation, had, from the first settlement of the *English* and *French* in *America*, endeavoured to gain *Nova Scotia*, being by situation relative to the *English* and *French* colonies, the cod fishery, and the course of the *European* ships bringing home the *American* produce, deemed by her the key of *North America*, and useful to her purpose of encreasing her commerce, dominion, and naval power, and depressing those of the *English*.

In the reign of *Queen Elizabeth*, the sovereign dominion ^{1583.} over the island of *Newfoundland*, with that part of the continent first called *Arcadia*, thence *Acadia*, and *Acadie*, and afterwards *Nova Scotia*, was by solemn proceedings notorious to other *European* princes confirmed, and established in the crown of *England*. In the next reign the *French* invaded and held *Acadia*, until expelled by the governor of *Virginia*.

Afterwards King *James* granted all that part of *America* ^{Novem. 20, 1620.} extending in breadth from the 40th to the 48th degree of North latitude inclusive, and in length throughout the main land from sea to sea, with the islands and seas adjoining, to the council established at *Plymouth*, for planting and governing *New England*, which grant comprised all *Acadia*, saving a small part lying S. W. of *Anticosti* island.

In the next year his Majesty granted the whole to Sir *William Alexander* by circumscribed limits, ^{Septem. 10, 1621.} “ including the
“ islands of *Baccalaos*, or *Cape Britton*, with the islands or seas
“ lying near or within six leagues of any part of the same on the
“ Western, Northern, or Eastern parts of the coast thereof,
“ and on the S. E. where *Cape Britton* lieth, and on the
“ Southern

“ Southern part of the same where Cape *Sable* is, all seas and
 “ islands towards the South, within forty leagues of the
 “ said shores of the same, including the isle of *Sable*, to be
 “ called in all future times *Nova Scotia* in *America*, and to be
 “ held of the crown of *Scotland*.

July 12,
1625.

King *Charles* confirmed this grant; and, to promote the settlement of a colony, created 150 baronets, to which their aids were appropriated, without due application to this service; however, some settlement at *Port Royal*, with a fort for its defence, was made by Sir *William Alexander*, by whose leave *Claud de la Tour*, and his son *Charles*, for their own use, made a settlement, and built a strong fort upon St. John's river, called Fort *La Tour*. King *Charles*, upon his marriage, ceded the whole to *France*. Afterwards war breaking out between the two crowns in the years 1627 and 1628, *Nova Scotia*, *Quebec*, and the whole region of *Canada*, were reduced to the obedience of King *Charles*, and *Nova Scotia* was again possessed by Sir *William Alexander*, who in the year 1630 conveyed to *Claud de la Tour*, and his son, all his right to it, excepting *Port Royal*, to be held of the crown of *Scotland*.

March 29,
1632.

A treaty was made at St. *Germain en Laye*, between the Kings *Lewis XIII* and *Charles I*, for the restitution of *New France*, *Acadia*, and *Canada*, which being carried into execution,

1654.

Oliver Cromwell took *Acadia* from the *French*, and held it during his life.

1697.

By a treaty of peace concluded at *Breda*, King *Charles II* agreed to restore *Acadia* to the *French* King, and in the year 1670 restored the same, extending it by his determination to the river *Penobscot*.

1690.

The *Massachusetts* colony, with a proper naval and land force commanded by Sir *William Phips*, reduced *Port Royal*, and all *Nova Scotia*, or *Acadia*, to the obedience of King *William* and Queen *Mary*.

By

By the treaty of peace concluded at *Ryswick* between the kings *William III.* and *Lewis XIV.* it was agreed, that mutual restitution should be made of all the countries, forts, and colonies, taken by each party during the war ; whereupon *Nova Scotia* was again restored to the *French*. Septem. 10.
1697.

General *Nicholson*, with forces sent from *England*, assisted by others raised by the *Massachusetts* colony, reduced all *Nova Scotia*, or *Acadia* to the obedience of queen *Anne*. 1710.

By the treaty of peace concluded at *Utrecht*, the *French* king yielded and made over to the queen of *Great-Britain* and her crown for ever, “ all *Nova Scotia*, or *Acadia*, with
“ its antient boundaries, and that in such ample manner and
“ form, that the subjects of the most *Christian* king should
“ thereafter be excluded from all kind of fishing in the seas,
“ bays, and other places on the coasts of *Nova Scotia*, that
“ is to say, on those which lie towards the east within thirty
“ leagues, begining from the island commonly called *Sable*
“ inclusively, and thence stretching along towards the
“ S. W.” But the *French* having from time to time taken every method their policy could dictate for gaining as large portions as possible of the *Newfoundland* and *Nova Scotia* fisheries, to the prejudice of the *English* in point of their antient right, their commerce and naval power, by their talents in negotiation, and the state of the *English* councils, they now prevailed so far over the *English* ministers as to obtain a cession of *Cape Breton*, though part of *Nova Scotia*, with the islands in the gulph and mouth of the river *St. Laurence*, and express liberty to fortify any place or places there, together with liberty to catch fish and dry them on that part of *Newfoundland* extending from *Cape Bonavista* to the North part of the island, and thence westward to *Point Riche*. 1713.

The original right of the *English* to *Newfoundland* and *Acadia*, with the adjacent islands, seas, and fisheries, was acquired under the authority of king *Henry VII.* by the *Cabots*, who discovered these countries, with the continent extending from the 56th or 58th to the 28th degree of North latitude,

