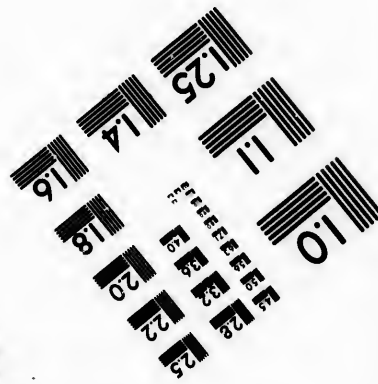
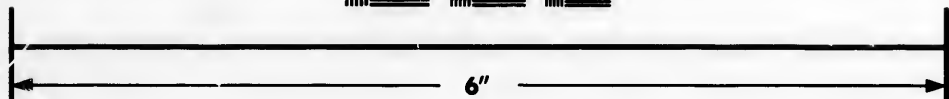
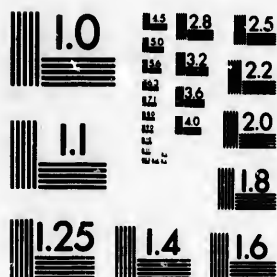


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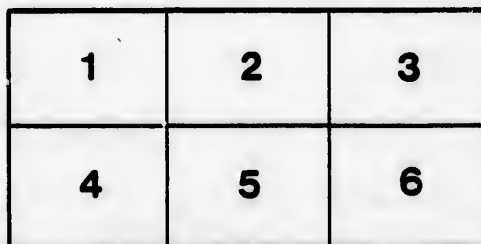
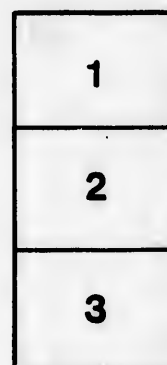
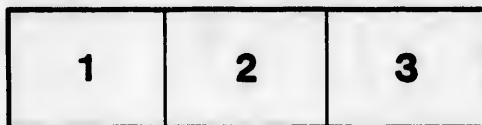
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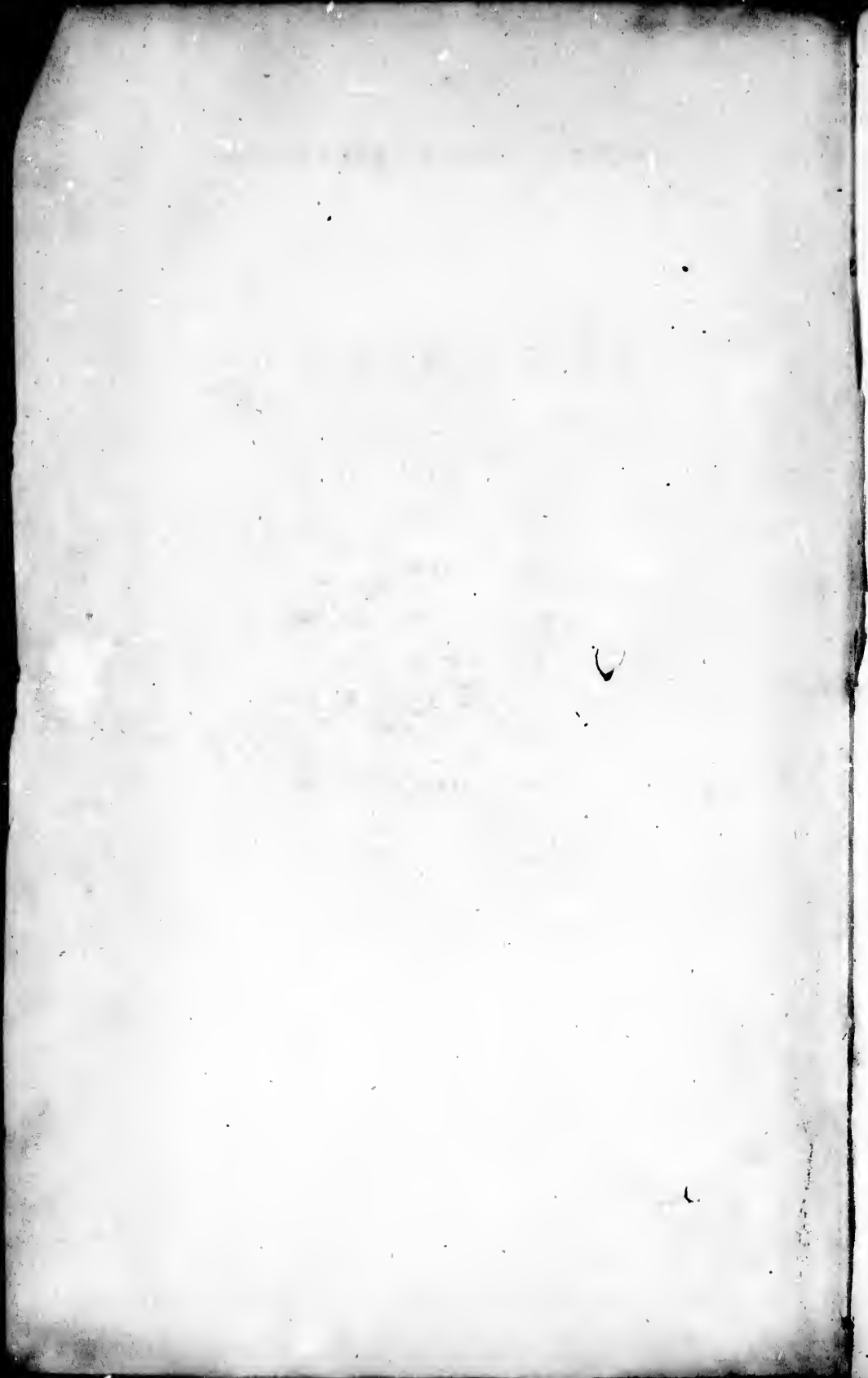
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281

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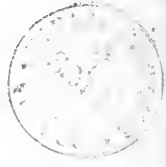
By which the Territories of Nova Scotia and Canada, with the Islands and Seas adjacent, and the Dignities of His Majesty's Hereditary Lieutenant General, High Admiral, Justice General, &c. &c.. were granted, in 1621, 1625, and 1628,

TO THE

RIGHT HON. SIR WILLIAM ALEXANDER, KNIGHT,

(Afterwards, EARL OF STIRLING, &c.)

PRIVY COUNCILLOR, AND SECRETARY OF STATE FOR SCOTLAND.



LONDON:

PRINTED AND SOLD BY RIDGWAY, 169, PICCADILLY;
AND TO BE HAD OF JAMES BIGG, 53, PARLIAMENT STREET; AND
M'CLARY, 32, ST. JAMES'S STREET.

1831.



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PREFATORY OBSERVATIONS.

IN submitting the following Charters to public notice, the intention is to offer a few observations upon them, with a view that the rights of the Earl of Stirling, derived from the Grants therein contained, may be more generally known.

By those Charters, the King constituted Sir William Alexander, the great-great-great-grandfather of the present Earl of Stirling, Hereditary Lieutenant, Admiral and Justice-General of the country; gave him the appointment of all public officers, as well civil as ecclesiastical and military, with power to enact laws as nearly as possible in conformity to the laws of Scotland; and with the very special privilege, that no appeal should lie from the judgments given in any of his courts to any other tribunal out of the country. But it is not here necessary to recite all the particular powers, privileges, and immunities granted to him, or the extent and boundaries of the country, inasmuch as they are most amply set forth in the Charters, and may be seen with reference thereto. It may therefore suffice to observe, that although his family have not for a long time claimed the exercise of the high offices, or the actual appropriation of the unlocated lands, the various causes for the omission are of such a nature, as not to have deprived them of their right of inheritance.

The situation of Nova Scotia, with reference to its prosperous state, is very different to what it was before the retrocession made by the French at the Peace of Paris in 1763, and the value of the country, as such, has become more important for him to consider, now that he finds the British Government in the act of assuming an ownership over those lands, which, as waste or unsettled, have never been heretofore disposed of by his predecessors, and consequently remain his property, for those purposes to which he may be inclined to allot them.

In all the controversies between Great Britain and France, affecting their respective American territories, the first settling of Nova Scotia by Sir William Alexander, and the Charters granted to him, were always brought forward to assert and maintain the British rights, and Nova Scotia was always demanded as a province which had been usurped by the French, but

▲

never ceded to them. It was on this basis it was insisted upon and re-acquired at the Treaty of Utrecht in 1713; and it was on the same ground that the French, at the final Treaty of Paris before mentioned, were called upon to make a quit-claim of all pretensions to it. Thus brought permanently under the British dominion, the sovereignty of the Crown returned, and the rights of the grantee of the Crown became vested in his heirs.

In that character, on the 11th of October, 1830, the present Earl was found, by a most intelligent Jury, to be nearest and lawful heir in general of Sir William Alexander before mentioned, the first grantee and settler of the country, his great-great-great-grandfather; and on the 2d of July last, by another Jury, composed of Members of the Faculty of Advocates, and writers to the signet, persons learned in the law, he was further found to be nearest and lawful heir in special of his said ancestor; which verdicts of heirship have been duly returned to the Chancery in Scotland; and in virtue thereof, by a precept from his Majesty, directed forth of his Chancery to the Sheriff of the county of Edinburgh, he has been infeft in the whole country, with all its parts and pertinents, the offices of his Majesty's Hereditary Lieutenant of Nova Scotia, &c. (New Brunswick and the adjacent islands included,) by seisin, taken at the Castle of Edinburgh, in terms of the original grants to Sir William Alexander.

If the doctrine of the British Government be good, that the occupation of the French was an usurpation, the same rule of argument must be admitted, that the exercise by the British Government of the high offices conferred on the Earl's ancestor, by his several Charters, is an usurpation upon the rights belonging to him to discharge them, at the same time that its interference to settle the present waste lands is an invasion upon his property.

It must be admitted that some objections have been made against the rights of the Earl of Stirling, on the ground of prescription; as such, it may be not irrelevant to observe, that the interposition of prescription has never been held to be so essentially a principle of natural justice, that it might not be set aside by law.

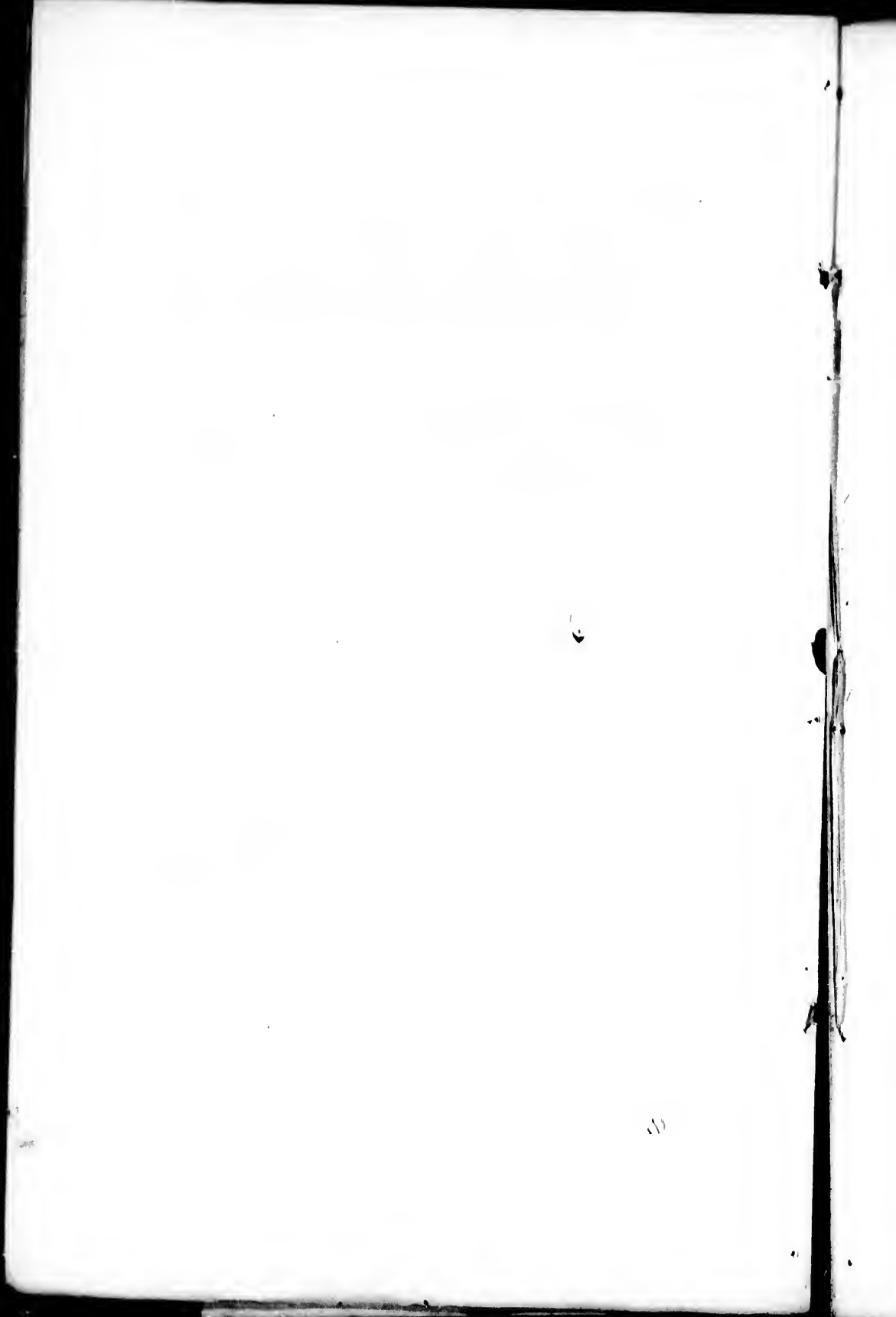
Two very important maxims of English law are directly opposed to it, viz. the rules, "*Nullum tempus occurrit regi*," and "*Nullum tempus occurrit Ecclesie*," that is to say, no adverse possession of however long standing can be a bar to a prior right of the King or of the Church. Indeed, the doctrine of prescriptive right formed no part of the old common law of England, but was first introduced by statute of the thirty-second of Henry the Eighth, (Blackst. Com. p. 264,) so that from being a fundamental principle of natural equity, it has been altogether excluded by some laws, and certainly required the aid of positive enactment to give it any binding force of validity whatsoever. In the present instance of claim against the Crown, it would be rather bearing too much upon excessive prerogative, to take away property by virtue of a *nullum tempus* exception, and yet refuse to restore it, by not allowing the

benefit of the same exception to those whose claims were derived from the Crown itself, for a valuable consideration acknowledged to have been received by it. But, exclusively of these remarks, the Charters contain a special clause, *which releases and remits for ever all causes of forfeiture, defects, omissions of non-entry, as well mentioned as not mentioned, notwithstanding any law, custom, practice, decree, or constitution, before made or published, or afterwards to be made, ordained, or provided*: which words seem to have been used with an allusion to the Scotch prescription, then recently introduced by the act of 1617, (c. 12.)

The law of Scotland, therefore, was directly excluded, (for the Charters were confirmed in Parliament,) and the law of England could not apply; the inference, therefore, of a non user, even voluntarily continued, cannot avail; for the Charters must all be interpreted and expounded according to their letter, and the principle of the true consideration which induced the granting of them.

London, 5th September, 1831.

T. C. BANKS.



CHARTER

IN FAVOUR OF

SIR WILLIAM ALEXANDER, KNIGHT,

OF THE

LORDSHIP AND BARONY OF NOVA SCOTIA, IN AMERICA.

Jacobus Dei gratia Magnae Britanniae Franciae et Hyberniae Rex &c. Fideique Defensor Omnibus probis hominibus totius terrae suae clericis et laicis salutem Sciatis nos semper ad quamlibet quae ad decus et emolumentum regni nostri Scotiae spectaret occasionem amplectendum fuisse intentos nullamque aut faciliorem aut magis innoxiam acquisitionem censere quam quae in exteris et incultis regnis ubi vitae et victui suppetunt commoda novis deducendis coloniis facta sit praesertim si vel ipsa regna cultoribus prius vacua vel ab infidelibus quos ad Christianam converti fidem ad Dei gloriam interest plurimum inessata fuerunt sed cum et alia nonnulla regna et haec non ita pridem nostra Anglia laudabiliter sua nomina novis terris acquisitis et a se subactis indiderunt quam sumerosa et frequens Divino beneficio haec gens haec tempestate sit nobiscum reputantes quamquo honesto aliquo et utili cultu eam studiose exerceri ne in deteriora ex ignavia et otio prolabatur expediat plerumque in novam deducendos regionem quam coloniis compleant operae praeium duximus qui et animi promptitudine et alacritate corporumque robore et viribus quibuscunque difficultatibus si qui alii mortalium uspiam se audeant opponere hunc conatum huic regno maxime idoneum inde arbitramur quod virorum tantummodo et mulierum jumentorum et frumenti non etiam pecuniae transvectionem postulat neque incommodum ex ipsius regni mercibus retributionem hoc tempore cum negotiatio adeo imminuta sit possit reponere hisce de causis sicuti et propter fidele et gratum dilecti nostri consiliiarii Domini Willelmi Alexandri equitis servitium nobis praestitum et praestandum qui propriis impensis ex nostratibus primus externam hanc coloniam ducendam conatus sit diversasque terras infra-designatis limitibus circumscriptas incolendas expectaverit Nos totum ex regali nostra ad Christianam religionem propagandam et ad opulentiam prosperitatem pacemque naturalium nostrorum subditorum dieti regni nostri Scotiae acquirendam cura sicuti alii principes extranei in talibus casibus hactenus fecerunt cum avisamento et consensu praedilecti nostri consanguinei et consiliiarii Joannis Comitis de Mar Domini Erskyn et Gareoch &c. summi nostri thesaurarii computorum rotulatoris collectoris ac thesaurarii novarum nostrarum augmentationum hujus regni nostri Scotiae ac reliquorum dominorum nostrorum commissionerum ejusdem regni nostri Dedimus concessimus et disposuimus tenoreque praesentis cartae nostrae Damus concedimus et disponimus praefato Domino Willelmo Alexander haeredibus suis vel assignatis quibuscunque haereditarie Omnes et singulas terras continentes ac insulas situat et jacen in America intra caput seu promontorium communiter Cap de Sable appellat, jacen prope latitudinem quadraginta trium graduum aut eo circa ab equinoctiali linea versus septentrionem a quo promontorio versus littus maris tenden ad occidentem ad stationem navium Sanctae Made vulgo *Sanctmarians bay* et deinceps versus septentrionem per directam lineam introitum sive ostium magnae illius stationis navium trajicien quae ex-

Reg. Mag. Sig.
D. 50. N. 36.

currit in terrae orientalem plagam inter regiones Suriquorum ac Stecheminorum vulgo *Suriquois* et *Stechemines* ad fluvium vulgo nomine Sanctae Crucis appellat et ad scaturiginem remotissimam sive fontem ex occidentali parte ejusdem qui se prius praedicto fluvio immiscit unde per imaginariam directam lineam quae pergere per terram seu currere versus septentrionem concipietur ad proximam navium stationem fluvium vel scaturiginem in magno fluvio de Canada sese exonerantem et ab eo pergendo versus orientem per maris oras littorales ejusdem fluvii de Canada ad fluvium stationem navium portum aut littus communiter nomine de *Gathepe* vel *Gaspie* notum et appellatum et deinceps versus euronotum ad insulas *Bacalaos* vel *Cap Britton* vocat relinquendo eandem insulas a dextra et voraginem dicti magni fluvii de Canada sive magnae stationis navium et terras de *Newfundland* cum insulis ad eandem terras pertinentibus a sinistra et deinceps ad caput sive promontorium de *Cap Britton* praedict jacen prope latitudinem quadraginta quinque graduum aut eo circa et a dicto promontorio de *Cap Britton* versus meridiem et occidentem ad praedict *Cap Sable* ubi incepit perambulatio includen et comprehendens intra dictas maris oras littorales ac earum circumferentias a mari ad mari omnes terras continentes cum fluminibus torrentibus sinibus littoribus insulis aut mariibus jacen prope aut intra sex leucas ad aliquam earundem partem ex occidentali boreali vel orientali partibus orarum littoralium et praecinctuum earundem et ab euronoto (ubi jacet *Cap Britton*) et ex australi parte ejusdem (ubi est *Cap de Sable*) omnia maria ac insulas versus meridiem intra quadraginta leucas dictarum orarum littoralium earundem magnam insulam vulgariter appellat *Ile de Sable* vel *Sablon* includen jacen versus *Carban* vulgo *south-south-east* circa triginta leucas a dicto *Cap Britton* in mari et existen in latitudine quadraginta quatuor graduum aut eo circa. Quaequidem terras praedict omni tempore affuturo nomine *NOVAE SCOTIAE* in America gaudebunt quas etiam praefatus Dominus Willelmus in partes et portiones sicut ei visum fuerit dividet eisdemque nomina pro bene placito imponet. Una cum omnibus fodinis tam regalibus auri et argenti quam aliis fodinis ferri plumbi cupri aeris stanni alisque mineralibus quibuscunque cum potestate effodiendi ac de terra effodere causandi purificandi et repurgandi easdem et convertendi ac utendi suo proprio usui aut aliis usibus quibuscunque sicuti dicto Domino Willelmo Alexander haeredibus suis vel assignatis aut iis quos suo loco in dictis terris stabilire ipsum contigerit visum fuerit (Reservando solummodo nobis et successoribus nostris decimam partem metalli vulgo *ore* auri et argenti quod ex terra in posterum effodietur aut lucrabitur) Relinquendo dicto Domino Willelmo suisque praedict quodcumque ex aliis metallis cupri chalibis ferri stanni plumbi aut aliorum mineralium nos vel successores nostri quovismodo exigere possumus ut eo facilius magnos sumptus in extrahendis praefatis metallis tolerare possit. Una cum margaritis vulgo *pearle* ac lapidibus praeciosis quibuscunque aliis lapicidinis silvis virgultis mossis marresiiis lacubus aquis piscationibus tam in aqua salsa quam recenti tam regalium piscium quam aliorum venatione occupatione commoditatibus et haereditamentis quibuscunque. Una cum plenarie jure privilegio et jurisdictione liberae regalitatis capellae et cancellariae imperpetuum cumque donatione et patronatus jure ecclesiarum capellaniarum et beneficiorum cum tenentibus tenandriis et libere tenentium servitiis earundem una cum officii justiciariae et admiralitatis respective infra bondas respective supra mentionat. Una cum potestate civitates liberos burgos liberos portus villas et burgos baroniae erigendi et fora et nundinas infra bondas dictarum constituendi curias justiciariae et admiralitatis infra limites dictarum fluviorum portuum et marium tenendi una etiam cum potestate imponendi levandi et recipiendi omnia tolonia custumas anchoragia aliasque dicti burgorum fororum nundinarum et liberorum portuum devoriarum et eisdem possidendi et gaudendi adeo libere in omnibus respectibus sicuti quisvis baro major aut minor in hoc regno nostro Scotiae gavisus est aut gaudere poterit quovis tempore praeterito vel futuro cum omnibus aliis praerogativis privilegiis immunitatibus dignitatibus casualitatibus proficiis et devoriis ad dictas terras maria et bondas earundem spectan et pertinen et quae nos ipsi dare vel concedere possumus