latitude, having, as the learned *Butrigarius*, the popes legate in *Spain*, informs us, refreshed themselves at *Newfoundland*, this discovery being made before the *Spaniards* had discovered there was a continent in the new world. The *Portuguese*, *Spanish*, and *French* fishermen resorted to *Newfoundland* before any government was established by the *English* there, which took place in the year 1583, when Sir *Humphry Gilbert*, to use the words of *Parmenius*, who accompanied him, *has regiones in suam et regni Angliæ possessionem potestatemque vendicavit, latis quibusdam legibus de religione & obsequio regine Angliæ*. Mr. *Hayes*, captain and owner of the *Golden Hinde*, rear admiral of Sir *Humphreys* fleet, informs us, that the ships, as well *English* as strangers, which fished on the coast, were taxed at an easy rate to supply their wants, and that Sir *Humphrey* “ signified unto all men, that from that
 “ time forward they should take the same land as a territory
 “ appertaining to the queen of *England*, and himself autho-
 “ rized under her majesty to possess and enjoy it, and to or-
 “ dain laws for the government thereof, agreeable (so near
 “ as conveniently might be) unto the laws of *England*, under
 “ which all people coming thither thereafter, either to inha-
 “ bit, or by way of traffic, should be subjected and governed.
 “ And especially at the same time for a beginning, he posed
 “ and delivered three laws to be in force immediately. That
 “ is to say, the first for religion, which in public exercise
 “ should be according to the church of *England*. The 2d
 “ for maintenance of her majestys right and possession of
 “ those territories, against which, if any thing were attempted
 “ prejudicial, the party or parties offending should be ad-
 “ judged and executed as in case of high treason, according
 “ to the laws of *England*. The 3d, if any person should
 “ utter words sounding to the dishonour of her majesty, he
 “ should lose his ears, and have his ship and goods confis-
 “ cated :” and that he afterwards erected there the arms of
England. Before this transaction “ the *English* merchants
 “ commanded all there,” proceeding, the author supposes,
 according

according to their discretion, as the occasions of the trade and fishery required. Captain *Whitbourne*, in a treatise published by order of the lords of the council, and recommended by king *James* and them, in order to incite his majestys subjects to promote the settlement of *Newfoundland*, informs us, that he was present at Sir *Humphrey Gilberts* authoritative proceeding there in 1583, and that about two years after, making another voyage thither, he was there “when (to use his own words) one Sir *Bernard Drake*, of *Devonshire*, knight, came thither with a commission, and having divers good ships under his command, he there took many Portuguese ships laden with fish and train-oil, and brought them into *England* as prizes.”

In the reign of king *James I.* several colonies were designed, and in part established in *Newfoundland*, many persons being at great expense deduced thither by the earl of *Northampton*, and others his associates, to whom the king granted “all those countries, lands, and islands, commonly called *Newfoundland*, situate between 46 and 52 degrees of northerly latitude,” by lord *Faulkland*, when commanding in *Ireland*; by Sir *George Carvert*; by Dr. *Vaughan*, and others; the two persons last named having resided there some time.

Captain *Whitbourne*, in his approved treatise, says, “In the year 1615 I returned again to *Newfoundland*, carrying with me a commission out of the high court of admiralty, authorizing me to impanel juries, and to make enquiry upon oath of sundry abuses and disorders committed amongst fishermen yearly upon that coast, and of the fittest means to redress the same, with some other points having a more particular relation to the office of the lord admiral.” Afterwards in the discourse he informs the king, that in the month of June, in *Trinity bay*, he began to the use of his majesty to execute his commission; by precept called the masters of the *English* ships that were near thereunto--that in other harbours he did the like--that the juries impanelled were composed

posed of 175 masters of ships--that by their presentments under their hands and seals they presented sundry abuses committed in the fishery, which presentments at his return he delivered into the high court of admiralty.

Bishop *Burnet*†, after observing that the *English*, from king *Henry 7th's* time, had always pretended that the right to *Newfoundland* was in the crown of *England*, says, “ The *French* had leave given them in *Charles Ist's* time to fish there, paying tribute as an acknowledgment of that licence : “ it is true they carried this much further during the civil wars ; and this grew to a much greater height in the reign of king *Charles II.* but in king *Williams* time an act of parliament passed asserting the right of the crown to *Newfoundland*, laying open the trade thither to all the subjects of *Great-Britain*, with a positive and constant exclusion of all aliens and foreigners.” What relates to this matter is thus expressed in the act. “ Whereas the trade of “ and fishing at *Newfoundland* is a beneficial trade to this kingdom, not only in the employing great numbers of seamen and ships, and exporting and consuming great quantities of provisions and manufactures of this realm, whereby “ many tradesmen and poor artificers are kept at work, but “ also in bringing into this nation, by returns of the effects “ of the said fishery from other countries, great quantities of “ wine, oil, plate, iron, wool, and sundry other useful commodities, to the encrease of his majestys revenue, and the “ encouragement of trade and navigation : Be it enacted by “ the kings most excellent majesty, by and with the advice and “ consent of the lords spiritual and temporal, and commons in “ this present parliament assembled, and by the authority of the “ same, That from henceforth it shall and may be lawful for “ all his majestys subjects residing within this his realm of “ *England*, or the dominions thereunto belonging, trading, “ or that shall trade, to *Newfoundland*, and the seas, rivers, “ lakes, creeks, harbours, in or about *Newfoundland*, or any
of

“ of the islands adjoining or adjacent thereunto, to have,
 “ use, and enjoy the free trade and traffic, and art of
 “ merchandize and fishery to and from *Newfoundland*, and
 “ peaceably to have, use, and enjoy the freedom of taking
 “ bait, and fishing in any of the rivers, lakes, creeks,
 “ harbours, or roads, in or about *Newfoundland*, or any
 “ of the said islands, for the curing, salting, drying, and
 “ husbanding of their fish, and for making of oil, and to
 “ cut down wood and trees there for building and making
 “ or repairing of stages, ship-rooms, trainfats, hurdles,
 “ ships, boats, and other necessaries for themselves and
 “ their servants, seamen and fishermen, and all other
 “ things which may be useful or advantageous to their
 “ fishing trade, as fully and freely as at any time hereto-
 “ fore hath been used or enjoyed there by any of the sub-
 “ jects of his majestys predecessors, without any hindrance,
 “ interruption, denial or disturbance of or from any person
 “ or persons whatsoever; and that no *alien* or *stranger*
 “ *whatsoever* (not residing within the kingdom of *England*,
 “ dominion of *Wales*, or town of *Berwick upon Tweed*)
 “ shall at any time hereafter take any bait, or use any sort
 “ of trade of fishing whatsoever in *Newfoundland*, or in
 “ *any of the said islands* or places above-mentioned.”*

After this ratification of the *English* right to *Newfound-*
land, with the adjacent seas, islands and fishery made by
 the king and parliament, who doubtless duly considered all
 former transactions respecting the same, whereof part was
 probably better known to them than at present, it is need-
 less to observe that the licence given by king *Charles I.*
 to the *French* to fish there, paying tribute, was in its na-
 ture controllable, and declaratory of the *English* right;
 that the encroachments made by the *French* in our civil
 wars, and in the reign of king *Charles II.* much aug-
 mented, gave them no just right, and that the indulgence
 or inattention of the *English* in particular early or subse-
 quent times gave to the *Portuguese*, *Spaniards*, or *French* no

D

just

* 10th and 11th Will. 3d, Cap. 25.

just permanent claim, though the like pretensions; or that the value of *Newfoundland* to the *English* depends on their enjoyment of the fishery: And, in farther illustration of the injurious nature of these cessions, made by the Utrecht treaty, let us remember that in the year 1717 the house of commons declared that by them “ that beneficial branch
“ of trade always esteemed the great support of the naval
“ power, and the chief nursery of the seamen of *Great*
“ *Britain*, was yielded up to the subjects of *France*.”