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adeo libera et ampla forma sicuti nos aut aliqua nostrorum nobilium progenitorum aliquas cartas patentes literas in seofamenta donationes aut diplomata concesserunt cuius subdito nostro cujuscunque qualitatis aut gradus cuius societati aut communitati tales colonias in quacunque partes extraneas deducendi aut terras extraneas investiganti in adeo libera et ampla forma sicut eadem in hac presentia carta nostra insereretur Facimus etiam constituimus et ordinamus dictum Dominum Willelmum Alexander haeredes suos aut assignatos vel eorum deputatos nostros **HEREDITARIOS LOCUM TENANTES** generales ad representandum nostram personam regalem tam per mare quam per terram in regionibus maris oris ac finibus praedict in potendo dict terras quamdiu illie manserit ac redeundo ab eisdem ad gubernandum regendum et puniendum omnes nostros subditos quos ad dictas terras ire aut eadem inhabitare contigerit aut qui negotiationem cum eisdem suscipient vel in eisdem locis remanebunt ac eisdem ignoscendum et ad stabilendum tales leges statuta constitutiones directiones instructiones formas gubernandi et magistratum ceremonias infra dictas bondas sicut ipsi Domino Willelmo Alexander aut ejus praedict ad gubernationem dictae regionis et ejusdem incolarum in omnibus causis tam criminalibus quam civilibus visum fuerit et eisdem leges regimina formas et ceremonias alterandum et mutandum quoties sibi vel suis praedictis pro bono et commodo dictae regionis placuerit ita ut dictae leges tam legibus hujus regni nostri Scotiae quam fieri possunt sint concordae Volumus etiam ut in casu rebellionis aut seditionis legibus utatur militaribus adversus delinquentes vel imperio ipsius sese subtrahentes adeo libere sicuti aliquis locum tenens cujusvis regni nostri vel domini virtute officii locum tenentis habent vel habere possunt excludendo omnes alios officarios hujus regni nostri Scotiae terrestres vel maritimos qui in posterum aliquid jurisclamei commoditatis auctoritatis aut interesse in et ad dict terras aut provinciam praedict vel aliquam inibi jurisdictionem virtute alicujus praecedentis dispositionis aut diplomatis praetendere possunt Et ut viris honesto loco natis sese ad expeditionem istam subeundam et ad colonas plantationem in dictis terris addatur animus nos pro nobis nostrisque haeredibus et successoribus cum avasamento et consensu praedict virtute praesentis cartae nostrae damus et concedimus liberam et plenariam potestatem praefato Domino Willelmo Alexander suisque praedict conferendi favores privilegia munia et honores in demerentes Cum plenaria potestate eisdem aut eorum alicui quos cum ipso Domino Willelmo suisque praedict pactiones vel contractus facere pro eisdem terris contigerit sub subscriptione sua vel suorum praedict et sigillo infra mentionato aliquam portionem vel portiones dictarum terrarum portuum navium stationum fluviorum aut praemissorum alicujus partis disponendi et extradonandi erigendi etiam omnium generum machinas artes facultates vel scientias aut easdem exercendi in toto vel in parte sicuti ei pro bono ipsorum visum fuerit dandi etiam concedendi et attribuendi talia officia titulos jura et potestates constituendi et designandi tales capitaneos officarios balivos gubernatores clericos omnesque alios regalitatis baroniae et burgi officarios aliosque ministros pro administratione justitiae infra bondas dictarum terrarum aut in via dum terras istas per mare petunt et ab eisdem redeunt sicuti ei necessarium videbitur secundum qualitates conditiones et personarum merita quos in aliqua coloniarum dictae provinciae aut aliqua ejusdem parte habitare contigerit aut qui ipsorum bona vel fortunas pro commodo et incremento ejusdem periculo committent et eosdem ab officio removendi alterandi et mutandi prout ei suisque praescript expediens videbitur Et cum hujusmodi conatus non sine magno labore et sumptibus fiunt magnamque pecuniae largitionem requirant adeo ut privati cujusvis fortunas excedant et multorum suppetiis indigeant ob quam causam praefatus Dominus Willelmus Alexander suisque praescript cum diversis nostris subditis aliisque pro particularibus periculationibus et susceptionibus ibidem qui forte cum eo suisque haeredibus assignatis vel deputatis pro terris piscationibus mercimoniis aut populi transportatione cum ipsorum pecoribus rebus et bonis versus dictam No^{vam} Scotiam contractus inibunt volumus ut quicunque tales contractus cum dicto Domino Willelmo suisque praescript sub ipsorum subscriptionibus et sigillis

sigillis expedient limitando assignando et affigendo diem et locum pro personarum bonorum et rerum ad navem deliberatione sub poena et forisfactura cujusdam monetæ summæ et eosdem contractus non perficient sed ipsam frustrabunt et in itinere designato ei nocebunt quod non solum dicto Domino Willelmo suisque prædict prout esse præjudicio et nocimento verum etiam nostræ tam laudabili intentioni obstabit et detrimentum inferet tunc licitum erit præfato Domino Willelmo Alexander suisque prædict vel eorum deputatis et conservatoribus inframentationis in eo casu sibi suisve prædict quos ad hunc effectum substituet omnes tales summas monetæ bona et res forisfactis per talium contractuum violationem assumere Quod ut facilius fiat et legum prolixitas evitetur dedimus et concessimus tenoreque præsentis cartæ nostræ damus et concedimus plenariam licentiam libertatem et potestatem dicto Domino Willelmo suisque hæredibus et assignatis prædict eligendi nominandi assignandi ac ordinandi libertatum et privilegiorum per præsentem hanc nostram cartam sibi suisque prædict concessorum conservatorem qui expeditæ executioni leges et statuta per ipsum suosque prædict facta secundum potestatem ei suisque prædict per dictam nostram cartam concessam demandavit volumusque et ordinamus potestatem dicti conservatoris in omnibus actionibus et causis ad personas versus dictam plantationem contrahentes spectantibus absolutam esse sine ulla appellatione aut procrastinatione quacunquæ quiquidem conservator possidebit et gaudebit omnia privilegia immunitates libertates et dignitates quascunquæ quæ quivis conservator Scotticorum privilegiorum apud extraneos vel in Gallia Flandria aut alibi hactenus possiderunt aut gavisus sunt quovis tempore præterito Et licet omnes tales contractus inter dictum Dominum Willelmum suosque prædict et prædictos periclitatores per periclitationem et transportationem populorum cum ipsorum bonis et rebus ad statutum diem perficientur et ipsi cum suis omnibus pecoribus et bonis ad littus illius provincie animo coloniam ducendi et remanendi appellent et nihilominus postea vel omnino provinciam Novæ Scotiæ et ejusdem confinia sine licentia dicti Domini Willelmi ejusque prædict vel eorum deputatorum vel societatem et coloniam prædict ubi primum combinati et conjuncti fuerant derelinquent et ad agrestes aborigines in locis remotis et desertis ad habitandum sese conferent quod tunc amittent et forisfacient omnes terras prius iis concess omnia etiam bona infra omnes prædictas bondas et licitum erit prædicto Domino Willelmo suisque prædict eadem fisco applicare et easdem terras recognoscere eademque omnia ad ipsos vel eorum aliquem quovismodo spectantia possidere et suo peculiari usui suorumque prædict convertere Et ut omnes dilecti nostri subditi tam regnorum nostrorum et dominiorum quam alii extranei quos ad dictas terras aut aliquam earundem partem ad mercimonia contrahenda navigare contigerit melius sciant et obedientes sint potestati et authoritati per nos in prædictum fidelem nostrum consiliarium Dominum Willelmum Alexander suosque prædict collatae in omnibus talibus commissionibus warrantis et contractibus quos quovis tempore futuro faciet concedet et constituet pro decentiori et validiori constitutione officiariorum pro gubernatione dictos colonos concessione terrarum et executione justiciæ dictos inhabitantes periclitantes deputatos factores vel assignatos tangen in aliqua dictarum terrarum parte vel in navigatione ad easdem terras nos cum avisamento et consensu prædicto ordinamus quod dictus Dominus Willelmus Alexander suisque prædict unum commune sigillum habebunt ad officium Locum tenentis justiciariæ et admiralitatis spectan quod per dictum Dominum Willelmum Alexander suosque prædict vel per deputatos suos omni tempore futuro custodietur in cujus unolatero nostra insignia insculpentur cum his verbis in ejusdem circulo et margine SIGILLUM REGIS SCOTIÆ ANGLIÆ FRANCIE ET HYBERNIE et in altero latere imago nostra nostrorumque successorum cum his verbis (PRO NOVE SCOTIÆ LOCUM TENENTE) cujus justum exemplar in manibus ac custodia dicti conservatoris remanebit quo prout occasio requiret in officio suo utatur Et cum maxime necessarium sit ut omnes dilecti nostri subditi quotquot dictam provinciam Novæ Scotiæ vel ejus confinia incolent in timore omnipotentis Dei et vero ejus cultu simul vivant omni conamine intentus Christianam religionem

inibi

inibi stabilire pacem et quietem cum nativis incolis et agrestibus indigenis earum terrarum colere (unde ipsi et eorum quilibet mercimonia ibi exercentes tuti cum oblectamento ea quae magno cum labore et periculo acquisiverunt quiete possidere possint) nos pro nobis nostrisque haeredibus et successoribus volumus nobisque visum est per praesentis cartae nostrae tenorem dare et concedere dicto Domino Willelmo Alexander suisque praedict et eorum deputatis vel aliquibus aliis gubernatoribus officariis et ministris quos ipsi constituent liberam et absolutam potestatem tractandi et pacem affinitatem amicitiam et mutua colloquia operam et communicationem cum silvestris illis aboriginibus et eorum principibus vel quibuscunque aliis regimen et potestatem in ipsos habentibus contrahendi observandi et alendi tales affinitates et colloquia quae ipsi vel sui praedict cum iis contrahent modo foedera illa ex adversa parte per ipsos silvestres fideliter observentur quod nisi fiat arma contra ipsos sumendi quibus redigi possunt in ordinem sicuti dicto Willelmo suisque praedict et deputatis pro honore obedientia et Dei servitio ac stabilimento defensione et conservatione autoritatis nostrae inter ipsos expediens videbitur Cum potestate etiam praedicto Domino Willelmo Alexander suisque praedict per ipsos vel eorum deputatos substitutos vel assignatos pro ipsorum defensione tutela omni tempore et omnibus justis occasionibus in posterum aggrediendi ex inopinato invadendi expellendi et armis repellendi tam per mare quam per terram omnibus modis omnes et singulos qui sine speciali licentia dicti Domini Willelmi suorumque praedict terras inhabitare aut mercaturam facere in dicta Novae Scotiae provincia aut quavis ejusdem parte conabuntur et similiter omnes alios quoscunque qui aliquid damni detrimenti destructionis laesionis vel invasionis contra provinciam illam aut ejusdem incolas inferre praesumunt quod ut raclius fiat licitum erit dicto Domino Willelmo suisque praedict eorum deputatis factoribus et assignatis contributiones a periclitantibus et incolis ejusdem levare in unum cogere per proclamationes vel quovis alio ordine talibus temporibus sicuti dicto Domino Willelmo suisque praedict expediens videbitur omnes nostros subditos infra dictas limites dictae provinciae Novae Scotiae inhabitantes et mercimonia ibidem exercentes convocare pro meliori exercituum necessariorum supplemento et populi et plantationis dictae terrarum augmentatione et incremento Cum plenaria potestate privilegio et libertate dicti Domini Willelmo Alexander suisque praedict per ipsos vel eorum substitutos per quaevis maria sub nostris insigniis et vexillis navigandi cum tot navibus tanti oneris et tam bene munitione viris et victualibus instructis sicuti possunt parare quovis tempore et quoties iis videbitur expediens ac omnes cujuscunque qualitatis et gradus personas nostri subditi existentes aut qui imperio nostro sese subdere ad iter illud suscipiendum voluerint cum ipsorum jumentis equis bobus ovibus bonis et rebus omnibus munitionibus machinis majoribus armis et instrumentis militaribus quotquot voluerint aliisque commoditatibus et rebus necessariis pro usu ejusdem colones mutuo commercio cum nativis inhabitantibus earum provinciarum aut aliis qui cum ipsis plantatoribus mercimonia contrahent transportandi et omnes commoditates et mercimonia quae iis videbuntur necessaria in regnum nostrum Scotiae sine alicujus taxationis custumae aut impositionis pro eisdem solutione nobis vel nostris cusumariis aut eorum deputatis inde portandi eosdemque ab eorum officiis in hac parte pro spatio septem annorum diem datae praesentis cartae nostrae immediate sequen inhibendo quamquidem solam commoditatem per spatium tredecim annorum in posterum libere concessimus tenoreque praesentis cartae nostrae concedimus et disponimus dicto Domino Willelmo suisque praedict secundum proportionem quinque pro centum postea mentionat Et post tredecim illos annos finitos licitum erit nobis nostrisque successoribus ex omnibus bonis et mercimoniis quae ex hoc regno nostro Scotiae ad eandem provinciam vel ex ea provincia ad dictum regnum nostrum Scotiae exportabuntur vel importabuntur in quibusvis hujus regni nostri portibus per dictum Willelmum suosque praedict tantum quinque libras pro centum secundum antiquam negotiandi morem sine ulla alia impositione taxatione custuma vel devoria ab ipsis imperpetuum levare et exigere quaequidem summa quinque librarum pro centum sic soluta per dict

Dominum Willelmum suosque praedict aliisque nostris officariis ad hunc effectum constitutis exinde licitum erit dicto Domino Willelmo suisque praedict eadem bona de hoc regno nostro Scotiae in quasvis alias partes vel regiones extraneas sine alicujus alterius custumae taxationis vel devoriae solutione nobis vel nostris haeredibus aut successoribus aut aliquibus aliis transportare et avehere proviso tamen quod dicta bona infra spatium tredecim mensium post ipsarum in quovis hujus regni nostri portu appulsionem navi rursus imponantur Dan et conceden absolutam et plenariam potestatem dicto Domino Willelmo suisque praedict ab omnibus nostris subditis qui et nias ducere mercimonia exercere aut ad eandem terras Novae Scotiae et ad eisdem navigare voluerint praeter dictam summam nobis debitam pro bonis et mercimoniis quinque librae de centum vel ratione exportationis ex hoc regno nostro Scotiae ad provinciam Novae Scotiae vel importationis a dicta provincia ad regnum hoc nostrum Scotiae praedict in ipsius ejusque praedict proprias usus sumendi levandi et recipiendi et similiter de omnibus bonis et mercimoniis quae per nostros subditos coloniarum ductores negotiatores et navigatores de dicta provincia Novae Scotiae ad quaevis nostra dominia aut alia quaevis loca exportabuntur vel a nostris regnis et aliis locis ad dictam Novam Scotiam importabuntur ultra et supra dictam summam nobis destinatam quinque libras de centum Et de bonis et mercimoniis omnium extraneorum aliorumque sub nostra obedientia existentium quae vel de provincia Novae Scotiae exportabuntur vel ad eandem importabuntur ultra et supra dictam summam nobis destinatam decem libras de centum dicti Domini Willelmi suorumque praedict propriis usibus per tales ministros officarios vel substitutos eorumque deputatos aut factores quos ipsi ad hunc effectum constituent et designabunt levandi sumendi ac recipiendi Et pro meliori dicti Domini Willelmi suorumque praedict aliorumque omnium nostrorum dilectorum subditorum qui dictam Novam Scotiam inhabitare vel ibidem mercimonia exercere voluerint securitate et commoditate et generaliter omnium aliorum qui nostrae auctoritati et potestati sese subdere non gravabuntur nobis visum est volumusque quod licitum erit dicto Domino Willelmo suisque praedictis unum aut plura muniminz propugnacula castella loca fortia specula armamentaria *lie blokhousis* aliaque aedificia cum portubus et navium stationibus aedificare vel aedificari causare una cum navibus bellicis easdemque pro defensione dicti locorum applicare sicut dicto Domino Willelmo suisque praedict pro dicto conamine perficiendo necessarium videbitur proque ipsorum defensione militum catervas ibidem stabilire praeter praedicta supramentionata et generaliter omnia facere quae pro conquista augmentatione populi inhabitatione preservatione et gubernatione dictae Novae Scotiae ejusdemque orarum et territorii infra omnes hujusmodi limites pertinentias et dependentias sub nostro nomine et auctoritate quodcumque nos si personaliter essemus praesentes facere potuimus licet casus specialem et strictum magis ordinem quam per praesentes praescribitur requirat cui mandato volumus et ordinamus strictissimeque praecipimus omnibus nostris justiciariis officariis et subditis ad loca illa sese conferentibus ut sese applicant dictoque Domino Willelmo suisque praedictis in omnibus et singulis supra mentionatis earum substantiis et circumstantiis intendant et obediant eisque in earum executione in omnibus adeo sint obediens ut nobis cujus personam representat esse debent sub poena disobedientiae et rebellionis Et quia fieri potest quod quidam ad aucta loca transportandi refractarii sint et ad eadem loca ire recusabunt aut dicto Domino Willelmo suisque praedict resistant nobis igitur placet quod omnes vicecomes senescalli regaliatum balivi pacis justiciarii praepositi et urbium balivi eorumque officarii et justitiae ministri quicumque dictum Dominum Willelmum suosque deputatos aliosque praedict in omnibus et singulis legitimis rebus et factis quos facient aut intendent ad effectum praedict similiter et eodem modo sicuti nostrum speciale warrantum ad hunc effectum haberent assistant fortificent et eisdem suppetias ferant Declaramus insuper per praesentis cartae nostrae tenorem omnibus Christianis regibus principibus et statibus quod si aliquis vel aliqui qui in posterum de dictis coloniis vel de earum aliqua sit in dicta provincia Novae Scotiae vel aliqui alii sub eorum licentia vel mandato quovis tempore futuro piraticam

piraticam exorcentes per mare vel terram bona alicujus abstulerint vel aliquod
 injustum vel indebitum hostiliter intra aliquos nostros nostrorumve haeredum
 et successorum aut aliorum regum principum gubernatorum aut statuum in
 scedere nobiscum existen subditos quod tali injuria sic oblata aut justa quaevela
 desuper mota per aliquem regem principem gubernatorem statum vel eorum
 subditos praedict nos nostri haeredes et successores publicas proclamationes
 fieri curabimus in aliqua parte dicti regni nostri Scotiae ad hunc effectum magis
 commoda ut dicit piratae vel piratae qui tales rapinas committent statim tempore
 per praefatas proclamationes limitando plenarie restituant quaecunque bona sic
 oblata et pro dictis injuriis omnimodo satisfaciant ita ut dicti principes alique
 sic conquaerentes satisfactos se esse repentent et quod si talia factura commit-
 tent bona oblata non restituent aut restitui faciant infra limitatum tempus
 quod tunc in posterum sub nostra protectione et tutela minime erunt et quod
 licitum erit omnibus principibus aliisque praedict delinquentes eos hostiliter
 prosequi et invadere Et licet neminem nobilem aut generosum de patria hac
 sine licentia nostra decedere statutum sit nihilominus volumus quod praesens
 hoc diploma sufficiens erit licentia et warrantum omnibus qui se hinc itineri
 committent qui iussu majestatis non sunt rei vel aliquo alio speciali mandato
 inhibiti atque etiam per praesentis cartae nostrae tenorem declaramus volu-
 musque quod nemo patria hac decedere permittatur versus dictam Novam Scotiam
 nullo tempore nisi si qui juramentum suprenitatis nostrae primum sus-
 ceperit ad quem effectum nos per praesentes dicto Domino Willelmo suisque
 praedict vel eorum conservatori vel depositis idem hoc juramentum omnibus
 personis versus illas terras in ea colonia sese conferentibus requirere et exhi-
 bere plenariam potestatem et auctoritatem domini et concedimus Praeterea nos
 cum avisa mentis et consensu antedict pro nobis et successoribus nostris de-
 claramus decedimus et ordinamus quod omnes nostri subditi qui ad dictam
 Novam Scotiam proficiuntur aut eam incolent eorumque omnes liberi et pos-
 teritas qui ibi nasci contigerit alique omnes ibidem periclitantes habitant
 et possidebant omnes libertates immunitates et privilegia liberorum et natura-
 lium subditorum regni nostri Scotiae aut aliorum nostrorum dominorum sicuti
 ibidem nati fuissent Insuper nos pro nobis et successoribus nostris damus et
 concedimus dicto Domino Willelmo Alexander suisque praedict liberam potes-
 tatem stabiliendi et cadere causandi monetae pro commercio liberiori inhabi-
 tantium dictae provinciae cujusvis metalli quo modo et qua forma voluerint et
 eisdem praescribere atque etiam si quae quaestiones aut dubia super interpre-
 tatione aut constructione alicujus clausulae in hac praesenti carta nostra
 contentae occurrerent ea omnia sumuntur et interpretantur in amplissima forma
 et in favorem dicti Domini Willelmi suorumque praedict Praeterea nos ex
 nostra certa scientia proprio motu auctoritate regali et potestate regia feci-
 mus univrsus annexavimus ereximus creavimus et incorporavimus tenoreque
 praesentis cartae nostrae facimus univrsus annexamus firmamus creamus et in-
 corporamus totam et integram dictam provinciam et terras Novae Scotiae cum
 omnibus earundem limitibus et maribus ac mineralibus auri et argenti plumbi cu-
 pri chalibis stanni aeris ferri aliisque quibuscunque fodinis margaritis lapidibus
 praeciosis lapidinis silvis virgultis mossis marresis lacubus aquis piscationibus
 tam in aquis dulcibus quam salis tam regalium piscium quam aliorum civitatibus
 liberis portibus liberis burgis urbibus baroniae burgis maris portibus aneho-
 rariis machinis molendinis officiis et jurisdictionibus omnibusque aliis genera-
 liter et particulariter supra mentionatis in unum integrum et liberam Dominium
 et Baroniam per praedict nomen Novae Scotiae omni tempore affuturo appel-
 landum Volumusque et concedimus ac pro nobis et successoribus nostris decer-
 mus et ordinamus quod unice sasina nunc per dictum Dominum Willelmtum
 suosque praedict omni tempore affuturo super aliqua parte fundi dicti terra-
 rum et provinciae praescript stabit et sufficiens erit sasina pro tota regione
 cum omnibus partibus pendiculis privilegiis casualitatibus libertatibus et im-
 munitatibus ejusdem supra mentionatis absque aliqua alia speciali et particulari
 sasina per ipsum suosve praedict apud aliquam aliam partem vel ejusdem locum
 capienda penes quam sasina omniaque quae inde secuta sunt aut sequi
 possunt

possunt nos cum avisamento et consensu supra expresso pro nobis et successoribus nostris dispensavimus tenoreque praesentis cartae nostrae modo subtus mentionat dispensamus in perpetuum **TENEN** et **HABEN** totam et integram dictam regionem et dominium Novae Scotiae cum omnibus ejusdem limitibus infra praedicta maria mineralibus auri et argenti cupri chalibis stanni plumbi aeris ferri aliisque quibuscunque fodinis margaritis lapidibus praeciosis lapicidinibus silvis virgultis mossis marresis lacubus aquis piscationibus tam in aquis dulcibus quam salis tam regalium piscium quam aliorum civitatibus liberis burgis liberis portubus urbibus baroniae burgis maris portubus anchoragiis machinis molendinis officiiis et jurisdictionibus omnibusque aliis generaliter et particulariter supra mentionat cumque omnibus aliis privilegiis libertatibus immunitatibus casualitatibus aliisque supra expressis praefato Domino Willelmo Alexander haeredibus suis et assignatis de nobis nostrisque successoribus in feodo haereditate libero dominio libera baronia et regalitate imperpetuum per omnes rectas metas et limites suas prout jacent in longitudine et latitudine in domibus aedificiis aedificatis et aedificandis boscis planis moris marresis viis semitis aquis stagnis rivolis pratis et pascuis molendinis multuriis et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbariis fabriilibus brasinis brueriis et genistis silvis nemoribus et virgultis lignis tignis lapicidiis lapide et calce cum curiis bludewitis placitis haerezeldis amerciamentis et mulierum marchetis cum libero introitu et exitu ac cum furca fossa sok sac thole thame infangtheiff outfangtheiff wrak wair veth vert vennessoun pitt et gallows ac cum omnibus aliis et singulis libertatibus commoditatibus proficiis aziamentis ac justis suis pertinentiis quibuscunque tam non nominat quam nominat tam subtus terra quam supra terram procul et prope ad praedict regionem et dominium spectant seu juste spectare valent quomodo libet in futurum libere quiete plenarie integre honorifice bene et in pace absque ulla revocatione contradictione impedimento aut costaculo quocunque Solvendo inde annuatim dictus Dominus Willelmus Alexander suiique praedict nobis nostrisque haeredibus et successoribus unum denarium monetae Scotiae super fundum dicti terrarum et provinciae Novae Scotiae ad festum Nativitatis Christi nomine albae firmae si petatur tantum Et quia tentione dicti terrarum et provinciae Novae Scotiae et alba firma supradicti deficiente tempestivo et legitimo introitu cujusvis haeredis vel haeredum dicti Domini Willelmi sibi succedent quod difficulter per ipsos praestari potest ob longinquam distantiam ab hoc regno nostro eadem terrae et provinciae ratione non-introitus in manibus nostris nostrorumve successorum devenient usque ad legitimum legitimum haeredis introitum et nos nolentes dictas terras et regionem quovis tempore in non-introitu cadere neque dictum Dominum Willelmum suosque praedict beneficiis et proficiis ejusdem eatenus frustrari idcirco nos cum avisamento praedict cum dicto introitu quancocunque contigerit dispensavimus tenoreque ejusdem cartae nostrae pro nobis et successoribus nostris dispensamus ac etiam renunciavimus et exoneravimus tenoreque praesentis cartae nostrae cum consensu praedicto renunciavimus et exoneramus dictum Dominum Willelmum ejusque praescript praefatum non-introitum dictae provinciae et regionis quancocunque in manibus nostris devenient aut ratione non-introitus cadet cum omnibus quae desuper sequi possunt proviso tamen quod dictus Dominus Willelmus suiique haeredes et assignati infra spatium septem annorum post decessum et obitum suorum praedecessorum aut introitum ad possessionem dicti terrarum aliorumque praedict per ipsos vel eorum legitimos procuratores ad hunc effectum potestatem habentes nobis nostrisque successoribus homagium faciant et dictas terras dominium et baroniam aliisque praedict adeant et per nos recipiantur secundum leges et statuta dicti regni nostri Scotiae Denique nos pro nobis et successoribus nostris volumus decernimus et ordinamus praesentem hanc nostram cartam et infeofamentum supra script praedict terrarum dominii et regionis Novae Scotiae privilegia et libertates ejusdem in proximo nostro Parlamento dicti regni nostri Scotiae cum consensu legitime retificari approbari et confirmari ut vim et efficaciam decreti inibi habeat pence

penes quod nos pro nobis et successoribus nostris declaramus hanc nostram cartam sufficiens fore warrantum et in verbo principis eandem ibi ratificari et approbari promittimus atque etiam alterare renovare et eandem in amplissima forma augere et extendere quoties dicto Domino Willelmo ejusque praedicti necessarium et expediens videbitur Insuper nobis visum est ac mandamus et praecipimus dilectis nostris

Viccomitibus nostris in hac parte specialiter constitutis quatenus post hujus cartae nostrae nostro sub magno sigillo aspectum statum et assinam actuaalem et realem praefato Domino Willelmo suisque praedicti eorumve actornato vel actornatis terrarum domini baroniae aliorumque praedicti cum omnibus privilegiis immunitatibus libertatibus aliisque supra expressis dare et concedere quam assinam nos per praesentis cartae nostrae tenorem adeo legitimam et ordinariam esse declaramus ac si praeeptum sub testimonio nostri magni sigilli in amplissima forma cura omnibus clausulis requisitis ad hunc effectum praedicti haberet penes quod nos pro nobis et successoribus nostris imperpetuum dispensamus In cujus rei testimonium huic praesenti cartae nostrae magnum sigillum nostrum apponi praecipimus testibus praedictis nostris consanguineis et consiliariis Jacobo Marchione de Hamiltoun comite Aranie et Cambridge domino Aven et Innerdail Georgio Mariscalli comite domino Keith &c. regni nostri mariscallo Alexandro comite de Dumfermeling domino Fyvie et Urquhart &c. nostro cancellario Thoma comite de Melros domino Bynning et Byres nostro secretario dilectis nostris familiaribus consiliariis dominis Ricardo Cokburne juniore de Clerkingtoun nostri secreti sigilli custode Georgio Hay de Kinfawins nostrorum rotulorum registri ac consilii clerico Joanne Cokburne de Ormestoun nostrae justiciariae clerico et Joanne Scott de Scottistartvet nostrae cancellariae direttore militibus Apud castellum nostrum de Windsore decimo die mensis Septembris anno Domini millesimo sexcentesimo vigesimo primo regnorumque nostrorum annis quinquagesimo quinto et decimo nono respective.

Per Signaturam manu S. D. N. Regis suprascriptam manibusque nostri Cancellarii Thesaurarii Principalis Secretarii reliquorumque Dominorum nostrorum Commissionariorum ac Secreti nostri Consilii dicti Regni Scotiae subscript.

Writtin to the Great Seall,

29. Septemb. 1621.

J. SCOTT,

gratis.

Sigellat. Edinburgi,

29. Septemb. 1621,

J. A. RAITHE.

gr.

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CHARTER OF NOVODAMUS

IN FAVOUR OF

SIR WILLIAM ALEXANDER OF MENSTRIE, KNIGHT,

OF THE

LANDS, LORDSHIP AND BARONY OF NOVA SCOTIA,
IN AMERICA.

CAROLUS Dei gratia Magnae Britanniae Franciae et Hiberniae Rex Fideique Defensor Omnibus probis hominibus totius terrae suae clericis et laicis salutem Sciatis nos semper ad quamlibet quae ad decus et emolumentum regni nostri Scotiae spectaret occasionem amplectendum fuisse intentos nullamque aut faciliorem aut magis innoxiam acquisitionem censere quam quae in exteris et incultis regnis ubi vitae et victui suppetunt commoda novis deducendis coloniis facta sit praesertim si vel ipsa regna cultoribus prius vacua vel ab infidelibus quos ad Christianam converti fidem ad Dei gloriam interest plurimum in secessa fuerunt sed cum et alia nonnulla regna et haec non ita pridem nostra Anglia laudabiliter sua nomina novis terris acquisitis et a se subactis indiderunt quam numerosa et frequens Divino beneficio haec gens hac tempestate sit nobiscum reputantes quamque honesto aliquo et utili cultu cum studiose exerceri ne in deteriora ex ignavia et otio prolabatur expediat plerisque in novam deducendos regionem quam coloniis compleant operae praetium duximus qui et animi promptitudine et alacritate corporumque robore et viribus quibuscunque difficultatibus si qui alii mortalium uspiam se audent opponere hunc conatum huic regno maxime idoneum inde arbitramur quod virorum tantummodo et mulierum jumentorum et frumenti non etiam pecuniae transvectionem postulat neque incommodum ex ipsius regni mercibus retributionem hoc tempore cum negotiatio adeo imminuta sit possit reponere hisce de causis sicuti et propter fidele et gratum dilecti nostri consilarii Domini Willielmi Alexander equitis servitium nobis praestitum et praestandum qui propriis impensis ex nostratibus primus externam hanc coloniam ducendam conatus sit diversaque terras infra designatis limitibus circumscriptas incolendas expectaverit Nos igitur ex regali nostra ad Christianam religionem propagandam et ad opulentiam prosperitatem pacemque naturalium nostrorum subditorum dicti regni nostri Scotiae acquirendam cura sicuti alii principes extranei in talibus casibus hactenus fecerunt cum avasamento et consensu praedilecti nostri consanguinei et consilarii Joannis Comitis de Mar Domini Erakyn et Gareoch &c. summi nostri thesaurarii computorum rotularis collectoris ac thesaurarii novarum nostrarum augmentationum hujus regni nostri Scotiae ac reliquorum dominorum nostrorum commissionerum ejusdem regni nostri Dedimus concessimus et disposuimus tenoreque praesentis cartae nostrae Damus concedimus et disponimus praefato Domino Willielmo Alexander haeredibus suis et assignatis quibuscunque haereditarie Omnes et singulas terras continentes ac insulas situatas et jacen in America intra caput seu promontorium communiter *Cap de Sable* appellat, jacen prope latitudinem quadraginta trium graduum aut eo circa ab equinoctiali linea versus septentrionem a quo promontorio versus littus maris tenden ad occidentem ad stationem navium Sanctae Mariae vulgo *St Marie bay* et deinceps versus septentrionem per directam lineam introitum sive ostium magnae illius stationis navium trajicien quae excurrit

Reg. Mag. Bg.
B. 51. No. 23.

currit in terrae orientalem plagam inter regiones Suriquorum ac Stecheminorum vulgo *Suriquois* et *Stechemines* ad fluvium vulgo nomine Sanctae Crucis appellat et ad scaturiginem remotissimam sive fontem ex occidentali parte ejusdem qui se primum praedicto fluvio immiscit unde per imaginariam directam lineam quae pergere per terram seu currere versus septentrionem concipietur ad proximam navium stationem fluvium vel scaturiginem in magno fluvio de Canada sese exonerantem et ab eo pergen versus orientem per maris oras littorales ejusdem fluvii de Canada ad fluvium stationem navium portum aut littus communiter nomine de Gathepe vel Gaspie notum et appellatum et deinceps versus euronotum ad insulas Bacalaos vel *Cap Britton* vocat relinquendo easdem insulas a dextra et voraginem dieti magni fluvii de Canada sive magnae stationis navium et terras de Newfoundland cum insulis ad easdem terras pertinentibus a sinistra et deinceps ad caput sive promontorium de Cap Britton praedict jacen prope latitudinem quadraginta quinque graduum aut eo circa et a dicto promontorio de Cap Britton versus meridiem et occidentem ad praedict Cap de Sable ubi incepit perambulatio includen et comprehenden intra dictas maris oras littorales ac earum circumferentiam a mari ad mari omnes terras continentes cum fluminibus torrentibus sinibus littoribus insulis aut mariibus jacen prope aut intra sex leucas ad aliquam earundem partem ex occidentali boreali vel orientali partibus orarum littoralium et praecinetuura earundem et ab euronoto ubi jacet Cap Britton et ex australi parte ejusdem ubi est Cap de Sable omnia maria ac insulas versus meridiem intra quadraginta leucas dictarum orarum littoralium earundem a magnam insulam vulgariter appellat Yle de Sable vel Sablon includen jacen versus carban vulgo *south-south-east* circa triginta leucas a Cap Britton praedict in mari et existen in latitudine quadraginta quatuor graduum aut eo circa. Quaequidem terrae praedict omni tempore affuturo nomine Novae Scotiae in America gaudebunt quas etiam praefatus Dominus Willielmus in partes et portiones sicut ei *placitum* fuerit dividet eisdemque nomina pro bene placito imponet. Una cum omnibus fodinis tam regalibus auri et argenti quam aliis fodinis ferri plumbi cupri stanni aeris ac aliis mineralibus quibuscunque cum potestate effodiendi et de terra effodere causandi purificandi et repurgandi easdem ac convertendi ac utendi suo proprio usui aut aliis usibus quibuscunque sicuti dicto Domino Willielmo Alexander haeredibus suis vel assignatis aut iis quos suo loco in dictis terris stabilire ipsum contigerit visum fuerit Reservando solummodo nobis et successoribus nostris decimam partem metalli vulgo *ure* auri et argenti quod ex terra in posterum effodietur aut lucrabitur Relinquendo dicto Domino Willielmo suaeque praedict quodcunque ex aliis metallis cupri chalibis ferri stanni plumbi aut aliorum mineralium nos vel successores nostri quoviamodo exigere possumus ut eo facilius magnos sumptus in extrahendis praefatis metallis tolerare possit. Una cum margaritis vulgo *pearle* ac lapidibus praeciosis quibuscunque aliis lapidinis silvis virgultis mossis marresii lacubus aquis piscationibus tam in aqua salsa quam recenti tam regalium piscium quam aliorum venatione occupatione commoditatibus et haereditamentis quibuscunque. Una cum plenaria potestate privilegio et jurisdictione liberae regalitatis capellae et cancellariae imperpetuum cumque donatione et jure patronatus ecclesiarum capellaniarum et beneficiorum cum tenentibus tenandriis et libere tenentium servitiis earundem. Una cum officii justiciariae et admiralitatis respective infra bondas respective supra mentionat. Una etiam cum potestate civitates liberos burgos liberos portus villas et burgos barreniae erigendi ac fora et nundinas infra bondas dict terrarum constituendi curias justiciariae et admiralitatis infra limites dict terrarum fluviorum portuum et marium tenendi una etiam cum potestate imponendi levandi et recipiendi omnia tolonia custumas anchoragia aliasque dict burgorum fororum nundinarum et liberorum portuum devorias et eisdem possidendi et gaudendi adeo libere in omnibus respectibus sicuti quivis baro major aut minor in hoc regno nostro Scotiae gavisus est aut gaudere poterit quovis tempore praeterito vel futuro eum omnibus aliis praerogativis privilegiis immunitatibus dignitatibus casualitatibus proficiis et devoriis ad dictas terras maria et bondas earundem spectan et pertinen et quas nos ipsi dare vel concedere possumus

adeo

adeo libere et ampla forma sicuti nos aut aliquis nostrorum nobilium progenitorum aliquas cartas patentes literas infeofamenta donationes aut diplomata concesserunt cuius subdito nostro cujuscunque qualitatis aut gradus cuius societati aut communitati tales colonias in quascunque partes extraneas deducendi aut terras extraneas investiganti in adeo libera et ampla forma sicuti cadem in hac praesenti carta nostra insererentur Facimus etiam constituimus et ordinamus dictum Dominum Willielmum Alexander haeredes suos aut assignatos vel eorum deputatos nostros Haereditarios Locum tenentes generales ad repraesentandum nostram personam regalem tam per mare quam per terram in regionibus maris oris et finibus praedict in petendo dict terras quamdiu illic manserit ac redeundo ab eisdem ad gubernandum regendum puniendum et remittendum omnes nostros subditos quos ad dictas terras ire aut easdem inhabitare contigerit aut qui negotiationem cum eisdem suscipient vel in eisdem locis remanebunt ac eisdem ignoscendum et ad stabiliendum tales leges statuta constitutiones directiones instructiones formas gubernandi et magistratum caeremonias infra dictas bondas sicut ipse Dominus Willielmo Alexander aut ejus praedict ad gubernationem dictae regionis et ejusdem incolarum in omnibus causis tam criminalibus quam civilibus visum fuerit et easdem leges regimina formas et caeremonias alterandum et mutandum quoties sibi vel suis praedictis pro bono et commodo dictae regionis placuerit ita ut dictae leges quam legibus hujus regni nostri Scotiae quam fieri possunt sint concordantes Volumus etiam ut in casu rebellionis aut seditionis legibus utatur militaribus adversus delinquentes vel imperio ipsius sese subtrahentes adeo libere sicuti aliquis locum tenens cujusvis regni nostri vel domini virtute officii locum tenentis habent vel habere possunt excludendo omnes alios officarios hujus regni nostri Scotiae terrestres vel maritimos qui in posterum aliquid jurisclamei commoditatis auctoritatis aut interesse in et ad dict terras aut provinciam praedict vel aliquam inibi jurisdictionem virtute alicujus praecedentis dispositionis aut diplomatis praetendere possunt Et ut viris honesto loco natis sese ad expeditionem istam subeundam et ad colones plantationem in dictis terris addatur animus nos pro nobis nostrisque haeredibus et successoribus cum avisamento et consensu praedict virtute praesentis cartae nostrae damus et concedimus liberam et plenariam potestatem praefato Domino Willielmo Alexander suisque praedict conferendi favores privilegia munita et honores in demerentes Cum plenaria potestate eisdem aut eorum alicui quos cum ipso Domino Willielmo suisque praedict pactiones vel contractus facere pro eisdem terris contigerit sub subscriptione sua vel suorum praedict et sigillo infra mentionato aliquam portionem vel portiones dictarum terrarum portuum navium stationum fluviorum aut praemissorum alicujus partis disponendi et extradonandi erigendi etiam omnium genorum machinas artes facultates vel scientias aut easdem exercendi in toto vel in parte sicuti ei pro bono ipsorum visum fuerit dandi etiam concedendi et attribuendi talia officia titulos jura et potestates constituendi et designandi tales capitaneos officarios balivos gubernatores clericos omnesque alios regalitatis baroniae et burgi officarios aliosque ministros pro administratione justitiae infra bondas dictarum terrarum aut in via dum terras istas per mare potunt et ab eisdem redeunt sicuti ei necessarium videbitur secundum qualitates conditiones et personarum merita quos in aliqua coloniarum dictae provinciae aut aliqua ejusdem parte habitare contigerit aut qui ipsorum bona vel fortunas pro commodo et incremento ejusdem periculo committent et eosdem ab officio removendi alterandi et mutandi prout ei suisque praescript expediens videbitur Et cum hujusmodi conatus non sine magno labore et sumptibus fiunt magnamque pecuniae largitionem requirant adeo ut privati cujusvis fortunas excedant et multorum suppetiis indigeant ob quam causam praefatus Dominus Willielmus Alexander suisque praescript cum diversis nostris subditis aliisque particularibus periculationibus et susceptionibus ibidem qui forte cum eo suisque haeredibus assignatis vel deputatis pro terris piscationibus mercimoniis aut populi transportatione cum ipsorum pecoribus rebus et bonis versus dictam Novam Scotiae contractus inibunt volumus ut quicumque tales contractus cum dicto Domino Willielmo suisque praescript sub ipsorum subscriptionibus et