The war concluded by the treaty complained of was waged by the queen of *Great-Britain*, and her numerous allies, in order effectually to prevent the union of the *French* and *Spanish* monarchies, in the course whereof the queen caused it to be represented to the *French* king that “ all the
“ powers of *Europe* were equally persuaded that it was for
“ their general interest, and for their common security, to
“ continue a war whereof no one could foresee the end, rather than to be exposed to behold the same prince become
“ one day master of two monarchies so powerful as those of
“ *France* and *Spain*.” Yet although the confederate arms were favoured with such unparalleled successes as exceeded even their own hopes, and the fears of the enemy, and by many signal victories and conquests, and great advantages obtained by sea as well as land, with “ the wisdom and unanimity of their counsels,
“ the glory of the confederate arms, and the reputation of
“ *Great-Britain* in particular, was raised to an higher pitch
“ than in any former age,” the *British* ministers in conclusion acquiesced in meer paper separations of the two monarchies, and instead of maintaining the *British* right to the *American* fishery, as national justice and sound policy required, by these cessions in favour of *France* they gave such a grievous wound to the naval power of their country as other ministers have not, even with the aid of more important and glorious successes, since healed.

The *French* afterwards improved their fishing trade with so great diligence that it maintained them 27000 men, and
produced

produced them yearly fish and oil to the amount of a million sterling, or thereabouts, besides the benefits of other trades depending on the fishery, the fishermen in course becoming seamen; and to increase this nursery as far as possible the whole was put and kept under the wisest regulations, surpassing the provisions of the *English*, whose whole cod fishery, including that of *New England*, employed at the same time but about half the number of men. The account of the *French* fishery was taken with great care in the year 1745, after the success of the *Cape Breton* expedition, by a gentleman extremely well qualified for this service, under the present authors inspection, who closed with his own hand the original sent to the government, which he presumes now lies in some of the public offices.---That all nations are powerful at sea in proportion to their concern in the fishing trade is an ancient maxim, and it is submitted to the intelligent to declare how far the *French* fleets employed in our two late wars were maned by seamen raised out of that fishery which of right belonged to the *English*, and how far the continued possession of the whole would have profited them in point of commerce and naval strength; after observing that in common political calculation it has been supposed to exceed in value to a maritime power all the treasures of *Mexico* and *Peru*.

Having stated the proceedings relative to *Nova Scotia* and *Newfoundland*, let us return to the war begun by *France* in 1744. Her designs to reduce *Nova Scotia* this year being frustrated by the *Massachusetts* succours, *Monf. Du Vivier*, who took *Canso*, and besieged *Annapolis*, proceeded with *Monf. De le Bras* and others to *France*, to concert measures for the reduction of *Nova Scotia*, the ravage of the *English* fishery, and the farther prosecution of the war. The *French* ministers approving this design six or seven ships of war were prepared, and dispatched in the spring, with *Monf. Du Vivier* and others, whereby *Nova Scotia* and the *English* fishery would have been brought into extreme danger; but

but being informed in their passage that *Cape Breton* was taken by the *English*, who had a strong squadron there, they returned.

The provincial merits and hardships, with the public benefits of the *Cape Breton* expedition having been represented with care and authenticity to the parliament and the public, it may here suffice to say that by it *Nova Scotia* and the *English* fishery were preserved, and other dangers to their trade and territories averted, the city of *Louisbourg*, defended by an hundred cannon mounted, besides one battery of twenty-eight guns, 42 pounders, and two 18 pounders, and another of thirty cannon, 28 pounders, with all its dependencies, taken from the enemy, their fishery was broken up, and their trade and navigation suffered, useful information was gained for making future conquests, and the *English* were in no small degree enabled to conclude a peace after waging, with their allies, an unsuccessful war in other parts---That the *Massachusetts* province, who solely undertook, and chiefly maintained this expedition, brought by it a sharp war into their own borders from the *French* at *Canada*, and their *Indian* allies, and great distress arising various ways was several years the fruit of their expedition; the sense of their sufferings being aggravated by considering that ruin would have been their portion if it had failed of success, of which there was great danger at the departure of the troops without the expected naval force, as the matter appeared to the author, who then offered to go with them; and the naval force which at length arrived came by royal order, given upon receiving Mr. *Shirleys* fifth letter of information, four similar letters being taken by the enemy; and *Louisbourg* was in a good measure reduced by 42lb. ball, carried from *Boston*, and fired out of the enemies cannon taken in their grand battery.

The *French* after their losses and disappointments in this quarter provided armaments from time to time for taking
Nova

Nova Scotia, whereof the chief was commanded by Duke *D'Anville*, whose squadron was intended to be joined by four capital ships from *Martinique*. The strange and unforeseen disasters of this squadron were deemed by our ministers a great providential deliverance of *Nova Scotia*, and all the enemies designs against it proved fruitless, although the inhabitants were *French* by birth or descent, by religion, language, customs, and many by inclination, and the *Indians* under *French* influence; so that this important province had no interior strength for its safety, saving the weak fort and garrison of *Annapolis*.

In the year 1746, pursuant to the directions of the Kings ministers, certain measures were proposed by the author, and afterwards by him in conjunction with Sir *Peter Warren* and Lieutenant Governour *Clarke* for securing *Nova Scotia*, and promoting the *British* interest in *America*: those which related to *Nova Scotia* were approved, but not executed, whose execution, the author has ever been persuaded, would have prevented the hostile invasions of *Nova Scotia* by *France* which actually began the last war.