sigillis expedient limitando assignando et affigendo diem et locum pro personarum bonorum et rerum ad navem deliberatione sub poena et forisfactura cuiusdam monetæ summæ et eodem contractus non perficient sed ipsam frustrant et in itinere designato ei nocebunt quod non solum dicto Domino Willielmo suisque prædict prout esse præiudicio et nocumento verum etiam nostræ tam laudabili intentioni obstabit et detrimentum inferet tunc licitum erit præfato Domino Willielmo Alexander suisque prædict vel eorum deputatis et conservatoribus inframentationis in eo casu sibi suisve prædict quos ad hunc effectum substituet omnes tales summæ bonæ et res forisfactas per talium contractuum violationem assumere Quod ut facilius fiat et legum prolixitas evitetur dedimus et concessimus tenoreque præsentis cartæ nostræ damus et concedimus plenariam licentiam libertatem et potestatem nostri consilii dominis ut eos in ordinem redigant et talium contractuum vel foederum violatores pro transportatione populorum facti puniant Et licet omnes tales contractus inter dictum Dominum Willielmum suosque prædict et prædictos periclitatores per periclitationem et transportationem populorum cum ipsorum bonis et rebus ad statutum diem perficientur et ipsi cum suis omnibus pecoribus et bonis ad littus illius provincie animo coloniam ducendi et remanendi appellent et nihilominus postea vel omnino provinciam Novæ Scotiæ et ejusdem confinia sine licentia dicti Domini Willielmi ejusque prædict vel eorum deputatorum vel societatem et coloniam prædict ubi primum combinati et conjuncti fuerant derelinquent et ad agrestes aborigines in locis remotis et desertis ad habitandum sese conferent quod tunc amittent et forisfacient omnes terras prius iis concess omnia etiam bona infra omnes prædictas bondas et licitum erit prædicto Domino Willielmo suisque prædict eadem fisco applicare et easdem terras recognoscere eademque omnia ad ipsos vel eorum aliquem quovismodo spectantia possidere et suo peculiari usui suorumque prædict convertere Et ut omnes dilecti nostri subditi tam regnorum nostrorum et dominiorum quam alii extranei quos ad dictas terras aut aliquam earundem partem ad mercionia contrabenda navigare contigerit melius sciant et obedientes sint potestati et authoritati per nos in prædictum fidelem nostrum consiliarium Dominum Willielmum Alexander suosque prædict collatæ in omnibus talibus commissionibus warrantis et contractibus quos quovis tempore futuro faciet concedet et constituit pro decentiori et validiori constitutione officiariorum pro gubernatione dictos colonos concessione terrarum et executione justicie dictos inhabitantes periclitantes deputatos factores vel assignatos tangen in aliqua dictarum terrarum parte vel in navigatione ad easdem terras nos cum avisamento et consensu prædicto ordinamus quod dictus Dominus Willielmus Alexander suisque prædict unum commune sigillum habebunt ad officium Locum tenentis justiciariæ et admiralitatis spectan quod per dictum Dominum Willielmum Alexander suosque prædict vel per deputatos suos omni tempore futuro custodietur in cujus unolatero nostra insignia insculpentur cum his verbis in ejusdem circulo et margine SIGILLUM REGIS SCOTIE ANGLIE FRANCIE ET HYBERNIE et in altero latere imago nostra nostrorumque successorum cum his verbis (PRO NOVE SCOTIE LOCUM TENENTE) cujus justum exemplar in manibus ac custodia dicti conservatoris remanebit quo prout occasio requiret in officio suo utatur Et cum maxime necessarium sit ut omnes dilecti nostri subditi quotquot dictam provinciam Novæ Scotiæ vel ejus confinia incolent in timore omnipotentis Dei et vero ejus cultu simul vivant omni conamine intentus Christianam religionem inibi stabilire pacem etiam et quietem cum natis incolis et agrestibus indigenis earum terrarum colere (unde ipsi et eorum quilibet mercimonia ibi exercentes tuti cum oblectamento ea quæ magno cum labore et periculo acquisiverunt quiete possidere possint) nos pro nobis nostrisque hæredibus et successoribus volumus nobisque visum est per præsentis cartæ nostræ tenorem dare et concedere dicto Domino Willielmo Alexander suisque prædict et eorum deputatis vel aliquibus aliis gubernatoribus officariis et ministris quos ipsi constituent liberam et absolutam potestatem tractandi et pacem affinitatem amicitiam et mutua colloquia operam et communicationem cum silvestris illis aboriginibus et eorum principibus vel quibuscunque aliis regimen et potestatem in

ipsos habentibus contrahendi observandi et alendi tales affinitates et colloquia
 quae ipsi vel sui praedict cum iis contrahent modo foedera illa ex adversa
 parte per ipsos silvestres fideliter observentur quod nisi fiat arma contra ipsos
 sumendi quibus redigi possunt in ordinem sicuti dicto Domino Willielmo suisque
 praedict et deputatis pro honore obedientia et Dei servitio ac stabilimento de-
 fensione et conservatione auctoritatis nostrae inter ipsos expediens videbitur
 Cum potestate etiam praedicto Domino Willielmo Alexander suisque praedict
 per ipsos vel eorum deputatos substitutos vel assignatos pro ipsorum defensione
 tutela omni tempore et omnibus justis occasionibus in posterum aggrediendi
 ex inopinato invadendi expellendi et armis repellendi tam per mare quam per
 terram omnibus modis omnes et singulos qui sine speciali licentia dicti Domini
 Willielmi suorumque praedict terras inhabitare aut mercaturam facere in dicta
 Novae Scotiae provincia aut quavis ejusdem parte conabuntur et similiter omnes
 alios quoscunque qui aliquid damni detrimenti destructionis laesionis vel in-
 vasionis contra provinciam illam aut ejusdem incolas inferre praesument quod ut
 facilius fiat licitum erit dicto Domino Willielmo suisque praedict eorum deputatis
 factoribus et assignatis contributiones a periclitantibus et incolis ejusdem levare
 in unum cogere pro proclamationes vel quovis alio ordine talibus temporibus
 sicuti dicto Domino Willielmo suisque praedict expediens videbitur omnes
 nostros subditos infra dictas limites dictae provinciae Novae Scotiae inhabi-
 tantes et mercimonia isdem exercentes convocare pro meliori exercituum ne-
 cessariorum supplemento et populi et plantationis dict terrarum augmenta-
 tione et incremento Cum plenaria potestate privilegio et libertate dicti Domini
 Willielmo Alexander suisque praedict per ipsos vel eorum substitutos per
 quaevis maria sub nostris insigniis et vexillis navigandi cum tot navibus tanti
 oneris et tam bene munitione viris et victualibus instructis sicuti possunt
 parare quovis tempore et quoties iis videbitur expediens ac omnes cujuscunque
 qualitatis et gradus personas nostri subditi existentes aut qui imperio nostro
 sese subdere ad iter illud suscipiendum voluerint cum ipsorum jumentis equis
 bobus ovibus bonis et rebus omnibus munitionibus machinis majoribus armis
 et instrumentis militaribus quotquot voluerint aliisque commoditatibus et re-
 bus necessariis pro usu ejusdem colones mutuo commercio cum nativis inhabi-
 tantibus earum provinciarum aut aliis qui cum ipsis plantatoribus mercimonia
 contrahent transportandi et omnes commoditates et mercimonia quae iis vide-
 buntur necessaria in regnum nostrum Scotiae sine alicujus taxationis custumae
 aut impositionis pro eisdem solutione nobis vel nostris custumariis aut eorum
 deputatis inde portandi eosdemque ab eorum officiis in hac parte pro spatio
 septem annorum diem datae praesentis cartae nostrae immediate sequen inhi-
 bendo quamquidem solam commoditatem per spatium tredecim annorum in
 posterum libere concessimus tenoreque praesentis cartae nostrae concedimus et
 disponimus dicto Domino Willielmo suisque praedict secundum proportionem
 quinque pro centum postea mentionat Et post tredecim illos annos finitum
 licitum erit nobis nostrisque successoribus ex omnibus bonis et mercimoniis quae
 ex hoc regno nostro Scotiae ad eandem provinciam vel ex ea provincia ad dic-
 tum regnum nostrum Scotiae exportabuntur vel importabuntur in quibusvis hu-
 jus regni nostri portibus per dictum Dominum Willielmum suosque praedict tan-
 tum quinque libras pro centum secundum antiquam negotiandi morem sine ulla
 alia impositione taxatione custumae vel devoria ab ipsis imperpetuum levare et
 exigere quaequidem summa quinque librarum pro centum sic soluta per dict
 Dominum Willielmum suosque praedict aliisque nostris officialibus ad hunc ef-
 fectum constitutis exinde licitum erit dicto Domino Willielmo suisque praedict
 eadem bona de hoc regno nostro Scotiae in quasvis alias partes vel
 regiones extraneas sine alicujus alterius custumae taxationis vel devoriae solu-
 tione nobis vel nostris haeredibus aut successoribus aut aliquibus aliis trans-
 portare et avehere proviso tamen quod dicta bona infra spatium tredecim
 mensium post ipsarum in quovis hujus regni nostri portu appulsionem navi-
 rursus imponantur Dan et conceden absolutam et plenariam potestatem dicto
 Domino Willielmo suisque praedict ab omnibus nostris subditis qui colonias
 ducere mercimonia exercere aut ad easdem terras Novae Scotiae et ab eisdem
 navigare

navigare voluerint praeter dictam summam nobis debitam pro bonis et mercimoniis quinque libras de centum vel ratione exportationis ex hoc regno nostro Scotiae ad provinciam Novae Scotiae vel importationis a dicta provincia ad regnum hoc nostrum Scotiae praedict in ipsius ejusque praedict proprios usus sumendi levandi et recipiendi et similiter de omnibus bonis et mercimoniis quae per nostros subditos coloniarum ductores negotiatores et navigatores de dicta provincia Novae Scotiae ad quaevis nostra dominia aut alia quaevis loca exportabuntur vel a nostris regnis et aliis locis ad dictam Novam Scotiam importabuntur ultra et supra dictam summam nobis destinatum quinque libras de centum Et de bonis et mercimoniis omnium extraneorum aliorumque sub nostra obedientia existentium quae vel de provincia Novae Scotiae exportabuntur vel ad eandem importabuntur ultra et supra dictam summam nobis destinatum decem libras de centum dicti Domini Willielmi suorumque predict propriis usibus per tales ministros officarios vel substitutos eorumve deputatos aut factores quos ipsi ad hunc effectum constituent et designabunt levandi sumendi ac recipiendi Et pro meliori dicti Domini Willielmi suorumque praedict aliorumque omnium nostrorum dilectorum subditorum qui dictam Novam Scotiam inhabitant vel ibidem mercimoniis exercere voluerint securitate et commoditate et generaliter omnium aliorum qui nostras auctoritati et potestati sese subdere non gravabuntur nobis visum est volumusque quod licitum erit dicto Domino Willielmo suisque praedictis unum aut plura munimina propugnacula castella loca fortia specula armamentaria *lis blokhousis* aliaque aedificia cum portubus et navium stationibus aedificare vel aedificari causa una cum navibus bellicis easdemque pro defensione dicti locorum applicare sicut dicto Domino Willielmo suisque praedict pro dicto conamine perficiendo necessarium videbitur proque ipsorum defensione militum catervas ibidem stabilire praeter praedicta supra-mentionata et generaliter omnia facere quae pro conquestu augmentatione populi inhabitatione preservatione et gubernatione dictae Novae Scotiae ejusdemque orarum et territorii infra omnes hujusmodi limites pergentias et dependentias sub nostro nomine et auctoritate quodecunque nos si personaliter essemus praesentes facere potuimus licet casus specialis et strictum magis ordinem quam per praesentes praescribitur requirat cui mandato volumus et ordinamus strictissimeque praecipimus omnibus nostris justiciariis officariis et subditis ad loca illa sese conferentibus ut sese applicent dictoque Domino Willielmo suisque praedictis in omnibus et singulis supra mentionatis earum substantiis et circumstantiis intendant et obediant eisque in earum executione in omnibus adeo sint obedientes ut nobis cuius personam representat esse debent sub poena disobedientiae et rebellionis Declaramus insuper per praesentis cartae nostrae tenorem omnibus Christianis regibus principibus et statibus quod si aliquis vel aliqui qui in posterum de dictis coloniis vel de earum aliqua sit in dicta provincia Novae Scotiae vel alii sub eorum licentia vel mandato quovis tempore futuro piraticam exercentes per mare vel terram bona alicujus abstulerint vel aliquod injustum vel indebitum hostiliter intra aliquos nostros nostrorumve haeredum et successorum aut aliorum regum principum gubernatorum aut statuum in foedere nobiscum existen subditos quod tali injuria sic oblata aut justa querela deasper mota per aliquem regem principem gubernatorem statum vel eorum subditos praedict nos nostri haeredes et successores publicas proclamationes fieri curabimus in aliqua parte dicti regni nostri Scotiae ad hunc effectum magis commoda ut dicti pirata vel piratae qui tales rapinas committent stato tempore per praefatas proclamationes limitando plenarie restituant quaecunque bona sic oblata et pro dictis injuriis omnimodo satisfaciant ita ut dicti principes alique sic conquaerentes satisfactos se esse repetent et quod si talia facinora committent bona oblata non restituent aut restitui faciant infra limitatum tempus quod tunc in posterum sub nostra protectione et tutela minime erunt et quod licitum erit omnibus principibus aliisque praedict delinquentes eos hostiliter prosequi et invadere Et licet neminem nobilem aut generosum de patria hac sine licentia nostra decedere statutum sit nihilominus volumus quod praesens hoc diploma sufficiens erit licentia et warrantum omnibus qui se huic itinerari committent qui laesamajestatis non sunt rei vel aliquo alio speciali mandato

inhibiti atque etiam per praesentis cartae nostrae tenorem declaramus volumusque quod nemo patria hac decedere permittatur versus dictam Novam Scotiam nullo tempore nisi si qui juramentum suprematitatis nostrae primum susceperint ad quem effectum nos per praesentes dicto Domino Willielmo suisque praedict vel eorum conservatori vel deputatis idem hoc juramentum omnibus personis versus illas terras in ea colonia sese conferentibus requirere et exhibere plenariam potestatem et auctoritatem damus et concedimus Praeterea nos cum avasamento et consensu antedict pro nobis et successoribus nostris declaramus decernimus et ordinamus quod omnes nostri subditi qui ad dictam Novam Scotiam proficiscuntur aut eam incolent eorumque omnes liberi et posteritas qui ibi nasci contigerit aliique omnes ibidem periclitantes habebunt et possidebunt omnes libertates immunitates et privilegia liberorum et naturalium subditorum regni nostri Scotiae aut aliorum nostrorum dominiorum sicuti ibidem nati fuissent Insuper nos pro nobis et successoribus nostris damus et concedimus dicto Domino Willielmo Alexander suisque praedict liberam potestatem stabiliendi et eudere causandi monetam pro commercio liberiori inhabitantium dictae provinciae cujusvis metalli quo modo et qua forma voluerint et eidem praescribent atque etiam si quae quaestiones aut dubia super interpretatione aut constructione alicujus clausulae in hac praesenti carta nostra contentas occurrerent ea omnia amentur et interpretabuntur in amplissima forma et in favorem dicti Domini Willielmi suorumque praedict Praeterea nos ex nostra certa scientia proprio motu auctoritate regali et potestate regia fecimus univimus annexavimus creximus creavimus et incorporavimus tenoreque praesentis cartae nostrae facimus univimus annexavimus erigimus creamus et incorporamus totam et integram praedictam provinciam et terras Novae Scotiae cum omnibus earundem limitibus et maribus ac mineralibus auri et argenti plumbi cupri chalibis stanni seris ferri aliisque quibuscunque fodinis margaritis lapidibus praeciosis lapicidinis silvis virgultis mossis marresiis lacubus aquis piscationibus tam in aquis dulcibus quam salis tam regalium piscium quam aliorum civitatibus liberis portubus liberis burgis urbibus baroniae burgis maris portubus anchoragiis machinis molendinis officiis et jurisdictionibus omnibusque aliis generaliter et particulariter supra mentionatis in unum integrum et liberum Dominium et Baroniam per praedict nomen NOVAE SCOTIAE omni tempore futuro appellandum Volumusque et concedimus ac pro nobis et successoribus nostris decernimus et ordinamus quod unica sasina nunc per dictum Dominum Willielmum suosque praedict omni tempore affuturo super aliqua parte fundi dicti terrarum et provinciae praescript stabit et sufficiens erit sasina pro tota regione cum omnibus partibus pendiculis privilegiis casualitatibus libertatibus et imunitatibus ejusdem supramentionatis absque aliqua alia speciali et particulari sasina per ipsum suosve praedict apud aliquam aliam partem vel ejusdem locum capienda penes quam sasinam omniaque quae inde secuta sunt aut sequi possunt nos cum avasamento et consensu supra expresso pro nobis et successoribus nostris dispensavimus tenoreque praesentis cartae nostrae modo subius mentionat dispensamus in perpetuum TENEN et HABEN totam et integram dictam regionem et dominium Novae Scotiae cum omnibus ejusdem limitibus infra praedicta maria mineralibus auri et argenti cupri chalibis stanni plumbi seris ferri aliisque quibuscunque fodinis margaritis lapidibus praeciosis lapicidinis silvis virgultis mossis marresiis lacubus aquis piscationibus tam in aquis dulcibus quam salis tam regalium piscium quam aliorum civitatibus liberis portubus liberis burgis urbibus baroniae burgis maris portubus anchoragiis machinis molendinis officiis et jurisdictionibus omnibusque aliis generaliter et particulariter supra mentionat cumque omnibus aliis privilegiis libertatibus immunitatibus casualitatibus aliisque supra expressis praefato Domino Willielmo Alexander haeredibus suis et assignatis de nobis nostrisque successoribus in feodo haereditate libero dominio libera baronia et regalitate imperpetuum per omnes rectas metas et limites suas prout jacent in longitudine et latitudine in domibus aedificiis aedificatis et aedificandis boscis planis moris marresiis viis semitis aquis stagnis rivolis pratis et pascuis molendinis multuris et eorum sequelis acupationibus venationibus piscationibus

bus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbis columbariis fabrilibus brasinis brueriis et genistiis silvis nemoribus et virgultis lignis tignis lapidiis lapide et calce cum curiis bludewitiis placitiis haerezelis amerciamentiis et mulierum marchetiis cum libero introitu et exitu ac cum furca fossa sok sac thole thame infangtheiff outfangtheiff wrak wair veth vert vennessoun pitt et gallows ac cum omnibus aliis et singulis libertatibus commoditatibus proficiis asiamentiis ac justis suis pertinentiis quibuscunque tam non nominat quam nominat tram subtus terra quam supra terram procul et prope ad praedict regionem et dominium spectant seu juste spectare valen quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace absque ulla revocatione contradictione impedimento aut obstaculo quocunque Solvendo inde annuatim dictus Dominus Willielmus Alexander suique praedict nobis nostrisque haeredibus et successoribus unum denarium monetae Scotiae super fundum dict terrarum et provinciae Novae Scotiae ad festum Nativitatis Christi nomine albae firmae si petatur tantum Et quia tentione dict terrarum et provinciae Novae Scotiae et alba firma supradict deficiente tempestivo et legitimo introitu cujusvis haeredis vel haeredum dicti Domini Willielmi sibi succedent quod difficulter per ipsos praestari potest ob longinquam distantiam ab hoc regno nostro eadem terrae et provinciae ratione non-introitus in manibus nostris nostrorumve successorum devenient usque ad legitimum legitimi haeredis introitum et nos nolentes dictas terras et regionem quovis tempore in non-introitu cadere neque dictum Dominum Willielmum suosque praedict beneficiis et proficiis ejusdem eatenus frustrari idcirco nos cum avasamento praedict cum dicto introitu quandocunque contigerit dispensavimus tenoreque ejusdem cartae nostrae pro nobis et successoribus nostris cartae nostrae cum consensu praedicto renunciamus et exoneramus dictum Dominum Willielmum ejusque praescript praefatum non-introitum dictae provinciae et regionis quandocunque in manibus nostris deveniet aut ratione non-introitus cadet cum omnibus quae desuper sequi possunt proviso tamen quod dictus Dominus Willielmus suique haeredes et assignati infra spatium septem annorum post decessum et obitum suorum praedecessorum aut introitum ad possessionem dict terrarum aliorumque praedict per ipsos vel eorum legitimos procuratores ad hunc effectum potestatem habentes nobis nostrisque successoribus homagium faciant et dictas terras dominium et baroniam aliaque praedict adeant et per nos recipiantur secundum leges et statuta dicti regni nostri Scotiae in quoquidem casu haeredes et assignati dicti Domini Willielmi Alexander non obstant praedicto non-introitu gaudebunt et possidebunt omnes et singulas praedictas terras regionem et dominium Novae Scotiae cum omnibus et singulis proficiis commoditatibus beneficiis privilegiis et libertatibus earund ac si dictus non-introitus non fuisset vel ac si in non-introitu nunquam cecidissent Quaequidem terrae regio et dominium Novae Scotiae tam terra firma quam insulae infra omnes et singulas dictas bondas et maria earund cum silvis piscationibus tam in aquis salis quam dulcibus tam piscium regalium quam aliorum cum margaritis praeciosis lapidibus venis mineralibus regis auri et argenti aliis mineralibus ferri chalybis plumbi cupri acris stanni orichalci aliisque quibuscunque ac omnibus privilegiis libertatibus immunitatibus praerogativis officiis et jurisdictionibus aliisque specialiter et generaliter supra-recitat perprius ad dict Dominum Willielmum Alexander suosque haeredes et assignatos pertinuerunt et per ipsum suosque procuratores suo nomine in manibus nostris debite et legitime resignatae fuerunt et hoc pro novo nostro haereditario infeofamento earund in favorem dicti Domini Willielmi suorumve haeredum et assignatorum praedict in debita et competenti forma ut congruit concedend tenend ut dictum est cum dispensatione non introitus modo prescripto cum contigerit Insuper nos cum avasamento praescripto pro bono fideli et gratuito servitio nobis per dictum Dominum Willielmum Alexander praestito et impenso et respectu habitio magnarum et multarum expensarum et sumptuum conferend et impendend in plantatione dict bondarum domini et regionis Novae Scotiae et earund sub nostra obedientia

obedientia reductione aliisque gravibus et causis onerosis DE NOVO Dedimus concessimus et disposuimus tenoreque praesentis cartae nostrae DAMUS concedimus et disponimus praefato Domino Willielmo Alexander suisque haeredibus et assignatis haereditario Omnes et singulas praedictas terras dominium et regionem Novae Scotiae una cum omnibus et singulis castellis turribus fortaliciis manerierum locis domibus aedificiis exstructis et extruendis hortis pomariis plantatis et plantandis toftis croftis pratis pascuis silvis virgultis molendinis multuris terris molendinariis piscationibus tam rubrorum quam aliorum piscium salmonum piscium tam magnorum quam minorum tam in aquis salis quam dulcibus una cum omnibus et singulis decimis garbalibus earundem inclusis tam magnis quam minutis cum advocacione donacione beneficiorum ecclesiarum et capellaniarum et juribus patronatum earund annexis connexis dependentiis tenentibus tenandriis et libere tenentium servitiis earund Una cum omnibus et singulis praeciosis lapidibus gemmis cristallo alumine corallio et aliis cum omnibus et singulis mineralibus venis et lapicidiis earund tam metallorum et mineralium regalium et regionum auri et argenti infra dictas bondas et dominium Novae Scotiae quam aliorum mineralium ferri chalybis stanni plumbi cupri aeris orichalci aliorumque mineralium quorumcunque cum omnibus et singulis partibus pendiculis pertinentiis privilegiis libertatibus et immunitatibus omnium et singularum praedictarum terrarum domini et regionis Novae Scotiae cum plena potestate et privilegio dicto Domino Willielmo Alexander haeredibus suis et assignatis tentandi et investigandi fodiendi et scrutandi fundum pro eisdem et extrahendi eadem purgandi repurgandi et purificandi eadem utendi convertendi ac suis propriis usibus applicandi (reservata solummodo nobis nostrisque successoribus decima parte regalium metallorum vulgo appellat *The ore* auri et argenti inveniendi et extrahendi in posterum de dictis terris et regione) et reliqua dict metallorum mineralium praeciosorum lapidum gemmarum ac aliorum quorumcunque dicto Domino Willielmo Alexander suisque haeredibus et assignatis pertinebunt cum ipsis perpetuo remanend eorumque propriis usibus convertend cum omnibus proficuis et devoriis earund Cum potestate dicto Domino Willielmo Alexander suisque haeredibus et assignatis condendi extruendi et erigendi in et infra omnes bondas dictae regionis sicuti iis videbitur expediens civitates liberos burgos baroniae villas villulas sinus portus stationes navium et designandi nundinas et macella tam in villis quam extra et imponendi levandi et recipiendi omnes et quascunque tonias customas anchoragia aliasque devorias earundem civitatum burgorum baroniae villarum villularum nundinarum macellarum liberorum portuum sinuum navium stationum cum omnibus et singulis casualitatibus proficuis et devoriis quibuscunque easdem civitates et burgos adornandi tam infra burgos quam extra cum sufficientibus et habilibus magistratibus precis justiciariis praepositis balivis senioribus constabulariis aliisque officariis civibus burgensibus liberis et manufactoribus artificibus omnium generum cum decanis ipsorum aliisque ad hoc requisitis Cum plenaria potestate privilegio et libertate iis eorumve liberis civibus et burgensibus vendendi vinum et ceram salmones halesces aliaque stapuli bona et mercimonia tam magna quam minuta Et extruendi ecclesias capellas xenodochia *lie hospitalis und maisoun dieues* cruces forales campanilia campanas aliaque omnia ornamenta ordinaria eisdem spectantia et plantandi et sufficienter providendi easdem ecclesias cum sufficientibus doctoribus praedicatoribus pastoribus et ministris Et similiter erigendi fundandi et extruendi scholas triviales collegia et universitates sufficienter provisas cum habilibus et sufficientibus magistris rectoribus regentibus professoribus omnium scientiarum literarum linguarum et sermonum et providendi pro sufficiente alimento stipendiis et victu pro eisdem ad hunc effectum ac etiam erigendi praelatos archiepiscopos episcopos rectores et vicarios parochiarum et ecclesiarum parochialium et distribuendi et dividendi omnes praedict bondas dictae regionis in diversis et distinctis vicecomitatibus provinciis et parochiis pro meliori provisione ecclesiarum et ministerii divisione vicecomitatum et omnia alia civilia politica Et similiter fundandi erigendi et instituendi senatus iusticiae loci et iusticiae collegia consilii et sessionis senatores earundem membra pro iusticiae administratione infra dictam regionem aliaque iusticiae et iudicaturae loca

loca Praeterea erigendi et designandi tam secreta et privata consilia et sessiones pro publico bono et commodo dictae regionis et dand et concedend titulos honores et dignitates membris earundem et creand clericos et earundem membra et designand sigilla et registra cum ipsorum custodibus Et etiam erigendi et instituenti officarios status cancellarium thesaurarium computorum rotulatorem collectorem secretarium advocatum vel actornatum generalem clericum vel clericos registri et rotulorum custodes justiciariae clericum directorem vel directores cancellariae conservatorem vel conservatores privilegiorum dictae regionis advocatos procuratores causarumque patronos earundemque solicitatores et agentes aliaque membra necessaria Et similiter convocandi congregandi et constituendi conventiones et congregationes ecclesiasticorum praelatorum tam generales speciales vel provinciales conventiones quam alias pro politia et disciplina ecclesiastica et authorizandi ratificandi et confirmandi easdem conventiones consilia et congregationes cum actis statutis et decretis inibi conclusis pro eorundem meliori authoritate Praeterea fecimus constituimus et ordinavimus tenoreque praesentis cartae nostrae facimus constituimus et ordinamus dictum Dominum Willielmum Alexander suosque haeredes et assignatos nostros nostrorumve haeredum et successorum **LOCUM TENENTES** generales ad representandum nostram regalem personam tam per mare quam terram totius et integrae dictae regionis et domini Novae Scotiae tam durante spatio quo ibi remanebit quam in itinere ipsius vel eorum ad dictam regionem vel ab eadem et post ipsorum reditum continuo sine intervallo temporis aut loci excludendo omnes alios vel per mare vel per terram ab usurpatione hujus contrarii vel ab acclamatione alicujus juris beneficii authoritatis et interesse infra dietas bondas et dominium Novae Scotiae vel alicujus judicaturae aut jurisdictionis eatenus virtute alicujus praecedentis aut subsequents juris aut tituli cujuscunque Et cum speciali potestate dicto Domino Willielmo Alexander suisque praedictis gubernandi regendi puniendi et condonandi nostros subditos aliosque dict bondarum et regionis Novae Scotiae inhabitantes aut ibi proficiscentes pacis aut legum transgressores ac faciendi sciendi et stabiliendi ibidem leges tam civiles quam criminales cum legibus justiciariae admiralitatis senescalatus regalitatis et vicecomitatus pro eorum bene placito modo eadem leges tam conformes sint legibus Scotiae quam convenienter fieri potest respectu habito circumstantiarum loci regionis personarum et qualitatum earundem Et similiter designandi gubernatores imperatores et ductores omnium et singularum praedictarum civitatum burgorum portuum navium stationum et sinuum et capitaneos etiam castrorum fortaliorum et propugnaculorum tam per mare et prope littus quam per terram bene et sufficienter muniti instructi et fortificati militum turmis et copiis pro mantentione defensione et praeservatione earundem et repulsione omnium tam domesticarum quam extrancarum invasionum earund et convocandi congregandi et convenire faciendi omnes inhabitantes dictae regionis ad effectum praescriptum omnibus occasionibus necessariis ac pro repulsione et resistantia omnium aliarum virium et violentiarum quarumcunque Et pro meliori fortificatione dict domini et regionis Novae Scotiae cum potestate dicto Domino Willielmo Alexander suisque praedict transportandi de dicto regno aliisve bondis convenientibus omnia genera munitionis magna et minuta tormenta majora media vulgo *cannonis demi-cannonis zellin-gis* falconis aeris et ferri sclopetos atque alia instrumenta et belli machinus cum sclopetis minoribus vulgo *muskettis hagbuttis half-haggis* bombardis vulgo *pistolettis* pulvere globulis aliisque necessariis victualibus et armis tam offensivis quam defensivis et gerendi et utendi talibus armis tam infra dictam regionem Novae Scotiae quam in eorum transitu et cursu vel ad easdem terras vel ab eis cum eorum comitibus sociis et dependentibus Nos etiam cum avisa-mento praedicto fecimus constituimus et ordinavimus tenoreque praesentis cartae nostrae facimus constituimus et ordinamus dictum Dominum Willielmum Alexander suosque haeredes et assignatos haereditarie nostros **JUSTICIANOS GENERALES** in omnibus causis criminalibus infra dictam regionem et dominium Novae Scotiae **MAGNUM ADMIRALLUM** et **DOMINUM REGALITATIS** et **ADMIRALITATIS** infra dictam regionem Haereditarios etiam **SENESCALLOS** ejusd omniumque et singularum regalitatum hujusmodi cum potestate sibi suisque haeredibus

haeredibus et assignatis utendi exercendi et gaudendi omnibus et singulis praefatis jurisdictionibus iudicaturis et officiis cum omnibus et singulis privilegiis praerogativis immunitatibus et casualitatibus earund similiter et adeo libere quam aliquis alius iusticiarius vel iusticiarii generales senescalli admiralli vicecomites aut domini regalitatis habuerunt vel habere possunt aut possidere et gaudere iisdem jurisdictionibus iudicaturis officiis dignitatibus et praerogativis in aliquibus nostris regnis bondis et dominiis nostris quibuscunque Cum potestate dicto Domino Willielmo Alexander suisque haeredibus et assignatis constituendi erigendi nominandi et creandi clericos officarios serjandos adjudicatores omniaque alia curiae membra omnium et singularium praefatarum iudicaturarum et jurisdictionum respective cum omnibus feodis devoriis et casualitatibus eisd spectant prout iis videbitur expediens sine praedjudicio omnimodo omnium aliorum infeofamentorum jurium vel dispositionum per nos nostrosve praedecessores cuicumque personae vel quibuscunque personis qui participes sunt vel erunt dictae plantationis Novae Scotiae proceden supra resignationem dicti Domini Willielmi Alexander solummodo et non aliter de quibuscunque partibus aut portionibus dictae regionis et domini Novae Scotiae cum privilegiis et immunitatibus in ipsorum infeofamentis mentionat Et quum ratione longi intervalli et distantiae dictae regionis et domini Novae Scotiae a dicto antiquo regno nostro Scotiae et quod eadem regio neque facile neque commode nisi aestatis tempore peti potest quodque eadem regio publicis tabellionibus et notariis requisitis pro sasinis sumendis omnino est destituta adeo ut sasina commode super fundum dictae regionis omnibus temporibus capi non potest atque etiam respectu habito magnorum et multifariorum incommodorum quae cadere possunt in defectu tempestivae sasinae sumendae super hoc praesens diploma et super alias cartas et similia infeofamenta concess et concedend de praedictis terris et dominio Novae Scotiae vel aliqua earundem parte igitur ut praesens haec nostra carta magis sit efficax et ut sasina desuper magis commode capi possit necessarium est ut sasina sumatur omnia et singularum praedictarum terrarum dictae regionis et domini Novae Scotiae infra dictum regnum nostrum Scotiae et super funda et terras ejusd in magis eminente ejusd loco quod nec convenienter nec legitime fieri potest sine expressa unione dictae regionis et domini Novae Scotiae dicto regno Scotiae quocirca et pro faciliiori commodo et convenientia antedictae sasinae nos cum avisa-mento praedicto annexavimus univimus et incorporavimus tenoreque praesentis cartae nostrae unimus annexamus et incorporamus dicto regno nostro Scotiae totam et integram praedictam regionem et dominium Novae Scotiae cum decimis et decimis garbalibus earund inclusis et omnibus et singulis partibus pertinentiis privilegiis jurisdictionibus et libertatibus earundem aliisque generaliter et specialiter supra mentionat Et per praesentis cartae nostrae tenorem volumus declaramus decernimus et ordinamus quod unica sasina nunc capienda apud castellum nostrum de Edinburt tanquam maxime eminentem et principalem locum dicti regni nostri Scotiae de omnibus et singulis dictis terris regione et domini Novae Scotiae vel aliqua earund parte cum decimis et decimis garbalibus earund respective inclusis est et erit sufficiens sasina pro totis et integris praedict terris regione et dominio Novae Scotiae cum decimis et decimis garbalibus earund inclusis vel aliqua earund parte terrarum et regionis praescript et omnibus privilegiis jurisdictionibus et libertatibus ejusd respective aliisque specialiter et generaliter supramentionat non obstante quod eadem terrae regio et dominium Novae Scotiae longe distet et discontiguae jaceat a dicto regno nostro Scotiae penes quod nos cum avisa-mento et consensu praedicto dispensavimus tenoreque praesentis cartae nostrae dispensamus imperpetuum sine praedjudicio et derogatione omnimodo dicti privilegii et praerogativi praefato Domino Willielmo Alexander suisque haeredibus et assignatis concess pro confectioe et stabilimento legum actorum et constitutionum omnium et singularum praedict terrarum regionis et domini Novae Scotiae tam per mare quam per terram Et per praesentis cartae nostrae tenorem declaramus quod non obstante dicta unione (quae concedi solummodo declaratur pro communitate et convenientia sasinae) eadem regio et dominium Nova Scotiae iudicabitur rogetur et gubernabitur per leges et constitutiones fact fieri con-

stituend et stabiliend per dictum Dominum Willielmum Alexander suosque haeredes et assignatos spectan ad dictam regionem et dominium Novae Scotiae similiter et adeo libere in eo respectu sicuti eadem unio nunquam fuisset facta nec eatenus concessa. Et praeterea non obstante praedicta unione licitum erit praedicto Domino Willielmo Alexander suisque haeredibus et assignatis dare concedere et disponere aliquas partes vel portiones dictarum terrarum regionis et domini Novae Scotiae iis haereditarie spectan ad et in favorem quarumcunque personarum eorum haeredum et assignatorum haereditarie cum decimis et decimis garbalibus earundem inclusis (modo nostri sint subditi) tenend do dicto Domino Willielmo Alexander vel de nobis et nostris successoribus vel in alba firma feudifirma vel warda et relevio pro eorum beneplacito et intitulare et denominare easdem partes et portiones quibuscunque stilibus et designationibus iis visum fuerit aut in libito et optione dicti Domini Willielmi suorumque praedictorum quaequidem infeofamenta et dispositiones per nos nostrosque successores libero sine aliqua compositione propterea solvend approbabitur et confirmabitur. Insuper nos nostrisque successores quascunque resignationes per dictum Dominum Willielmum Alexander suosque haeredes et assignatos fiendas de totis et integris praefatis terris et dominio Novae Scotiae vel alicujus earundem partis in manibus nostris nostrorumque successorum et commissionariorum praedicti cum decimis et decimis garbalibus earundem inclusis aliisque generaliter et specialiter supra mentionat recipiemus ad et in favorem cujuscunque personae aut quarumcunque personarum (modo nostri sint subditi et sub nostra obedientia vivant) et desuper infeofamenta expedient tenend in libera alba firma de nobis haeredibus et successoribus nostris modo supra mentionat libere sine ulla compositione. **QUAEQUIDEM** terrae regio et dominium Novae Scotiae cum decimis garbalibus earundem inclusis omnesque et singulae partes pendiculae et pertinentiae privilegia jurisdictionis praerogativae et libertates earundem aliaque specialiter et generaliter supra mentionat una cum omni jure titulo interesse jurisdictionis tam petitorio quam possessorio quae nos nostrosque praedecessores aut successores habuimus habemus vel quovismodo habere clamare aut praetendere potuimus ad easdem vel aliquam earundem partem aut ad census firmas proficua et devotias earundem de quibuscunque annis aut terminis praeteritis pro quacunque causa vel occasione nos cum avasamento praedicti pro rationibus supra mentionatis **DE NOVO** damus concedimus et disposuimus praedicto Domino Willielmo Alexander suisque haeredibus et assignatis haereditarie imperpetuum renunciando et exonerando iisdem simpliciter cum omni actione et instantia eatenus competentis ad et in favorem dicti Domini Willielmi Alexander suorumque haeredum et assignatorum tam pro non solutione devotiarum in ipsorum originalibus infeofamentis contentam quam pro non praestatione debiti homagii eisdem conformiter aut pro non perimptione alicujus puncti dicti originalis infeofamenti aut pro commissione alicujus culpaе aut facti omissionis vel commissionis iisdem praejudicabili et unde idem originale infeofamentum legitime impugnari aut in quaestionem duci in posterum quovismodo possit acquietando et remittendo iisdem simpliciter cum omni titulo actione instantia et interesse eatenus competentis aut quae nobis nostrisque haeredibus et successoribus competere potest renunciando iisdem simpliciter jure lite et causa cum pacto de non petendo ac cum supplemento omnium defectuum tam non nominat quam nominat quae nos tanquam pro expressis in hac praesenti carta nostra haberi volumus tenend in libera alba firma ut dictum est et dispensando cum non-introitu quandocunque contigerit modo praedicto. Insuper nos pro nobis et successoribus nostris cum avasamento praedicto damus concedimus et committimus potestatem dicto Domino Willielmo Alexander suisque haeredibus et assignatis habendi et legitime stabiliendi et cudere causandi monetam currentem in dicta regione et dominio Novae Scotiae et inter inhabitantes ejusdem pro faciliori commercii et pactiorum commodi talis metalli formae et modi sicuti ipsi designabunt aut constituent et ad hunc effectum damus concedimus et committimus iis eorumve haeredibus et assignatis dictae regionis Locum tenentibus privilegia monetam cudendi cum instrumentis ferreis et officariis ad hunc effectum necessariis. Praeterea nos pro nobis et successoribus nostris cum avasamento praedicto dedimus concessimus ratificavimus

vimus et confirmavimus ac per praesentis cartae nostrae tenorem damus concedimus ratificamus et confirmamus dicto Domino Willielmo Alexander suisque haeredibus et assignatis omnia loca privilegia praerogativas praeminentiae et praecedentia quascunque dat concess et reservat vel dand concedend et reservand dicto Domino Willielmo Alexander suisque haeredibus et assignatis ejusque successoribus Locum tenentibus dictae regionis et domini Novae Scotiae per Equites auratos Baronettos reliquosque portionarios et consortes dictae plantationis adeo ut dictus Dominus Willielmus Alexander suiue haeredes masculi de corpore suo descenden tanquam Locum tenentes praedict sument et sumere possunt locum praerogativum praeminentiam et praecedentiam tam ante omnes armigeros barones minores et generosos vulgo *squyris lairdis and gentilmen* dicti regni nostri Scotiae quam ante omnes praedictos Equites auratos Baronettos ejusd regni nostri omnesque alios ante quos dicti Equites aurati Baronetti locum et praecedentiam virtute privilegii dignitatis iis concess habere possunt pro cujus plantationis et coloniae Novae Scotiae adjumento et ejus praecipue respectu dicti Equites aurati Baronetti cum ipsorum statu et dignitate cum avisamento praedicto in dicto regno nostro Scotiae creati fuerant tanquam indicium speciale nostri favoris super tales generosos et honestos loco natos collat praedictae plantationis et coloniae participes Cum hac expressa provisione omnimodo quod numerus praefatorum Baronettorum nunquam excedat centum et quinquaginta Denique nos cum avisamento praedicto pro nobis haeredibus et successoribus nostris volumus decernimus et ordinamus quod hoc nostrum diploma et infeofamentum ratificari approbari et confirmari cum omnibus ejusd contentis in proximo nostro Parlamento regni nostri Scotiae et ut habeat vim robur et efficaciam acti statuti et decreti ejusd supremae judicaturae penes quod nos pro nobis nostrisque successoribus declaramus et ordinamus praesentem hanc nostram cartam dominis articulis dicti nostri Parlamento pro ratificatione et confirmatione ejusd modo praescripto sufficiens fore warrantum Insuper dilectis nostris

et vestrum cuilibet conjunctim et divisim Vicecomitibus nostris in hac parte specialiter constitutis salutem Vobis praecipimus et mandamus quatenus praefato Domino Willielmo Alexander vel suo certo actornato latori praesentium statum et sasinam haereditariam pariter et possessionem corporalem actualem et reale totarum et integrarum praedictarum terrarum regionis et domini Novae Scotiae cum omnibus et singulis partibus pendiculis privilegiis commoditatibus immunitatibus aliisque tam generaliter quam particulariter superius expressatis apud dictum castrum nostrum de Edinburt tradatis et deliberetis sine dilatione et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim vicecomitibus nostris in hac parte antedict nostram plenariam et irrevocabilem tenore praesentis cartae nostrae committimus potestatem quamquidem sasinam nos cum avisamento praedicto pro nobis nostrisque successoribus tenore praesentis cartae nostrae volumus declaramus et ordinamus tam fore legitimam et sufficientem quam si praeccepta sasiniae separatim et ordinarie e nostra cancellaria ad eum effectum super dicta nostra carta fuissent directa penes quam nos cum avisamento praedicto pro nobis haeredibus et successoribus nostris dispensavimus ac per praesentis cartae nostrae tenorem dispensamus imperpetuum In cujus rei testimonium huic praesenti cartae nostrae magnum sigillum nostrum apponi praecipimus testibus predilectis nostris consanguineis et consiliariis Jacobo marchione de Hamiltoun comite Arranie et Cambrig domino Aven et Innerdail &c. Willielmo Mariscalli comite domino Keith &c. regni nostri mariscallo predilecto nostro consiliario Domino Georgio Hay de Kinfanen milite nostro cancellario predilecto nostro consanguineo et consiliario Thoma comite de Melros domino Bynning et Byres nostro secretario dilectis nostris consiliariis familiaribus Dominis Ricardo Cokburne de Clerkingtoun nostri secreti sigilli custode Joanne Hamiltoun de Magdalens nostrorum rotulorum registri ac consilij clerico Georgio Elphinstoun de Blythwode nostre justiciarie clerico et Joanne Scot de Scotistavet nostre cancellariae directore militibus Apud aulam nostram de Otlandis duodecimo die mensis Julij anno Domini millesimo sexcentesimo vigesimo quinto et regni nostri primo.