France having, by the treaty concluded at *Aix la Chapelle* in Oct. 1748, obtained restitution of Cape *Breton* her ministers soon formed and began to execute a design to divide and impair the *British American* empire, and to enable her farther to distress their trade and fishery, by extending her territories from the river *Canada* through the main land to the *Atlantic* ocean, westward as far as the river *Kennebeck*, and eastward so as to include all the main land of *Nova Scotia*, leaving to the *English* only part of the peninsula; for the illustration whereof, with other matters, a map is hereto annexed: and although *Nova Scotia* had so often passed from nation to nation, the pretensions of *France* amounted to this, that *Great Britain* was to hold by the last cession made to her only a small part of the same country which had passed to *France* by former cessions. Having already observed that all *Nova Scotia* or *Acadia*,

with its ancient boundaries, was ceded by the *Utrecht* treaty to *Great Britain*, let us here add that when this country was first named *Nova Scotia* the following boundaries were given to it in the grant to Sir *William Alexander*, to wit,

“ all and singular the lands of the continent, and the
 “ islands in *America* within *Cape Sable*, lying in forty-three
 “ degrees north latitude, or thereabouts; thence along the
 “ coast to *St. Marys* bay, and thence passing northward
 “ by a right line across the gulph or bay now called *Fundy*
 “ to the river *St. Croix*, and to the remotest western spring-
 “ head of the same; whence by an imaginary line con-
 “ ceived to run through the land northward to the next
 “ road of ships, river, or spring discharging itself into the
 “ great river of *Canada*, and proceeding thence eastward
 “ along the shores of the sea of the said river of *Canada* to
 “ the road, haven, or shore, commonly called *Gaspie*, and
 “ thence south eastward [*versus euronotum*] to the islands
 “ called *Baccalaos* or *Cape Breton*, leaving the said islands
 “ on the right, and the gulph of said great river of *Canada*,
 “ and the lands of *Newfoundland*, with the islands to those
 “ lands pertaining, on the left; and thence to the pro-
 “ montory of *Cape Breton* aforesaid, lying near or about
 “ the latitude of forty-five degrees, and from the said pro-
 “ montory of *Cape Breton* towards the south and west to
 “ the aforesaid *Cape Sable*, where the perambulation
 “ began.”

These are the ancient boundaries of *Nova Scotia*, ascer-
 tained with greater precision than is common in the ancient
American grants, from which, with other matters of public
 notoriety, it is evident, without more saying, that this
 new, strange construction of the cession made to *Great*
Britain by the *Utrecht* treaty was incompatible with the
 plain sense and spirit of it, with the sense of all parties
 concerned in holding or transferring this country in former
 times, and the sense of the parties concerned at and from
 the time of making it, until this new political pretense

was

was devised, through the want of a better, to support the injurious and hostile designs of *France*, who without making any previous demand upon *Great Britain* founded on this new pretense invaded the western part of this province, uninhabited except by *Indians* devoted to her service, with a military force consisting of a captain with a small company of regulars dispatched from *Quebec*, who coming down the river of *St. John*, whereon *Monf. De la Tour* formerly built the fort aforementioned, and encreasing from time to time in their number, advances and operations, at length attacked and defeated a considerable party of the *English*, and in consequence took a large interior part of the country, with an important pass. Complaint being made of this hostility by the *English* to the court of *France*, *Monf. Puyseux*, their minister, declared upon his word as a gentleman, and not as a minister, that they had not given orders for it; whereupon enquiry being directly made by the author, whether they would restore the country taken by it, no answer was made; but, instead of redressing this and other the most flagrant outrages, the *French* continuing their devices and their violence, with the aid of their *Indians*, by the force and terror of their arms, took, commanded and held several years a great part of an *English* country to which they had no more right than to any part of *England*, and laid the rest under several fires.----That these hostilities did constitute a war *de facto* upon the *English* the author conceives common sense declares, and that the party war'd upon without denunciation may make their best defence without any: but the conduct of the *English* herein having been censured, let us cite the words of *Grotius*. "By the law of nature, " where force is repel'd by force, there no denouncing of war is required. And this is what *Sthenelaidas* the *Ephorus* pleads in *Thucydides*, *There is* " no disputing with words and arguments when we have
" been

“ been injured by them otherwise than in words. And
 “ *Latinus* observes in *Dionysius of Halicarnassus*, who-
 “ ever is attacked defends himself immediately against
 “ the aggressor. And as *Aelian* out of *Plato*, *That war made*
 “ *to beat away an invader needs no herald but nature itself.*
 “ Hence *Dion Chrysostom* observes, *many wars are made with-*
 “ *out denouncing.* Neither does *Livy* blame *Menippus*, *An-*
 “ *tiochus* general, for any thing but that he had killed cer-
 “ tain *Romans* when no war had been denounced, and when
 “ they had heard nothing of the drawing of a sword,
 “ or any bloodshed; thereby implying that if either
 “ of these had been done it might have justified
 “ the fact.”* To which let us add that the war
 whereby king *Philip* of *Spain* intended with his invin-
 cible armada to conquer *England* was never denounced,
 and that no denunciation was made of our first *Dutch* war
 in the reign of *Charles II.*

It is proper to be remembered that the *French* claim,
 invented to support their invasion, which being evidently
 void of justice, and founded in mere sophistry, was an in-
 sult upon the understanding of the *British* nation, did not
 appear till a considerable time after the actual invasion, and
 the information given of it to the *British* ministers, who pre-
 ferring negotiation to repulsion, dilatory discussions of the
 groundless pretensions of *France* took place at *Paris* whilst
 her invasion went on with success in *Nova Scotia*; and en-
 couraged by it she invaded the interior part of the *British*
American dominion, that is, part of the ancient country
 of the five nations, the sovereignty whereof was by them
 and the treaty of *Utrecht* established in the crown of *Great-*
Britain. This invasion would most probably have been pre-
 vented if the proposals made in 1746 had taken place: but in-
 vasion being added to invasion the *British* government made
 use of force against the aggressors.