CHARTERS

OF THE

LORDSHIP AND BARONY
OF NOVA SCOTIA.

1621.
1625.

CHARTER

IN FAVOUR OF

SIR WILLIAM ALEXANDER, KNIGHT,

OF THE

LORDSHIP AND BARONY OF NOVA SCOTIA, IN AMERICA.

JAMES, by the Grace of God, of Great Britain, France, and Ireland, King, &c., and Defender of the Faith. To all good men of all his territories, clergy and laity, greeting, Know ye, that we have always been intent on embracing every occasion which might tend to the honour and advantage of our kingdom of Scotland, and that we are of opinion that no acquisition is more easy, or less hurtful, than that which is made by planting new colonies in foreign and uncultivated countries, where commodities of life and food are ready at hand, especially if either those same countries have been theretofore destitute of cultivators, or have been inhabited by infidels, whose conversion to the Christian faith very much redounds to the glory of God; but seeing that both some other kingdoms, and not long since this our kingdom of England, have laudably given their own names to new lands, by them acquired and conquered, reflecting with ourselves how, by Divine beneficence, this nation is, at this time, numerous and thronged, and how expedient it is that it should be studiously exercised in some honest and useful employment, lest, by indolence, and lack of employment, it lapse into evil, it may be expedient, and we have thought it worthy of endeavour, that many should be conveyed to a new country, which they may fill with colonies, who, both by promptitude, and alacrity of mind, and by strength and power of body, may dare, if any other mortals elsewhere may, to encounter any difficulties, we think this endeavour herein especially useful for this kingdom, because it requires only transport of men and women, beasts of burden and corn, not also of money, and may not make a disadvantageous return from the merchandise of the kingdom itself at this time, when trade is so diminished, as to its returns; for these causes, as well as on account of the faithful and acceptable service of our beloved Counsellor, Sir William Alexander, Knight, to us rendered, and to be rendered, who, first of our subjects, at his own expense, endeavoured to plant this foreign colony, and sought out for colonization the divers lands circumscribed by the limits hereinafter designated. We, therefore, out of our royal care for the propagation of the Christian religion, and for promoting the opulence, prosperity, and peace of our natural subjects of our said kingdom of Scotland, as other foreign princes have heretofore done in such cases, with the advice and consent of our right well-beloved Cousin and Counsellor, John, Earl of Mar, Lord Erskyn and Garcoch, &c., our High Treasurer, Comptroller, Collector, and Treasurer, of our new augmentations of this our kingdom of Scotland, and of the other Lords, our Commissioners, of the same our kingdom, have given, granted, and disposed, and, by the tenor of our present Charter, do give, grant, and dispose to the aforesaid Sir William Alexander, his heirs or assigns, whomsoever, hereditarily, all and singular the lands, continents, and islands, situate and lying in America, within

the cape or promontory, commonly called Cap de Sable, lying near the latitude of forty-three degrees, or thereabout, from the equinoctial line, northward, from which promontory, toward the sea coast, verging to the west, to the harbour of Sancta Maria, commonly called Sanctimareis Bay, and thence northward, traversing, by a right line, the entrance, or mouth of that great naval station which runs out into the eastern tract of the land between the countries of the Suriqui and Stechimini, commonly called *Suriquois* and *Stechemines*, to the river commonly called by the name of Sancta Crux, and to the remotest source or fountain on the western side of the same, which first discharges itself into the aforesaid river, and thence, by an imaginary right line, which might be conceived to proceed through the land, or to run northward to the nearest naval station, river, or source, discharging itself into the great river of Canada, and proceeding from it by the sea shores of the same river of Canada, eastward to the river, naval station, port, or shore, commonly known and called by the name of Gathepe, or Gaspie, and thence south eastward to the islands called Baccalaoes, or Cap Britton, leaving the same islands on the right, and the gulph of the said great river of Canada, or great naval station, and the lands of Newfoundland, with the islands pertaining to the same lands, on the left, and thence to the cape or promontory of Cap Britton aforesaid, lying near the latitude of forty-five degrees, or thereabout, and from the said promontory of Cap Britton, toward the south and west to the aforesaid Cap Sable, where the circuit began, including and comprehending within the said sea coasts, and their circumferences, from sea to sea, all lands, continents, with rivers, torrents, bays, shores, islands, or seas, lying near, or within six leagues to any part of the same, on the western, northern, or eastern parts of the coasts, and precincts of the same, and on the south-east (where Cap Britton lies,) and on the southern part of the same, (where Cap de Sable is,) all seas and islands towards the south, within forty leagues of the said sea coasts of the same, including the great island, commonly called Isle de Sable, or Sablon, lying towards the Carbas, south-south-east, about thirty leagues from the said Cap Britton, in the sea, and being in the latitude of forty-four degrees, or thereabout; which lands aforesaid, in all time to come, shall enjoy the name of Nova Scotia, in America, which also the aforesaid Sir William shall divide into parts and portions, as to him may seem meet, and give names to the same, according to his pleasure; together with all mines, as well royal of gold and silver, as other mines of iron, lead, copper, brass, tin, and other minerals whatsoever, with power of digging them, and causing them to be dug out of the earth, of purifying and refining the same, and converting and using them to his own proper use, or to other uses whatsoever, as to the said Sir William Alexander, his heirs or assigns, or those whom it shall have happened that he shall have established in his stead, in the said lands, shall seem meet. (Reserving only for us and our successors, the tenth part of the metal, commonly called ore of gold and silver, which hereafter shall be dug up or gained.) Relinquishing to the said Sir William, and his aforesaid, whatsoever of other metals, copper, steel, iron, tin, lead, or other minerals, we, or our successors, can in any wise claim, that he may, by so much the more easily bear the great expenses of extracting the aforesaid metals; Together with margarites, commonly called *pearle*, and other precious stones whatsoever, stone quarries, woods, coppices, mosses, marshes, lakes, waters, fisheries, as well in salt water as in fresh, as well of royal fishes as of others, chases, decoys, commodities, and heriditaments whatsoever; Together with full power, privilege, and jurisdiction of free regality of chapel and chancery, in perpetuity; and with right of donation, and patronage of churches, chapelries, and benefices, with the tenants, tenandries, and services of free tenants, of the same, together with the offices of judiciary and admiralty respectively, within the boundaries respectively above mentioned; Together with power of erecting cities, free burghs, free ports, wills, and burghs of barony, and of appointing fairs and markets, within the boundaries

of the said lands, of holding courts of judiciary and admiralty, within the limits of the said lands, rivers, ports, and seas, together, also, with power of imposing, levying, and receiving all tolls, customs, anchorages, and other duties of the said burghs, fairs, markets, and free ports; and of possessing and enjoying the same as freely, in all respects, as any greater or lesser Baron in this our kingdom of Scotland, hath enjoyed, or shall be able to enjoy, at any time, past or future, with all other prerogatives, privileges, immunities, dignities, casualties, profits, and duties, belonging and pertaining to the said lands, seas, and the boundaries of the same; and which we ourselves have power to give or grant, in form as free and ample, as we, or any of our noble progenitors, have granted any Charters, letters patent, infeftments, donations, or diplomas, to any one of our subjects, of what quality or degree soever, to any company or community, planting such colonies in foreign parts whatsoever, or exploring foreign lands, in form as free and ample, as if the same were inserted in this our present Charter. We make, also, constitute, and ordain the said Sir William Alexander, his heirs or assigns, or their deputies, our Hereditary Lieutenants General, to represent our royal person, as well by sea as by land, in the regions, sea coasts, and boundaries aforesaid, in voyaging to the said lands, so long as he shall tarry there, and in returning from the same; to govern, rule, and punish all our subjects, who shall have chanced to go to the said lands, or to be inhabiting the same, or who shall have entered into trade with the same, or shall sojourn in the same places; and to grant pardon to the same, and to establish such laws, statutes, constitutions, directions, instructions, forms of government, and ceremonies of magistracies, within the said boundaries, as to him, Sir William Alexander, or his aforesaid, for the government of the said region, and the inhabitants of the same, in all causes, as well criminal as civil, it shall seem meet; and to alter and change the same laws, regulations, forms, and ceremonies, as often as to himself, or to his aforesaid, for the good and advantage of the said region, shall be pleasing; so that the said laws be as consonant to the laws of this our kingdom of Scotland, as they can be made: We, will, also, that in case of rebellion, or sedition, he may use martial law against delinquents, or persons revolting from his command, as freely as any Lieutenant of any of our kingdoms or lordships have, or can have, by virtue of the office of Lieutenant, excluding all other officers of this our kingdom of Scotland, as well of the land as of the seas, who, hereafter, may pretend any claim of right, commodity, authority, or interest, in and to the said lands, or the province aforesaid, or any jurisdiction therein, by virtue of any former disposition or diploma: And for encouragement of men of good birth to undertake that expedition, and of the planting colonies in the said lands, we, for ourselves, and our heirs and successors, with the advice and consent aforesaid, by virtue of our present Charter, give and grant free and plenary power to the aforesaid Sir William Alexander, and his aforesaid, of conferring favours, privileges, charges, and honours, upon the deserving; With plenary power to the same, or any of them, who shall chance to make covenants or contracts with Sir William himself, and his aforesaid, for the same lands, under his signature, or the signature of his aforesaid, and the seal hereafter mentioned, of disposing and of subgranting any portion or portions of the said lands, ports, harbours, rivers, or of any part of the premises; also of erecting machines, arts, faculties, or sciences, or of exercising the same, in whole or in part, as to him for their good shall seem meet; also of giving and granting, and attributing such offices, titles, rights, and powers of appointing and designating such captains, officers, bailiffs, governors, clerks, and all other officers of regality, barony, and burgh, and other ministers for the administration of justice, within the boundaries of the said lands, or on the voyage while they are sailing through the sea to those lands, and are returning from the same, as to him shall seem needful, according to the qualities, conditions, and merits of the persons who shall happen to dwell in any of the colonies of the said province, or in any part of the same, or who shall

adventure their goods or fortunes for the advantage of the same, and of removing from office, altering, and changing the same, as shall seem expedient to him, and his aforesaid: And since enterprizes of this kind are not made without great labour and expence, and require great outlay of money, so that they go beyond the fortunes of any private person, and have need of the succours of many, by reason whereof the aforesaid Sir William Alexander, and his afore written, will enter into contracts for particular adventures and undertakings to the said place, with divers our subjects, and others who haply will (enter into contracts,) with him, and his heirs, assigns; or deputies, for lands, fisheries, merchandise, or transport of people, with their cattle, property, and goods, toward the said Nova Scotia, we will, that whosoever shall execute such contracts with the said Sir William, and his afore written, under their signatures and seals, by limiting, assigning, and fixing day and place for delivery on ship board, of persons, goods, and property, under penalty and forfeiture of any sum of money, and shall not perform the same contracts, but shall disappoint him and damage him in the intended voyage, which not only will be as prejudice and damage to the said Sir William, and his aforesaid, but also will be an obstacle and detriment to our so bendable intention, then it shall be lawful to the aforesaid Sir William Alexander, and his aforesaid, or their deputies and conservators, under-mentioned in that case, to take to himself, or to his aforesaid, whom he shall substitute to this effect, all such sums of money, goods, and property, as forfeited by violation of such contracts: For the more easy doing whereof, and that delay of law may be avoided, we have given and granted, and, by the tenor of our present Charter, do give and grant to the said Sir William, and to his heirs and assigns foresaid, plenary licence, liberty, and power of electing, nominating, assigning, and ordaining a conservator of the liberties and privileges granted to him, and his aforesaid, by this our present Charter, who shall carry into expeditious execution the laws and statutes made by him, and his aforesaid, according to the power granted to him, and his aforesaid, by our said Charter; and will and ordain that the power of the said conservator, in all actions and causes belonging to persons contracting to the said plantation, be absolute, without any appeal or procrastination whatsoever, which conservator shall possess and enjoy all privileges, immunities, liberties, and dignities whatsoever, which any conservator of Scottish privileges, in foreign nations, either in France, Flanders, or elsewhere, hitherto have possessed or enjoyed, in any time past: And although all such contracts between the said Sir William, and his aforesaid, and the aforesaid adventurers, shall be performed at the appointed day, by adventure and transport of people, with their goods and property, and they, with all their cattle and goods, shall arrive at the shore of that province, with the intention of planting a colony, and remaining; and, nevertheless, shall either entirely desert the province of Nova Scotia, and the confines of the same, without licence of the said Sir William, and his aforesaid, or their deputies, or the society and colony aforesaid, wherewith they were first combined and conjoined, and shall betake themselves to the savage Aborigenes, to dwell in remote and desert places, that then they shall lose and forfeit all lands theretofore granted to them, and all goods within all the aforesaid boundaries; and it shall be lawful to the aforesaid Sir William, and his aforesaid, to confiscate the same, and to recover the same lands, and to possess all the same things which in any wise belong to them, or any of them, and to convert them to the peculiar use of himself, and his aforesaid: And that all our beloved subjects, as well of our kingdoms and dominions, as others, foreigners, who shall chance to navigate to the said lands, or any part of the same, for bargain of merchandise, may better know and be obedient to the power and authority conferred by us upon our aforesaid faithful Counsellor, Sir William Alexander, and his aforesaid, in all such commissions, warrants, and contracts, which at any future time he shall make, grant, and constitute, for the more decent and valid appointment of officers for government, touching the said colonies, granting of lands, and execution of justice, touching the said inhabitants,

adventurers, deputies, factors, or assigns, in any part of the aforesaid lands, or in navigation to the same lands, we, with the advice and consent aforesaid, ordain, that the said Sir William Alexander, and his aforesaid, shall have one common seal belonging to the office of Lieutenant of judicary and admiralty, which shall be kept by the said Sir William Alexander, and his aforesaid, or by his deputies, in all time to come, on one side whereof our insignia shall be engraven with these words, in the circle and margin of the same, SIGILLUM REGIS SCOTIE ANGLIE FRANCIE ET HYBERNIE, and on the other the effigy of ourselves and our successors, with these words, PRO NOVE SCOTIE LOCUM TENENTE, of which an exact copy shall remain in the hands and custody of the said conservator, which he may use in his office, as occasion shall require: And since it is most necessary that all our loving subjects, as many as shall inhabit the said province of Nova Scotia, or its confines, may live together in the fear of Almighty God, and the true worship of him, we, intent upon establishing the Christian religion therein, by every endeavour, and also upon cultivating peace and quiet with the native and wild original inhabitants of those lands, (whence they and every of them following merchandise there in safety, may quietly possess, with enjoyment, those things which, with great labour and peril they have acquired,) we, for ourselves, and our heirs and successors, do will, and it hath seemed good to us, by the tenor of our present Charter, to give and grant to the said Sir William Alexander, and his aforesaid, and their deputies, or any others, governors, officers, and ministers, whom they shall appoint free, and absolute power of treating and contracting peace, alliance, friendship, and mutual conferences, help, and communication with those wild Aborigines and their chiefs, or others whomsoever, having rule and power over them, of observing and cherishing such alliances and conferences which they, or their aforesaid, shall contract with them, provided those compacts, on the other part, be faithfully observed by the savages themselves, unless which be done, of taking up arms against them, whereby they may be reduced to order: As to the said Sir William, and his aforesaid, and deputies, for the honour, obedience, and service of God, and the establishment, defence, and conservation, of our authority among them, shall seem expedient, with power also to the aforesaid Sir William Alexander, and his aforesaid, by themselves, or their deputies, substitutes, or assigns, for their defence and safeguard at all times, and on all just occasions hereafter, of attacking, by surprise, going against, expelling, and repelling, with arms, as well by sea as by land, by all means, all and singular, those who, without special licence of the said Sir William, and his aforesaid, shall essay to inhabit the lands, or to carry on merchandise in the said province of Nova Scotia, or in any part of the same, and in like manner all others who presume to bring any damage, detriment, destruction, hurt, or invasion, against that province, or the inhabitants of the same, that which may be more easily done, it shall be lawful for the said Sir William, and his aforesaid, their deputies, factors, and assigns, to levy contributions from the adventurers and inhabitants of the same, to make collection by proclamations, or by any other order, at such times, as to the said Sir William, and his aforesaid, shall seem expedient, to convoke all our subjects inhabiting within the said limits of the said province of Nova Scotia, and carrying on merchandise there, for the better supply of the necessary armies, and the augmentation and increase of the people, and plantation of the said lands, with plenary power, privilege, and liberty, to the said Sir William Alexander, and his aforesaid, by themselves, or their substitutes, of navigating through any seas under our ensigns and flags, with as many ships, of as great burden, and as well furnished with ammunition, men, and victuals, as they can provide, at any time, and as often as to them shall seem expedient, and of transporting all persons of whatever quality and degree, being our subjects, or who shall choose to submit themselves to our authority for the undertaking of that voyage, with their beasts of burden, horses, cattle, sheep, goods, and property, and munitions, engines, heavy arms, and military instruments, as

many as they shall choose, and other commodities, and things necessary for the use of the said colony, in mutual commerce with the native inhabitants of those provinces, or with others who shall carry on merchandise with the planters themselves, and of importing thence all commodities, and merchandise, which to them shall seem necessary, into our kingdom of Scotland, without payment of any tax, customs, or imposts for the same, to us, or our receivers of customs, or their deputies, and inhibiting them from their offices on this part, for the space of seven years, immediately following the day of the date of our present Charter, which sole advantage we have freely granted, and, by the tenor of our present Charter, do freely grant and dispose, for the space of thirteen years hereafter, to the said Sir William, and his aforesaid, according to the proportion of five per cent. after mentioned; And after those thirteen years ended, it shall be lawful to us and our successors, out of all goods, and merchandise, which out of this our kingdom of Scotland, to the same province, or out of that province to our said kingdom of Scotland, shall be exported, or imported by the said Sir William, and his aforesaid, in any ports of this our kingdom, to levy and demand from them for ever, five pounds per cent. only, according to the ancient manner of trading, without any other impost, tax, custom, or duty, which sum of five pounds per cent. being so paid by the said Sir William, and his aforesaid, and others our officers to this effect, appointed thenceforth, it shall be lawful to the said Sir William, and his aforesaid, to transport and carry the same goods from this our kingdom of Scotland, into any other foreign parts or regions, without payment of any other custom, tax, or duty, to us, or our heirs or successors, or to any other persons; provided, however, that the said goods shall be again shipped within the space of thirteen months after their arrival in any port of this our kingdom; Giving, and granting, absolute and plenary power to the said Sir William, and his aforesaid, of taking, levying, and receiving from all our subjects, who shall choose to plant colonies to carry on merchandise, or to navigate to the same lands of Nova Scotia, and from the same, beside the said sum due to us for goods and merchandise, five pounds out of the hundred, either on account of export, from this our kingdom of Scotland to the province of Nova Scotia, or import from the said province, to this our kingdom of Scotland aforesaid, for the proper use of himself, and his aforesaid; and in like manner with regard to all goods and merchandise, which shall be exported by our subjects, planters of colonies, traders, and navigators from the said province of Nova Scotia, to any our dominions, or any other places, or shall be imported from our kingdoms and other places, to the said Nova Scotia, over and above the said sum of five pounds out of the hundred, destined for us; And of levying, taking, and receiving from the goods and merchandise of all foreigners and others, being under obedience to us, which either shall be exported from the province of Nova Scotia, or shall be imported to the same, over and above the said sum destined for us, ten pounds out of the hundred, for the proper use of the said Sir William, and his aforesaid, by such ministers, officers, or their substitutes, or deputies, or factors, as they shall appoint and designate to this effect. And for the better security and convenience of the said Sir William, and his aforesaid, and of all others our beloved subjects, who shall choose to inhabit the said Nova Scotia, or to carry on merchandise there, and generally of all others who shall not be reluctant to submit themselves to our authority and power, it hath seemed meet to us, and we will that it shall be lawful to the said Sir William, and his aforesaid, to build, or to cause to be built, one or more strong holds, fortresses, castles, forts, towers, depots of arms, *lie blokhousis*, and other edifices, with ports and harbours, together with ships of war, and to apply the same for the defence of the said places, as to the said Sir William, and his aforesaid, shall seem necessary for performing the said enterprise, and for their defence to establish regiments of soldiers there, beside the aforesaid things above mentioned, and generally to do all things which for the conquest, augmentation, inhabitation, preservation, and government of the peo-

ple of the same Nova Scotia, and of the coasts and territory of the same, within all the limits, appurtenances, and dependencies of the same, under our name and authority whatsoever, we, if we were personally present, could have done, although the case may require special and more strict ordering, than such as is prescribed by these presents, to which mandate we will, and ordain, and strictly enjoin all our justiciaries, officers, and subjects, betaking themselves to those places, that they apply themselves, and attend upon, and obey the said Sir William, and his aforesaid, in all and singular the things above mentioned, with their substances and circumstances, and be as obedient to them in the execution thereof, as they ought to be to us, whose person he represents, under pain of disobedience and rebellion; And because it may be, that some to be transported to the said places may be refractory, and will refuse to go to the same places, or will resist the said Sir William, and his aforesaid, it is, therefore, our pleasure, that all sheriffs, seneschals, bailiffs of regalities, justices of the peace, mayors, and bailiffs of towns, and their officers, and ministers of justice, whosoever shall assist, reinforce the said Sir William, and his deputies, and others aforesaid, in all and singular the lawful things and acts which they shall do, or intend to the aforesaid effect, in like method, and in the same manner as if they had our special warrant to this effect, and shall bring supplies to the same. We declare, moreover, by the tenor of our present Charter, to all Christian Kings, Princes, and States, that if any person or persons, who in time to come shall be of the said colonies, or of any of them, in the said province of Nova Scotia, or any other persons under their licence and command, at any future time carrying on piracy, or any thing unjust or undue, hostilely among any persons, being the subjects of ourselves, or of our heirs and successors, or of other Kings, Princes, Governors, or States in alliance with us, shall carry off the goods of any person by sea or land, that upon such injury so committed, or just complaint thereupon, moved by any King, Prince, Governor, State, or their subjects aforesaid; we, our heirs and successors, will take care that public proclamation be made in some part of our said kingdom of Scotland, most convenient for this effect, that the said pirate or pirates, who shall commit such plunderings, at a fixed time, to be limited by the aforesaid proclamations, may plenaryly restore the goods whatsoever so taken away, and in every way give satisfaction for the said injuries, so that the said princes, and others, so complaining, shall admit themselves to be satisfied, and that, if committing such crimes, they shall not restore, or cause to be restored, the goods carried off within the time limited, that then, for the future, they shall in no wise be under our protection and safeguard, and that it shall be lawful to all princes, and others aforesaid, hostilely to pursue and go against those delinquents: And although there be a statute that no nobleman or gentleman depart from this country without our licence, nevertheless, we will that this present diploma shall be a sufficient licence and warrant to all who shall undertake this voyage, who are not guilty of treason, or inhibited by some other special mandate: And also we declare and will, by the tenor of our present Charter, that no person may be permitted to depart from this his country, for the said Nova Scotia, at any time, except those who shall first have taken the oath of our supremacy, to which effect we, by these presents, do give and grant to the said Sir William, and to his aforesaid, or their conservator or deputies, plenary power and authority to require and administer this same oath from all persons betaking themselves to those lands in that colony: Moreover, we, with the advice and consent aforesaid, for ourselves and our successors, declare, decree, and ordain, that all our subjects who shall proceed to the said Nova Scotia, or shall inhabit it, and all their children and posterity who shall chance to be born there, and all others adventuring thither, shall have and possess all liberties, immunities, and privileges, of free and natural subjects of our kingdom of Scotland, or of other our dominions, as if they had been born therein: Moreover, we, for ourselves and our successors, do give and grant to the said Sir William Alexander, and

his aforesaid, free power of establishing, and causing to be coined, money, for the more free commerce of the inhabitants of the said province of any metal, in what manner and in what form they shall will and prescribe for the same; and also, if any questions or doubts upon the interpretation or construction of any clause contained in this our present Charter shall occur, they shall all be taken and interpreted in the most ample form, and in favour of the said Sir William, and his aforesaid: Moreover, we, of our certain knowledge, proper motion, regal authority, and royal power, have made, united, annexed, erected, created, and incorporated, and, by the tenor of our present Charter, do make, unite, annex, erect, create, and incorporate, whole and entire, the said province and lands of Nova Scotia, with all the limits and seas of the same, as well as minerals of gold and silver, lead, copper, steel, tin, brass, iron, and other mines whatsoever, margarites, precious stones, stone-quarries, woods, coppices, mosses, marshes, lakes, waters, fisheries, as well in fresh waters as in salt, as well of royal fishes as of others, cities, free burghs, towns, burghs of barony, sea ports, anchorages, machines, mills, offices, and jurisdictions, and all other things generally and particularly above mentioned, into one entire and free lordship and barony, to be called by the aforesaid name of Nova Scotia, in all time to come: And we will, and grant, and, for ourselves and our successors, do decree and ordain, that one seisin, at this time, by the said Sir William, and his aforesaid, upon any part of the soil of the said lands and province above-written, shall, in all time to come, stand, and be a sufficient seisin for the whole region, with all parts, appendages, privileges, casualties, liberties, and immunities, above mentioned, of the same, without any other special and particular seisin, to be taken by him, or his aforesaid, on any other part or place of the same; concerning which seisin, and all things which have ensued thereupon, or can ensue, we, with the advice and consent above expressed, for ourselves, and our successors, have dispensed, and, by the tenor of our present Charter, in manner under mentioned, do dispense for ever: To hold, and to have, whole and entire, the said region and lordship of Nova Scotia, with all the limits of the same, within the aforesaid seas, minerals of gold and silver, copper, steel, tin, lead, brass, and iron, and other mines whatsoever; margarites, precious stone-stones, quarries, woods, coppices, mosses, marshes, lakes, waters, fisheries, as well in fresh waters as in salt, as well of royal fishes as of others, cities, free burghs, free ports, towns, burghs of barony, sea ports, anchorages, machines, mills, offices, and jurisdictions, and all other things, generally and particularly above mentioned; and with all other privileges, liberties, immunities, and casualties, and other things, above expressed, to the aforesaid Sir William Alexander, his heirs and assigns, of us and our successors, in free inheritance, free lordship, free barony and regality, for ever, through all their just boundaries and limits, as they lie in length and breadth, in houses, edifices, built and to be built, boscages, plains, moors, marshes, highways, paths, waters, pools, rivulets, meadows, and pastures, mills, multures, and their appurtenances, decoys, chases, fisheries, peat, mosses, turf, bogs, coals, coal pits, coneys, warrens, doves, dove-cotes, workshops, maltkins, breweries, and furzes, woods, groves, and coppices, wood, timber, stone-quarries, stone and lime, with courts, bloodwits, pleas, herschields, amerciaments, and marchets of women, with free ingress and egress, and with fork, foss, sok, sac, thole, thame, infangthef, outfangthef, wrak, weir, veth, vert, venison, pit, and gallows; and with all other and singular the liberties, commodities, profits, easements, and their rightful appurtenances whatsoever, as well not named as named, as well beneath the earth as above the earth, far and near, belonging, or which can in any wise justly belong, to the aforesaid region and lordship, for the future, freely, quietly, plenarily, entirely, honorably, well, and in peace, without any revocation, contradiction, impediment, or obstacle whatsoever; They and Sir William Alexander, and his aforesaid, paying yearly thereout to us, and to our heirs and successors, one penny of Scottish money upon the soil of the

said lands and province of Nova Scotia, at the festival of the Nativity of Christ, under the name of quit rent only, if it be demanded: And because, by the tenure of the said lands and province of Nova Scotia, and by the aforesaid quit rent, in default of timely and lawful entry of any heir or heirs of the said Sir William, succeeding to him, which may with difficulty be performed by them, on account of the far distance of the same land and province from this our kingdom, by reason of non-entry, they will come into the hands of us, or our successors, until the lawful entry of the lawful heir: And we being unwilling that the said lands and region should at any time fall into non-entry, or that the said Sir William, and his aforesaid, should be so far deprived of the benefits and profits of the same, therefore we, with the advice aforesaid, have dispensed with the said entry, whensoever it shall have occurred; and by the tenor of the same, our Charter, for ourselves, and our successors, do dispense, and also have renounced and exonerated, and, by the tenor of our present Charter, with the consent aforesaid, do renounce and exonerate the said Sir William, and his aforesaid, the aforesaid non-entry of the said province and region, whensoever it shall come into our hands, or fall, by reason of non-entry, with all things which can ensue therefrom, provided, however, that the said Sir William, and his heirs and assigns, within the space of seven years after the decease and death of their predecessors, or entry into possession of the said lands, and other things, aforesaid, by themselves, or their lawful procurators, to this effect empowered, do homage to us and our successors, and come and receive, through us, the said lands, lordship, and barony, and other things, aforesaid, according to the laws and statutes of our said kingdom of Scotland: Finally, we, for ourselves, and our successors, do will, decree, and ordain, that this our present Charter and infestment above written, of the aforesaid lands, lordship, and region, of Nova Scotia, the privileges and liberties of the same shall be ratified, approved, and confirmed, in our next Parliament of our said kingdom of Scotland, when it shall happen, that it may therein have the force and efficacy of a decree; with regard whereto, we, for ourselves and our successors, declare, that this our Charter shall be a sufficient warrant; and, on the word of a Prince, we promise that the same shall be there ratified and approved, and also to alter, renew, and to augment and extend the same, in the most ample form, as often as to the said Sir William, and his aforesaid, shall seem necessary and expedient: Moreover, it hath seemed good to us, and we command and enjoin our beloved

Our sheriffs, on this part specially constituted, in so far as to give and grant, after sight of this our Charter, under the Great Seal, possession and seisin, actual and real, to the aforesaid Sir William, and his aforesaid, or their attorney, or attornies of the lands, lordship, barony, and other things aforesaid, with all privileges, immunities, liberties, and other things above expressed, which seisin, we, by the tenor of our present Charter, declare to be as lawful and orderly, as if he had a precept under witness of our Great Seal, in the most ample form, with all the clauses requisite for this effect aforesaid, with regard to which, we, for ourselves and our successors, do for ever dispense. In witness whereof, we have commanded our Great Seal to be affixed to this our present Charter; witnesses, our right well-beloved Cousins and Councillors, James, Marquis of Hamilton, Earl of Arani and Cambridge, Lord Aven and Innerdail, George, Earl Marischal, Lord Keith, &c. Marshal of our kingdom; Alexander, Earl of Dumfermeling, Lord Fyvie and Urquhart, &c. our Chancellor; Thomas, Earl of Melros, Lord Bynning and Byres, our Secretary; our beloved familiar Councillors, Sirs Richard Cokburne, the younger, of Clerkingtoun, our Keeper of the Privy Seal; George Hay, of Kinfawins, our Register of the Rolls, and Clerk of the Council; John Cokburne, of Ormestoun, Clerk of our Justiciary; and John Scott, of Scottistavet, our Director of the Chancery, Baronets; At our Castle of Windsor, on the tenth day of the month of September, in the year

of our Lord one thousand six hundred and twenty-one; and of our reigns the fifty-fifth and nineteenth years respectively.

By Signature, by the hand of our Sovereign Lord the King, superscribed, and by the hands of our Chancellor, Treasurer, Principal Secretary, and of the other Lords, our Commissioners, and of our Privy Council of the said kingdom of Scotland, subscribed.

Writtin to the Great Seall

29. Septemb. 1621.

J. SCOTT,

gratis.

Sealed at Edinburgh,

29. Septemb. 1621,

JA. RAITHE,

gr^t.

eigns the

scribed,
ecretary,
r Privy

TRANSLATION

OF THE

N O V O D A M U S

OF

NOVA SCOTIA.

1625.

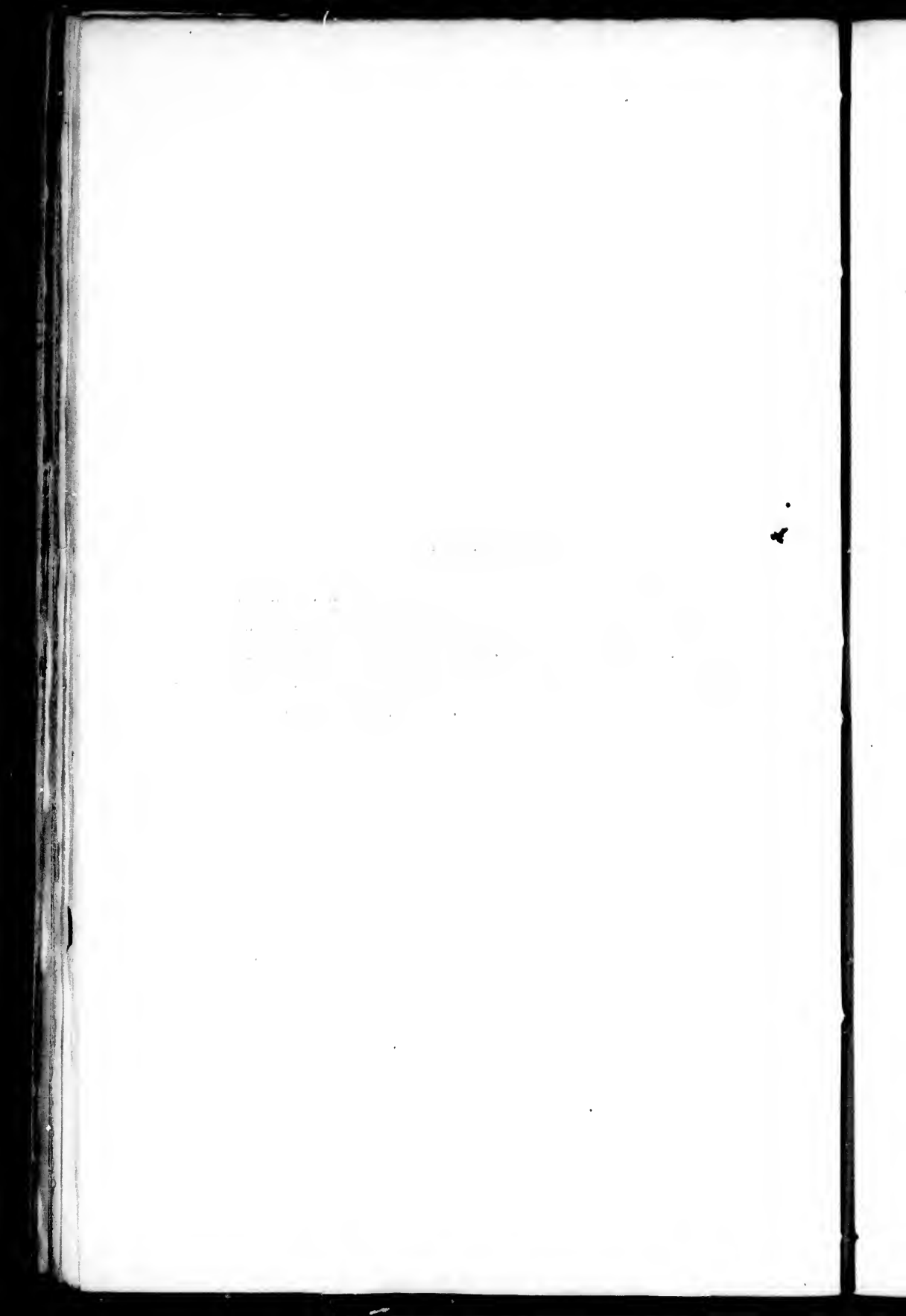
THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 240

TO THE READER.

As a considerable difference of style and expression will be observable in the translations of the following Charters, it may be proper to mention, that the first of them, viz. the Charter of 1621, was translated by a Gentleman in London; the others, namely, the Novo Damas of 1625, and the Charter of Canada of 1628, were translated by a professional Gentleman in Scotland.



NOVODAMUS
OF
NOVA SCOTIA,

1625.

CHARLES, by the Grace of God, King of Great Britain, France, and Ireland, and Defender of the faith. To all good men of his whole land, clergy and laity, Greeting, Know ye that we always have been intent to embrace every occasion that might tend to the honour and profit of our kingdom of Scotland, and have been of opinion that there is no acquisition either easier or more unprejudicial than what may be made by conducting new colonies into foreign and uncultivated realms, where conveniences for life and food are sufficient, especially if either those realms were before destitute of cultivators, or were settled in by Infidels, whom it is of the greatest concern that they be converted to the Christian faith, to the glory of God; but when both some other kingdoms, and not long since, this our (kingdom of) England, have laudably imposed their names on new lands, acquired and subdued by them, considering how numerous and dense this people, by the Divine blessing, at this time, are, and how they may be diligently exercised in any honourable and useful employment, lest, from sloth and indolence, they decline into worse, it may be expedient, and we have reckoned it an object of estimation, that many of them should be conducted into a new country, which they may fill with colonies, who, both by readiness and alacrity of mind, and by strength and ability of body, may dare to oppose themselves to whatsoever difficulties beset other mortals any where. We thence judge this undertaking to be exceedingly suitable to this kingdom, which calls for the transportation of men only, and women, beasts of burthen, and corn; not so of money; and may not make a disadvantageous return from the merchandize of the kingdom itself, at this time, when trade is so diminished. For these causes, namely, and on account of the faithful and grateful service rendered, and to be rendered to us by our well-beloved Councillor, Sir William Alexander, Knight, who, at his own expenses, the first of those of our country, undertook the conducting of this foreign colony, and sought out divers lands, circumscribed within particular designed limits, to be inhabited. We, therefore, of our royal care for the propagating of the Christian religion, and for promoting the opulence, prosperity, and peace of our natural subjects of our said kingdom of Scotland, as other foreign princes in the like cases heretofore have done, with advice and consent of our well-beloved Cousin and Councillor, John, Earl of Mar, Lord Erskyn and Gareoch, &c. our High Treasurer, Comptroller, Collector, and Treasurer of our new augmentations of this our kingdom of Scotland, and the remanent Lords our Commissioners of our said kingdom, have given, granted, and disposed, and by our present Charter give, grant, and dispoine to the aforesaid Sir William Alexander, his heirs and assignees whatsoever heritably, all and sundry continents and islands, situate and lying in America, within the head or cape commonly called Cap de Sable, lying near the 43rd degree of latitude, or thereby, from the equinoctial line northward, from which Cape, towards the sea shore, tending to the west to the naval station, commonly called St. Mary's Bay, and thereafter northward, by a direct line passing the entrance or mouth of that great naval station,

11

First Charter;
Causes
of granting.

Dispositive
Clause, &c.

Boundary,
Extent, &c.

12

which runs out into the eastern tract of land, between the countries of the Suriquois and Stechemines, to the river commonly called by the name of St. Croix, and to the furthest source thereof, on the western part, which first unites itself with the foresaid river, whence, by an imaginary direct line, which is conceived to proceed by land, or to run northward to the nearest naval station, river, or source, discharging itself into the great river of Canada, and from it proceeding eastward, by the coasts of the said river of Canada, to the river, naval station, port, or shore, commonly known and called by the name of Gathépé or Gaspé, and thereafter towards the south east to the islands called Bacalaos, or Cape Breton, leaving the said islands on the right, and the gulf of the said great river of Canada, or great naval station, and the lands of Newfoundland, with the islands thereto belonging, on the left; and thereafter to the head or Cape of Cape Breton foresaid, lying near the 45th degree of latitude, or thereby; and from the said Cape of Cape Breton towards the south-west to the foresaid Cap de Sable, where the perambulation began, including and comprehending within the said coasts, and their circumference from sea to sea, all the continents, with rivers, brooks, bays, shores, islands, or seas, lying near or within six leagues of any part of the same on the west, north, or east sides of the coasts, and precincts thereof; and from the south-east, where lies Cape Breton, and the south part of the same, where is Cap de Sable, all the seas and islands southward, within forty leagues of the said coasts thereof, including the great island, commonly called Isle de Sable, or Sablon, lying towards the south, south east, in the sea, about thirty leagues from Cape Breton foresaid, and being in the 44th degree of latitude, or thereby; which lands foresaid shall, in all time coming, enjoy the name of NOVA SCOTIA in America; which also the foresaid Sir William shall divide into parts, and portions, as shall seem to him fit, and impose names on them at pleasure; together with all mines, as well royal of gold and silver, as other mines of iron, lead, copper, tin, brass, and other minerals whatsoever, with the power of digging, and causing to dig out of the earth, purifying, and refining the same, and of converting and using them to his own proper use, or other uses whatsoever, as shall seem fit to the said Sir William Alexander, his heirs or assignees, or those whom he shall happen to establish in place of himself in the said lands; Reserving only to us, and our successors, the tenth part of the metal commonly called ore of gold and silver, which shall hereafter be dug or gained out of the earth; Leaving to the said Sir William, and his foresaids, whatsoever part we or our successors can any way demand of the other metals of copper, steel, iron, tin, lead, or other minerals, that thereby he may the more easily bear the great charges in extracting the foresaid metals, together with pearls, and whatsoever other precious stones, quarries, woods, shrubs, mosses, muirs, lakes, waters, fishings, as well in salt water as in fresh, of royal fishes, as of others, hunting, fowling, commodities, and hereditaments whatsoever; together with full power, privilege, and jurisdiction of free regality and chancery for ever; and with the gift and right of patronage of churches, chapels, and benefices, with tenants, tenandries, and services of free tenants thereof, together with offices of justiciary and admiralty respectively, within the bounds respectively above mentioned; together also with the power of erecting cities, free boroughs, free ports, towns, and boroughs of barony, and appointing markets and fairs within the bounds of the said lands, of holding courts of justiciary and admiralty within the limits of the said lands, rivers, ports, and seas; together also with the power of imposing, levying, and receiving all tolls, customs, anchorages, and other dues of the said boroughs, markets, fairs, and free ports, and of possessing and enjoying the same, as freely in all respects as any nobleman or gentleman (i. e. *Baro major aut minor*) in this our kingdom of Scotland enjoyed, or could enjoy them, at any time, past or to come, with all other prerogatives, privileges, immunities, dignities, casualties, profits, and duties belonging and pertaining to the said lands, seas, and bounds thereof, and which we can give and grant as freely, and in ample form, as we or any of our noble progenitors

Name of the
Country.

Mines.