The *Massachusetts* colony saw the invasion of the neigh-
 bouring province of *Nova Scotia* with concern from the be-
 gining

* *Rights of War and Peace*, B. III. Ch. 3. § 6.

gining, but without special authority they could not repel the invaders; all that lay in their power they did, which was to solicit their repulsion from time to time by their agent, and yet the war begun by these invasions, with its expenses, has been charged to the account of the colonies, who became so great sufferers by it. This charge supposes that the colonies are not entitled to the right of protection, a right belonging to the subjects of every state: they were moreover planted to stretch out the bounds of the *English* dominion, not to change the nature of it, being by their institution members of the body politic; and although through political mistakes respecting them great feuds and difficulties have arisen between this kingdom and them, it is to be hoped that ere long, by wiser counsels, a good agreement will be restored, and the colonies ever remain honourable and useful members of the state.-----To restore and perpetuate the perfect union of the colonies with their mother country is an object worthy of the noblest minds. Shall *France* and *Spain*, in manifest repugnance to the spirit of their separation, purchased with so much blood and treasure, unite in family compact against us, and shall the family of *Britain* be divided, whose severance would so far endanger the whole? and after so long deliberation are we still unable to heal those divisions which the want of wisdom caused? *British America* forms one of the chief pillars of the structure of our naval empire, and shall we suffer the foundation to be sap'd by our improvidence? A grave judicious author in the last century observed that some of the senators in a certain state would venture upon passing a law to fortell the consequence of it two hundred years after. How far our foresight falls short of this is notorious. To make proper laws for distant countries ever required great wisdom, and the best information, with a patient hearing of the parties, free from prejudice, which depraves all counsels; and that solid union which the present dangers and the future strength and comfort of the state require,

quire, the author presumes, can only be found in universal justice and equal social liberty, whose public benefits surpass all refinement.

The consent of the people, in this kingdom and the colonies, hath been disregarded of late by some of our politicians, who are more inclined to force in their hands, and fear in the breasts of their fellow-subjects, than to their esteem and affection, the best foundation and support of human government. This egregious error caused the revolt of the inhabitants of a neighbouring country, with that long continued war whereby *Spain* suffered so great losses, disgrace, and diminution of strength irrecoverable. The ancestors of these men were in former times thus governed. “ The care of the common-wealth was in the
 “ nobles and commonalty. In some places there was a
 “ third state, of the clergy. These being by legations as-
 “ sembled when necessary were consulted upon the most
 “ important affairs; nor *without the consent of all* could
 “ tributes be imposed, the state of affairs changed, or even
 “ the value of the coin altered; so cautious were they
 “ when their princes were good to prevent their becoming
 “ evil: the most noble and excellent citizens administered the
 “ public offices, and the common-wealth being thus re-
 “ gulated the public affairs were for a long time conducted
 “ with equal right;”* wherefore we are not to wonder
 that their descendants could not bear the severities of *Philip*
 II. who with his officers differed so far in sentiment from
 their supporter queen *Elizabeth*, and her able ministers; of
 which difference it may suffice at present to give an extract
 from an essay “ On the state and government of the king-
 “ dom of *England*,” written in the year 1565, by this
 queens ambassadour at the court of *France*, the manuscript
 whereof was given by the late prince *de Condé* to the count
de Bethune, and published at the *Hague* in the year 1744,
 to wit, “ *Nos roys, declarez telz par la grace de Dieu, et*
le commun consentement du peuple, ne recognoissent ny empe-
reur,

* Grotii Annales de rebus Belgicis, Lib. 1.

“*reur, ny pape, ny quelques autres princes que se soit, comme tenant ou relevant d’eux mesmes.* Our Kings, declared such by the grace of God, and the *common consent* of the *people*, acknowledge neither emperor, nor pope, nor any other princes whatsoever, as holding or relevant of themselves.”

Philip de Comines, reflecting on the government of princes, asketh this plain question, “Is there any king or prince upon earth who has power to raise one penny of money, except his demesns, without the consent of the poor subject who is to pay it, but by tyranny and violence?”*

Mr. *Locke*, in his “Essay concerning the true original, extent, and end of civil government,” says that “government, into whatsoever hands it is put, being entrusted with this condition, and for this end, that men might have and secure their properties, the prince or senate, however it may have power to make laws for the regulating of property between the subjects one amongst another, yet can never have a power to take to themselves the whole or any part of the subjects property without their own consent; for this would be in effect to leave them no property at all.”†

Our positive public men seem persuaded that there is no such thing as a law of laws; but on the contrary that there is in every state an uncontrolled unlimited power, decisive, directive, and coercive; whereas the law of nature is universal and immutable. Could this the permanent law of God, by whom kings reign and princes decree justice, be taken away by man the world would become a chaos of confusion: the sense of it may indeed be obscured by evil customs, ambition, or other violent passions, or by the crafty delusions of political or other infamous expositors; but in extent, equity and duration, as well as indispensable obligation, it is infinite. Upon this law the allegiance of the *British* subjects to their King, and their chief social rights

* B. 5. Ch. 18.

† Chap. 11. § 139;

rights are founded, and upon it among others the right of audience rests. No man, or order of men, can judge of that which never was exposed to their judgment; yet some men are enclined to judge and determine the most important matters wherein others are deeply concerned wholly by their own facts and reasonings, of which truly they may find illustrious examples in *Xerxes the Persian*, and *Philip of Spain*.

The honour and prosperity of the *British* nation were deeply concerned in the beginning, progress and conclusion of the last war, wherein the various events of their policy and prowess will to the latest ages entertain and surprize all nations, whose admiration will in course arise when they shall see them in the former part of this century obtain so great renown by their arms on the continent of *Europe*, and in the middle of the same century call foreign troops at different times into their island, to defend its numerous martial inhabitants against expected foreign invaders; when they shall see the same people in the late war after suffering loss and disgrace in the distant part of their empire, on changing their ministers, rise up in so short time from a state of distress to the highest pitch of glory in all parts of the globe, and adding victory to victory by sea and land, prevail over their enemies in all quarters, drive them out of the strongest holds that art and nature could form, and seize the great sources of their foreign commerce and naval power; when after so great success they shall see them on another change of ministers negotiate and conclude that peace which now comes to be considered.

The injustice of *France*, who began the war in time of profound peace, without the least cause; the injustice of *Spain*, who joined with her in order to support it; the dangers we escaped, the debts we contracted, and the advantages we gained, with our future security, required an adequate peace. This *Great Britain* by the principles of natural justice and self-preservation had good right to demand from conquered
enemies

enemies unjustly combined against her in peace and war, and every motive that could inspire the noblest minds called upon her ministers to make the best use of the advantages gained in the course of the war, which considered in number and value exceeded all example, in order to establish her naval empire on the most solid foundations possible; an empire in its extensive nature most glorious, and best adapted to an insular free state for promoting the public honour and service, without endangering by its force the public liberty; and the *American* fishery being one of the brightest jewels belonging to the *British* crown, to restore and fix it there when in the hands of our ministers would have promoted the lasting honour of their prince, and the welfare of their country; whereas they did not by the preliminary articles of peace, signed at *Fountainbleau* in November 1762, secure even the exclusive fishery upon the coast of *Nova Scotia*, which had been secured by the *Utrecht* treaty. By the subsequent definitive treaty of peace, concluded at *Paris* in February following, as well as by the preliminary articles, it was agreed, That the subjects of *France* should have liberty of fishing and drying on part of the coasts of the island of *Newfoundland*, as specified in the 13th article of the treaty of *Utrecht*, which article was renewed and confirmed by that treaty, except what related to *Cape Britton*, and the other islands and coasts in the mouth and gulph of *St. Laurence*; and his *Britannic* majesty consented to leave to the *French* subjects liberty of fishing in the gulph *St. Laurence*, provided they did not fish but at three leagues distance from all the coasts belonging to *Great-Britain*, as well those of the continent as of the islands situated in the gulph. As to the fishery on the coasts of *Cape Britton* island out of the gulph, they should not fish but at fifteen leagues distance: after which the treaty alone contains this further agreement, “ That the fishery on the coasts of “ *Nova Scotia* or *Acadia*, and every where else out of the “ said gulph, shall remain on the foot of former treaties.”

The fishery on the coast of *Nova Scotia* we have seen was secured to the *Engliff* by the *Utrecht* treaty ; but the declaration in general terms that the fishery every where else out of the gulph shall remain on the foot of former treaties is strange and irreconcilable by the author with national justice and sound policy. *Dolus versatur in generalibus*, and it is an approved maxim among politicians, that in making treaties of peace the conquerour shall use precision, and the conquered general expression, if practicable, which may admit of his future explanation ; and the groundless pretensions of the *French* which caused the war plainly required special care on our part in this behalf, in order to secure our rights, and prevent future contests and wars. Upon consideration it appears to the author that the design of the ministers of *France* was by these general words to renew the treaty made with her by king *James II.* in the year 1686, whereby it was agreed, “ That both kings should have and
 “ retain to themselves all the dominions, rights and preemi-
 “ nences in the *American* seas, roads, and other waters
 “ whatsoever, in as full and ample manner as of right be-
 “ longed to them, and in such manner as they then pos-
 “ sessed the same. And therefore the subjects, inhabitants,
 “ merchants, commanders of ships, masters and mariners
 “ of the kingdom, provinces, and dominions of each king
 “ respectively should abstain and forbear to trade and fish
 “ in all the places possessed, or which should be possessed, by
 “ one or the other party in *America* ;” this treaty being calculated on the part of *France* to secure her past and future encroachments. We have seen what great encroachments the *French* from time to time made upon the fishery, especially in the reign of king *Charles II.* encouraged by this success, some short time before making the treaty with king *James*, *Monf. de Meules*, intendant of *New France*, by letter to the king transmitted proposals for making *France* sole mistress of the cod ; and the *French* designs, it is presumed, now were by the revival of this treaty to obtain a

con-

confirmation of their various encroachments. The right to the fishery includes a right to the banks whereon the fish feed and are caught; and as the whole belonged originally to the *English*, the former treaties, supposed to relate to all the undescribed parts of it, if any such there be, ought to have been ascertain'd; but in that case the injurious revival of King *James* treaty would have been conspicuous. Our ministers moreover were so improvident, that after again placing the *French* on the eastern and western triangular sides of the capital island of *Newfoundland*, they did not preserve the coast of the south side free and entire, but, on the contrary, through their management, two adjacent islands, parts of the new found land, were now ceded in full right to the *French* King, for the use of his fishermen, and his *military* police, so worthy of our adoption, in manifest repugnance to the ancient right of the *English*, confirmed by the statute of the 10th and 11th Will. III. An ample disquisition of this strange cession, considered in its nature, relations, and example, would require more time than the author can at present spare; and it is evident that the voluntary dismembring or cutting off part of an established empire, and thus transferring what is held by one prince *antiquo jure coronae* to another, is a matter of great moment, and that it is necessary to prince and people to understand and remember by what right the several parts of an empire are held.

King *James* I. was desirous that the kingdom of *Ireland* should be held of his empire as King, and not of the dominion of the crown, of *England*; upon which point he consulted Mr. *Selden*. The *English* plantations from their primary existence were held of this dominion, being united and incorporated with *England*, as the records and public acts relating to them and their settlement clearly shew; and our colonies were not only at all times free, and held *optimo jure*, but for some time past, by force of the statute * in this case provided, they have had the peculiar power of

com-

* 13 G. 2. Cap. 7.

communicating freedom to aliens, who by living there a certain time, under certain regulations and limitations, become in effect natural born subjects of *Great Britain*.

With respect to the islands of *St. Vincent* and *Dominica*, to mention no others at present, upon careful consideration of their state preceding and subsequent to the late war, it appears clearly to the author that they are now of right parcel of the dominion of the crown of *Great Britain*; that the Kings ministers having mistaken the right whereby his Majesty holds the same, they have grafted the power of taxation by prerogative royal upon their own error; that their plea of conquest will by no means warrant, although it may in some measure palliate their proceeding, which for the sake of his Majesty's honour, and the welfare of his subjects, who, with their estates, would be in such a precarious and despicable condition in case these islands were held by this new tenure, and for the common good and right of the whole empire, whose entirety ought ever to be preserved, is submitted to the farther consideration of those to whom it belongs. In point of example no man can foretel where this dangerous and injurious proceeding, if not reversed, will end. *Jamaica* was conquered by *Cromwell*, who after runing his sword through *Magna Charta* stiled himself the invincible Lord Protector of *England*. But, as the *Gallic Polybius* and Mr. *Locke*, of immortal memory, have informed us what it is to take the subjects property without their consent, so one of the ablest lawyers that have appeared in *Westminster* Hall, and sat in the House of Lords, gave his opinion, as the author hath been well informed, to this effect, that although this island was gained by the sword, they who should rule their fellow-subjects settled there by the sword ought to suffer under the ax. We have already seen 'the sword unsheathed without warrant by law or constitution, and the doctrine of the sword advanced with impunity; and all the subjects in the *British* empire having one common right, it behoves us to prevent

prevent the establishment of tenure by the sword in any part of it. *Principiis obsta* is doubtless the best maxim where the public right is violated or endanger'd; for they who have said A, if not prevented, will soon say B, and in time, themselves or their followers, will go through the whole alphabet.

By the partition of the neutral islands it hath been supposed that we gained great advantages; whereas *French* policy in this case really prevailed over our right, our interest, and our honour. *St. Lucia* was of great importance by reason of its situation relative to the other *Caribbee* islands, *English* and *French*, more especially by its vicinity to *Martinique*; and by reason of its good bays and harbours, of which the chief, called the Little Careenage, so named from its convenience for careening ships, and where great numbers may lye safe at all times, is the most commodious in all the *Caribbee* islands, and in time of war might well serve as a place of rendezvous for the Kings ships appointed to check the armaments at *Martinique*, and the ravages of our trade by the *French* cruizers. A much less advantage may be mentioned, which is that after the defeat of the duke of *Montagues* intended settlement it was computed this island might in few years by its product and commerce have yielded to *Great Britain* £200000 a year. Upon examining the claims of both nations, it appears to the author that our possession of it, when our ministers agreed to deliver it to *France*, to be held by her in full right, was accompanied with a good and fair title, according to the *European* mode of acquiring dominion and property in *America*, and, *in foro conscientiae*, by the purchase of it from the *Caribbeans*, the native and true proprietors of it.

In the year 1722, his late excellent Majesty King *George* I. granted this island, with the island of *St. Vincent*, to the late duke of *Montague*, who to his great honour proceeded directly to make a good and effectual settlement there, expending thereupon £40000 at least, the comple-

tion whereof might have happily secured this valuable island; but in the following reign it was frustrated by the agreement made between his *Britannic* Majesty and the *French* King, touching the evacuation, or neutrality, of this and the other islands. By the consequent instruction, given on the 30th of November, 1730, to Mr. *Worfeley*, captain general and governour in chief of this island, with *St. Vincent*, *Dominica* and *Tobago*, as his predecessors, governours of *Barbadoes*, had been, his Majesty declared that he had an undoubted right to it, with the islands *St. Vincent* and *Dominica*, and it would have been well for all the parties concerned, if the advisers of a conquering prince, and managers of this affair in behalf of the kingdom, had duly considered that when they gave their advice it was part of the rightful possessions of the crown of *Great Britain*, and therefore incapable of proper and rightful severance from it.

The prevailing supposal of our being great gainers by the agreement of the *French* King that we should retain and hold in full right the islands *St. Vincent* and *Dominica* is a mere political delusion. His late excellent Majesty by his royal instruction aforementioned declared he had an undoubted right to them, and they had passed by grant from the crown many years before. On the contrary his most *Christian* Majesty, in his mandate dated September 21, 1722, to the chevalier *de Fouquiere*, governour general of the islands, had declared that *St. Vincent* ought to remain to the *Caribbeans*; and by his letter to *Monf. de Champigny*, governour of *Martinique*, dated the 26th of December, 1730, he declared that *St. Vincent* and *Dominica* belonged to the *Caribbeans*, whose possession he intended to support. *Nil dat quod non habet*, and the *French* King having no right to these islands he could transfer none. As to *Tobago*, *de non apparentibus & non existentibus eadem est ratio*; and as it does not appear that the *French* had a right to it, they could give us none; wherefore upon the whole we have

have given to them the most valuable island, to which we had good right, in exchange for their ill-grounded pretensions to the others.

To return to the northward, having set forth the impaired and divided, intermingled and uncertain state into which our *American* cod-fishery hath been various ways reduced, and in which it was left by our ministers at the conclusion of the late war, let us pass on to the cession made to our sovereign and the *British* crown of *Canada* and all its dependencies, with the island of *Cape Breton*, and all the other islands and coasts in the gulph and river *St. Laurence*. This cession was beneficial to us, but its extent and value have been greatly mistaken: all the *French* men who became the kings subjects in consequence of it were not equal in number to the brave men we lost in the course of the war; the sailors, it is notorious, we now want for our defence against those whom we so lately conquered, and these *French* men cannot supply their places; and the common persuasion that “an immense territory hath been added to the empire of *Great Britain*” is a most delusive error, requiring refutation. The *French*, to promote their injurious designs had enlarged the meaning of the word *Canada*, and extended it so far as to cover a vast territory belonging to the *English*, *Canada* being an appellative formed of *Cabo de Nada*, or the *Cape of Nothing*, the name given by the *Spaniards* to the cape at the entrance of the country since called *Canada*, and the immense territory lying westward of the island of *Montreal*, extending northward for the more part to the 46th degree of north latitude, or thereabouts, and westward as far as the river *Mississipi*, which is supposed to have belonged of right to the *French*, and to have been transferred to *Great-Britain* by this cession, did not in truth belong to them, the same having long before with good right become parcel of the dominion of the crown of *England*, by force of the grand deed of surrender of those great conquerors the five nations or cantons of *Indians*, the former sovereigns of it, who

who having chosen the *English* for their protectors surrender'd their country to them; this just title of the *English* being corroborated by the treaty of *Utrecht*, by which the *French* king declared "the five nations or cantons of *Indians* subject to the dominion of *Great-Britain*," the boundary-line of their country runing thus; begining at St. *Johns* falls upon the river *Iroquois*, called *Richlieu* by the *French*, it runs thence across the great river of *Iroquois* or *Cadaraqui*, a little to the westward of the isle of *Montreal*; thence to the river *Utawas*, along whose banks it passeth into the latitude of about 46 degrees, and continues its course westward till it reaches the north end of the lake *Michigan*; thence runing southward along the eastern shore of that lake to its end, it extends thence nearly in the same course till it joins *Illinois* river, whose banks it accompanieth to its fall into the *Mississipi*, in about 39½ degrees of latitude, 1170 miles distant from its mouth. The *French* had long unjustly maintained some scattered out-posts in this country, to protect their encroachments, and their traffic with the *Indians*; but right they had none, and therefore they could not convey any to us; and if the proposals made in 1746 had been carried into execution these out-posts would have been cut off.

As to the country lying northward of the boundary line aforementioned, extending so far nearly in the latitude of 46 degrees, to use the expression of a *French* gentleman of good sense, it is fit for the habitation of bears and wolves only, and the author could never find that either *English* or *French* had good right to this country, or to that which extends thence westward to the river *Mississipi*; but be that as it will it appears to him not very material; for, after conversing freely with an intelligent *French* officer employed two years to explore the *Mississipi*, and receiving other information, and considering the dividing line between the two nations, if he had as much spare money to bestow upon a project as the duke of *Montague* expended upon St. *Lucia*,
he

he would not pay the expenses attendant on a patent for the whole.

In order to secure a lasting peace, it was agreed by the 7th article of the late treaty, “ that for the future the confines between the dominions of his *Britannic* majesty and those of his most *Christian* majesty in this part of the world should be fixed irrevocably by a line drawn along the middle of the river *Mississippi*, from its source to the river *Iberville*, and from thence by a line drawn along the middle of this river and the lakes *Maurepas* and *Pontchartrain* to the sea; and for this purpose the most *Christian* king ceded in full right to his *Britannic* majesty the river and port of the *Mobile*, and every thing which he possessed, or ought to possess, on the left side of the *Mississippi*, except the town of *New Orleans*, and the island in which it is situated, which shall remain to *France*, provided that the navigation of the river *Mississippi* shall be equally free as well to the subjects of *Great-Britain* as to those of *France* in its whole breadth and length from its source to the sea, and expressly that part which is between the said island of *New Orleans* and the right bank of that river, as well as the passage both in and out of its mouth.” Apt and clear expressions usually accompany clear conceptions, both being proper on great occasions; but by this article the most strange and impolitic partition-line hath with the use of strange terms been established between the two monarchies. This line is conceived to pass from the unknown source* of the *Mississippi* along the middle of it, till it comes nearly opposite to the north part of the isle of *Orleans*; thence changing its course, to enter and pass along the middle of the river *Iberville*, and the lakes *Maurepas* and *Pontchartrain* to the sea, without any agreement

* According to the *Sieur D'Anville*, in the year 1746 this river was explored no further than to the 45th degree of North latitude, or thereabouts, and the 80th of longitude.

made respecting the use of those lakes. The *Mississippi* at certain seasons riseth high, having by its overflowings formed the *Iberville*, which through the want of water becomes useless when the *Mississippi* at other seasons subsides; and, according to good information lately received, the best of the several mouths of the *Mississippi* is so shallow, with a hard sand at the bottom, as to be impassable by any ship of war, or merchant ship of burthen. Nature having thus far bar'd the use of this great river, by leaving to the *French* the isle of *Orleans*, with the lower part of the river lying between that island and the opposite shore, and extending above 150 miles, we have trusted to *French* power to secure to us the use of this part of the river, which is apparently necessary to our beneficial use of the rest. Colonies may be planted on the eastern banks of the river, or other interior lands, and protected at great expense; but without an exchange of our manufactures for their raw materials, or other commerce, they will be a loss instead of a benefit to this kingdom; wherefore the navigation of the river being so difficult and precarious, and the protection of the unprofitable settlements which might be made in the vast country lying to the eastward of it being so difficult and expensive, it is left to others to find out, if they can, the great value of the whole. The *Mississippi* formerly served as a bubble to the *French*, and seems to have since served as a bubble to our ministers, and to us. By their proceeding relative to the cod-fishery they bruised the head of our *American* empire in the east, and by leaving the isle of *Orleans* to the *French* they fixed a thorn in the foot of our empire in the west, instead of plucking it out.

Before quitting the continent, let us observe that the port of *Mobile* will not admit our ships of war sufficient for
annoy-

annoyance or protection, and that St. *Augustine* and *Pensacola* are in the like condition.

In the course of our ministerial negotiation we were amused with a vain expectation of the acquist of *Porto Rico*, and the other islands of importance conquered by us we restored to our enemies. Had the spirit of our negotiation been equal to that of our military operations, besides obtaining proper satisfaction touching the war, we might have set the family compact on fire, to our lasting honour, and the delight of those nations who so bravely joined with our ancestors to prevent the union of the *French* and *Spanish* monarchies, equally dangerous whether under one prince or one common-council: to which the advocates of our ministers answer, that if this compact had been destroyed the parties might have made another, notwithstanding any agreement respecting their severance, not considering that our honour at least would thus have been saved; and this answer serves to shew how little we can depend on the other paper-securities given us. Upon the whole, we ought to have taken substantial security for the good behaviour of *Spain* by keeping the *Havannah* in our hands. For this there was greater reason than for retaining *Gibraltar* and *Port Mahon* in consequence of a war which was the common cause of *Europe*; whereas the late war was our own peculiar cause, wherein the permanence and prosperity of our naval empire were so deeply interested; wherefore *Spain* should have been thus prevented from repeating her injurious junction with *France*. Without cause they drew their swords against us, and after parrying their deadly thrusts we gave them such wounds as enfeebled and reduced them to that low estate whence our ministers raised them; and by giving up so great sources of commerce and naval power enabled them in so short time to renew the war; for now the outcries in our streets of our fellow-subjects seized, and secured with violence,

violence, for our defence in the war begun by *Spain*, irresistably proves the malignant nature of the late peace beyond all expression; and the grievous sacrifice of so great national advantages and opportunities gained by our policy and arms clearly shews that modern politics, however favorable to self-seeking politicians, are by no means calculated to promote the dignity and safety of the King and Kingdom.

F I N I S.