Free Regality,
Ac.

have granted other Charters, Letters Patent, Infeftments, Gifts, or Patents, to any one being our subject, of whatsoever quality or degree, to any society or community conducting such colonies, into whatsoever foreign parts, or discovering foreign lands, in as free and ample form as if the same were inserted in this our present Charter: Also we have made, constituted, and appointed the said Sir William Alexander, his heirs or assignees, or their deputies, our Hereditary Lieutenants General, to represent our royal person, as well by sea as by land, in the countries, sea coasts, and boundaries foresaid, in going to the said lands, while he shall remain there, and in returning therefrom, to govern, rule, punish, and pardon all our subjects, who shall happen to go to the said lands, or to settle in the same, or who shall engage in trade with them, or shall remain in the same places, and to forgive them; and to establish such laws, statutes, constitutions, directions, instructions, forms of government, and ceremonies of magistrates, within the said bounds, as shall seem fit to him Sir William Alexander, or his foresaids, for the government of the said country and its inhabitants, in all causes as well criminal as civil, and for the altering and varying of the said laws, rules, forms, and ceremonies, as often as he or his foresaids shall please, for the good and advantage of the said country, so as the said laws may be as agreeable as possible to the laws of this our kingdom of Scotland. Also, we will, that, in case of rebellion, or sedition, he shall use military laws against the offenders, or those withdrawing themselves from under his authority, as freely as another Lieutenant of any of our kingdoms or dominions, in virtue of the office of Lieutenant, has or may have (power to do), excluding all other officers of this our kingdom of Scotland, by land or by sea, who hereafter, in virtue of any former disposition or patent, can pretend any claim of right, superiority, authority, or interest, in and to the said lands or province foresaid, or to any jurisdiction therein: And that men of honourable birth may be incited to the undertaking of that expedition, and the settling of planters in the said lands, we, for us, and our heirs and successors, with advice and consent foresaid, in virtue of our present Charter, give and grant free and full power to the aforesaid Sir William Alexander, and his foresaids, of conferring favours, privileges, offices, and honours, on the deserving, with plenary power of disposing and overgiving to them, or any of them, who shall happen to make the foresaid agreements or contracts for the said lands with him Sir William, and his foresaids, under his subscription, or theirs, and the seal under mentioned, any portion or portions of the said lands, ports, naval stations, rivers, or any part of the premises; also of erecting inventions of all sorts, arts, faculties, or sciences, or practising the same in whole or in part for their good, as shall seem to him fit: Also of giving, granting, and bestowing such offices, titles, rights, and powers, constituting and appointing such captains, officers, bailies, rulers, clerks, and all other regality, barony, and borough-officers, and other functionaries, for the administration of justice within the bounds of the said lands, or on the way while they go by sea to those lands, and return therefrom, as shall seem to him necessary, according to the qualities, conditions, and merits of the persons who shall happen to reside in any colony of the said province, or any part thereof, or who shall adventure their means or fortunes for the advantage and improvement thereof, and removing the same from office, altering and changing them as shall seem to him and his aforesaids expedient: And seeing undertakings of this kind are not effected without great labour and charges, and require a great advance of money so as to exceed any private person's fortune, and on which account the aforesaid Sir William Alexander, and his before written, may want supplies of many things for particular enterprises and undertakings there with divers of our subjects, and others who probably shall enter into contracts with him and his heirs, assignees, or deputies, for lands, fishings, merchandizes, or their transportation with their flocks, effects, and goods, towards Nova Scotia aforesaid, we will, that whosoever shall so complete contracts with the said Sir William, and his before written, under their subscriptions

Hereditary
Lieutenant.

14 and seals, limiting, assigning, and fixing the day and place for the delivery of the person's goods and effects on shipboard, under the penalty and forfeiture of any sum of money, and shall not perform the said contracts, but shall disappoint him and injure him in the intended voyage, which not only will be of prejudice and hurt to the said Sir William, and his foresaids, but also will obstruct and be detrimental to our so laudable purpose, then it shall be lawful to the foresaid Sir William Alexander, and his foresaids, or their deputies and conservators under mentioned, in that case to take to himself, or his foresaids, whom he shall substitute for this effect, all such sums of money, goods, and effects, forfeited by the violation of such contracts, which, that it may be the more easily done and the delay of law avoided, we have given and granted, and by our present Charter give and grant full permission, liberty, and power, to the Lords of our Council, that they reduce them to order, and punish the violators of such contracts or agreements made for the transportation of the people: And although all such contracts between the said Sir William, and his foresaids, and the foresaid adventurers, shall be performed by the enterprise and transportation of people, with their goods and effects, at an appointed day, and they, with all their flocks and goods, arrive at the shore of that province, with the purpose of conducting a colony, and remaining; and, nevertheless, shall afterwards leave either the province of Nova Scotia altogether, and the boundaries thereof, without the permission of the said Sir William, and his foresaids, or their deputies, or the society and colony foresaid, where they first collected together, and were united, and shall betake themselves to the wild natives, to dwell in remote and desolate places, that then they shall lose and forfeit all the lands before granted to them, also all goods within all the foresaid bounds; and it shall be lawful to the aforesaid Sir William, and his foresaids, to confiscate the same, and recognosce (claim back) the said lands, and possess and convert to his own and his foresaids peculiar use the same, and all things any way belonging to them, or any of them: And that all our loving subjects of our kingdoms and dominions, as well as others being foreigners, who, to engage in merchandize, shall happen to sail to the said lands, or any part of them, may the better know, and be obedient to the power and authority conferred by us on our foresaid faithful Councillor, Sir William Alexander, and his foresaids, in all such commissions, warrants, and contracts, as he shall at any future time make, grant, and provide for the more proper and valid appointment of officers, for the government of the said planters, granting of lands, and execution of justice, touching the said inhabitants, adventurers, deputies, stewards, or assignees, in any part of the said lands, or in sailing threto, we, with advice and consent foresaid, ordain that the said Sir William Alexander, and his foresaids, shall have one common seal belonging to the office of Lieutenant Justiciary and Admiralty, which shall be kept by the said Sir William Alexander, and his foresaids, or their deputies, in all time coming, on one side of which shall be engraved our arms, with these words in the circle and border thereof, *Sigillum Regis Scotie Anglie Francie et Hybernice*, and on the reverse side our likeness, and that of our successors, with these words, (*Pro Nove Scotie Locumtenente*,) a just model of which shall remain in the hands and custody of the said Conservator, which he can use in his office as occasion shall require: And whereas it is principally necessary that all our loving subjects, whatever number there may be, that shall settle in the said province of Nova Scotia, or its bounds, live together in the fear of Almighty God, and in his true worship, with every endeavour of purpose to establish the Christian religion therein; also to cultivate peace and quiet with the natives and wild original inhabitants of those lands, (whence they and any of them, safely with satisfaction prosecuting trade there, may be able quietly to possess what with labour and hazard they have acquired,) we, for us, and our heirs and successors, will, and see fit, by our present Charter, to give and grant to the said Sir William Alexander, and his foresaids, and their deputies, or any other rulers, officers, and functionaries, whom they shall appoint, free

Great Seal.

and absolute power of treating for, and contracting peace, alliance, friendship, and mutual conferences, service, and communication with those wild original inhabitants and their chiefs, or whatsoever others, having rule and power over them, of observing, and cherishing such alliances and conferences, as they or their foresaids shall contract with them, provided those contracts are faithfully observed, on the other side, by those barbarians themselves; and, unless that take place, of taking up arms against them, whereby they may be reduced to order, as shall seem expedient to the said Sir William, and his foresaids, and deputies, for the honour, obedience, and service of God, and the establishment, defence and preservation of our authority amongst them: Also, with power to the foresaid Sir William Alexander, and his foresaids, by themselves, or their deputies, substitutes, or assignees, for their defence and protection, in all time, and on all just occasions hereafter, of attacking suddenly, invading, expelling, and, with arms, repelling in all ways, as well by sea as by land, all and sundry who shall attempt, without the special permission of the said Sir William, and his foresaids, to settle in the lands, or follow trade in the said province of Nova Scotia, or any part thereof; and, in like manner, all others, whomsoever, who presume to induce any loss, detriment, destruction, hurt, or invasion of that province, or the inhabitants thereof, which, that it may be the more easily effected, it shall be lawful to the said Sir William, and his foresaids, their deputies, stewards, and assignees, to levy contributions from the adventurers and inhabitants of the same, to gather them into one, by proclamations, or by any other order, at such times as shall seem expedient to the said Sir William, and his foresaids, to assemble all our subjects, residing within the said boundaries of the said province of Nova Scotia, and following trade there, for the better supply of the necessary troops, and the augmentation and improvement of the people, and plantation of the said lands: With full power, privilege, and liberty to the said Sir William Alexander, and his foresaids, by themselves, or their substitutes, of navigating any seas under our ensigns and flags, with as many ships of as great burthen, and as well furnished with ammunition, men, and provisions, as they can prepare at any time, and as often as shall seem to them expedient, and of transporting all persons, of whatsoever quality and degree, being our subjects, or who, to submit themselves to our government, shall desire to undertake that voyage, with their beasts of burthen, horses, cattle, sheep, goods, and whole effects, ammunition, engines, great arms, and military instruments, as many as they desire, and other commodities and articles, necessary for the use of the same and planters, for mutual traffick with the native inhabitants of those provinces, or others, who shall engage in trade with those planters, and of carrying from thence all commodities and merchandizes, which shall seem to them necessary, into our kingdom of Scotland, without the payment to us, or the officers of our customs, or their deputies, of any tax, custom, or impost for the same, and discharging them of their offices, in that part, for the space of seven years, immediately following the day of the date of these presents, which advantage, alone, we have granted; and, by our present Charter, grant and dispense freely to the said Sir William, and his foresaids, for the space of thirteen years hereafter, according to the rate of five per centum after mentioned; and, after those thirteen years have expired, it shall be lawful to us, and our successors, to levy and exact from all goods and merchandizes, which shall be exported from this our kingdom of Scotland to the said province, or imported from that province to our said kingdom of Scotland, into any ports of this our kingdom, by the said Sir William, and his foresaids, five pounds per cent. only, according to the ancient manner of mercantile trading, without any other impost, tax, custom, or duty, from them for ever; which sum of five pounds per cent. being so paid by the said Sir William, and his foresaids, to our officers and others, to this effect appointed, it shall thereafter be lawful to the said Sir William, and his foresaids, to transport and carry away the said goods from this our kingdom of Scotland, into any other parts or foreign

countries, without the payment to us, or our heirs or successors, or any others, of any other custom, tax, or duty, provided, however, the said goods, within the space of thirteen months after their arrival in any part of this our kingdom, be again put on ship board; giving and granting absolute and full power to the said Sir William, and his foresaids, of taking, levying, and receiving, to his own, and his foresaids proper uses, from all our subjects, who shall desire to conduct colonies, follow trade, or sail to the said lands of Nova Scotia, or from them, for goods and merchandizes, five pounds per cent. over and above the said sum due to us; whether on account of the exportation from this our kingdom of Scotland to the province of Nova Scotia, or of the importation from the said province to this our kingdom of Scotland foresaid; and, in like manner, from all goods and merchandizes which shall be exported by our subjects, conductors of colonies, traders, and navigators, from the said province of Nova Scotia, to any of our dominions, or any other places, or shall be imported from our kingdoms, and other places into Nova Scotia foresaid, five pounds per cent. over and above the said sum destined to us; and of levying, taking, and receiving, to the proper uses of the said Sir William, and his foresaids, by such functionaries, officers, or substitutes, or their deputies or factors, whom they shall constitute and appoint for this effect, from the goods and merchandizes of all foreigners and others, under our obedience, which shall be either exported from the province of Nova Scotia, or imported into it, ten pounds per cent. over and above the said sum destined to us: And for the better security and advantage of the said Sir William, and his foresaids, and all others, our loving subjects, who shall desire to settle in Nova Scotia aforesaid, or to follow trade there, and, generally, of all others who shall not refuse to submit themselves to our authority and power, we have seen fit, and do will, that it shall be lawful to the said Sir William, and his foresaids, to construct, or cause to be constructed, one or more forts, citadels, castles, places of strength, watch-towers, blockhouses, and other edifices, with ports and naval stations, together with ships of war; and to employ the same for the defence of the said places, as shall seem to the said Sir William, and his foresaids, necessary for accomplishing the said undertaking; and to establish for their defence parties of soldiers, beside the foresaid things above mentioned; and, generally, all things whatsoever to do for the acquisition, improvement, settlement of the people, preservation, and government of Nova Scotia aforesaid, and the coasts and territory thereof, with all its limits, pertinents, and dependencies, under our name and authority, that we could do if we were personally present. Although the case may require a more special and a stricter course than by these presents is prescribed, to which command we will, and ordain, and most strictly require all our justices, officers, and subjects, repairing to those places, that they conform themselves, and attend to and obey the said Sir William, and his foresaids, in all and sundry the matters above mentioned, their substances, circumstances, and dependencies; and be equally obedient to them in their execution in all points, as they ought to be to us, whose person he represents, under the penalty of disobedience and rebellion: Moreover, we declare, by our present Charter, to all Christian kings, princes, and states, that if, hereafter, any from the said colonies, or any of them, in the said province of Nova Scotia, or any others, under their permission or command, at any time to come, who may be practising piracy by sea or land, shall abstract the goods of any person, or do any injustice or wrong in a hostile manner, as between our subjects, or (those) of our heirs and successors, or of other kings, princes, governors, or states, who are in alliance with us, that upon such injury so offered, or just complaint moved thereon, by any king, prince, governor, state, or their subjects foresaid, we, our heirs and successors, shall take care that public proclamations be made in any part of our said kingdom of Scotland, most convenient for this effect, that the said pirate or pirates, who shall commit such violences, fully restore, within a stated time, to be limited

by the foresaid proclamations, whatsoever goods were so abstracted, and make satisfaction for the said injuries, so as the said princes, and others, so complaining, shall consider themselves to be satisfied; and that if those who shall commit such crimes, shall not restore, or cause to be restored, within the limited time, the goods that were abstracted, then they shall, thereafter, cease to be under our protection; and it shall be lawful to all princes and others, foresaid, to proceed in a hostile manner against the offenders, and invade them: And although it is appointed, that no nobleman, or gentleman, depart from this country without our permission, nevertheless we will, that this present Patent shall be a sufficient permission and warrant to all who shall engage in the said voyage, who are not under a charge of treason, or by any other special authority prevented: And, also, we declare, by our present Charter, and do will, that no person be permitted to leave this country to go to Nova Scotia foresaid, at any time, unless they who shall have previously taken the oath of our supremacy; to which effect, we, by these presents, give and grant full power and authority to the said Sir William, and his foresaids, or their conservator, or deputies, to require the said oath from, and administer it to all persons betaking themselves to the said lands in that colony: Further, we, with advice and consent foresaid, for us and our successors, declare, decern, and ordain, that all our subjects who shall go to Nova Scotia foresaid, or settle in it, and all their children and posterity who shall happen to be born there, and all others adventuring there, shall have and possess all the liberties, immunities, and privileges of children and natural (born) subjects of our kingdom of Scotland, or of our other dominions, as if they had there been born. Moreover, we, for us and our successors, give and grant free power to the said Sir William Alexander, and his foresaids, of establishing and causing money to be coined for the more unrestricted commerce of the inhabitants of the said province, of any metal, in what fashion, and in what form they shall direct and prescribe for the same: And, also, if any questions or doubts shall occur on the interpretation or construction of any clause contained in this our present Charter, they shall be understood and explained in the most ample form, and in favour of the said Sir William, and his foresaids. Further, we, of our certain knowledge, proper motion, kingly authority, and royal power, have made, united, annexed, erected, created, and incorporated, and, by our present Charter, make, unite, annex, erect, create, and incorporate, all and whole the foresaid province and lands of Nova Scotia, with all their boundaries and seas, and minerals of gold and silver, lead, copper, steel, tin, brass, iron, and other mines whatsoever, pearls, precious stones, quarries, woods, shrubs, mosses, muirs, lakes, waters, fishings, as well in fresh waters as in salt, of royal fishes as of others, towns, free ports, free boroughs, cities, boroughs of barony, sea ports, anchorages, engines, mills, offices, and jurisdictions, and all others generally and particularly above mentioned, into one entire and free Lordship and Barony, to be called, in all time coming, by the foresaid name of Nova Scotia; and will and grant, and for us and our successors decern and ordain, that one seisin now to be taken by the said Sir William, and his foresaids, upon any part of the ground of the said lands and province foresaid, shall, in all time coming, stand and be sufficient seisin for the whole country, with all the parts, pendicles, privileges, casualties, liberties, and immunities thereof above mentioned, without any other special or particular seisin by him or his foresaids, at any other part or place thereof, as to which seisin, and all that may or can follow thereon, we, with advice and consent foresaid, for us and our successors, have dispensed, and by our present Charter in manner undermentioned, for ever dispensed: To be holden, and to hold all and whole the said country and Lordship of Nova Scotia, with all the boundaries thereof, within the foresaid seas, minerals of gold and silver, copper, steel, tin, lead, brass, iron, and other mines whatsoever, pearls, precious stones, quarries, woods, shrubs, mosses, muirs, lakes, waters, fishings as well in fresh waters as in salt, of royal fishes as of others, towns, free boroughs,

17

Power of
Mint
and Coinage.Clause of
Union.

Tenendas.

free ports, cities, boroughs of barony, sea ports, anchorages, engines, mills, offices, and jurisdictions, and all others generally and particularly above mentioned, and with all other privileges, liberties, immunities, casualties, and others, above expressed, by the foresaid Sir William Alexander, his heirs and assignees of us, and our successors, in free heritage, free lordship, free barony, and regality for ever, by all their right, meiths, and marches, as they lie in length and breadth in houses, buildings, built and to be built, thickets, plains, muirs, marshes, roads, footpaths, waters, pools, rivulets, meadows, and grazings, mills, multures, and their sequels, fowlings, huntings, fishings, peat grounds, turf grounds, coals, coal pits, rabbits warrens, pigeons, dovescots, forges, kilns, breweries, and broom woods, groves, and shrubs, buried trees, timber, quarries, stone, and lime, with courts, fines, pleas, herezelds, (heriots,) unlaws, and raids of women, with free ish and entry and with gibbet, ditch, suit, liberty of peas, toll power, of having servants, jurisdiction over thieves, taken within and without the liberties, sea wreck, ware, waif, forestry, venison, pit, and gallows, and with all and sundry other liberties; commodities, profits, easements, and their just pertinents whatsoever, as well not named as named, under-ground as above ground, far and near, belonging, or which may justly belong, in any manner for the future, to the foresaid country and lordship, freely, quietly, fully, entirely, honourably, well, and peace, without any revocation, contradiction, impediment, or obstacle whatsoever: Paying, therefore, yearly, the said Sir William Alexander, and his foresaids, to us, and our heirs and successors, one penny Scots money, upon the ground of the said lands and province of Nova Scotia, at the feast of the Nativity of Christ, in name of blench farm, if asked only: And because, by the holding of the said lands and province of Nova Scotia, and by the failing of the timely entry of any heir or heirs of the said Sir William succeeding to him, so that the (payment of the) blench farm above mentioned may with difficulty be performed by him, on account of the long distance from this our kingdom, the said lands and province may, by reason of non-entry, come into our, or our successors' hands, until the legal entry of the lawful heir; and we, being unwilling that the said lands and country shall, at any time, fall in non-entry, or that the said Sir William, and his foresaids, should be so far disappointed of the benefits and profits of the same, we, with advice foresaid, have dispensed, and, by our said Charter, for us and our successors, dispense with the said non-entry whensoever it shall happen; as also we have renounced and exonerated, and, by our said Charter, with consent foresaid, renounce and exonerate the said Sir William, and his foresaids, of the aforesaid non-entry of the said province and country, whensoever it shall, by reason of non-entry, come or fall into our hands, with all that can follow thereon; Provided, however, the said Sir William, and his heirs and assignees, within the space of seven years after the decease and death of their predecessors, or entry to possession of the said lands and others foresaid, by themselves, or their lawful procurators, having power for this effect, do homage to us and our successors, and enter to the said lands, lordship, and barony, and others foresaid, and are received by us, according to the laws and statutes of our said kingdom of Scotland; in which case the heirs and assignees of the said Sir William Alexander shall, notwithstanding the foresaid non-entry, enjoy and possess all and sundry the foresaid lands, country, and lordship of Nova Scotia, with all and sundry profits, commodities, benefits, privileges, and liberties of the same, as if the said non-entry had never happened, or as if they had never fallen in non-entry: Which lands, country, and lordship of Nova Scotia, as well main land as islands, within all and sundry the said bounds and seas thereof, with the woods, fishings, as well in salt waters as in fresh, of royal fishes as of others, with pearls, precious stones, veins, royal minerals of gold and silver, other minerals of iron, steel, lead, copper, brass, tin, mountain brass, and others whatsoever; and all privileges, liberties, immunities, prerogatives, offices, and jurisdictions, and others, specially and

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Dispensation
with
non-entry.

Quaquidem.

generally, above recited, formerly belonged to the said Sir William Alexander, and his heirs and assignees, and were by him and his procurators, in his name, duly and lawfully resigned in our hands; and that for our new heritable infestment of the same to be granted in favour of the said Sir William, or his heirs and assignees foresaid, in due and competent form, as accords to be holden, as said is with dispensation of non-entry, in manner before written, when it shall happen. Moreover, we, with advice before written, for the good, faithful, and willing service performed and rendered to us by the said Sir William Alexander, and respect being had to the great and manifold expenses and charges bestowed and expended in the plantation of the said bounds of the lordship and country of Nova Scotia, and reduction of them, under our obedience, and for other weighty and onerous causes, have of new given, granted, and disposed, and, by our present Charter, give, grant, and dispose to the before mentioned Sir William Alexander, and his heirs and assignees heritably, all and sundry the foresaid lands, lordship, and country of Nova Scotia, together with all and sundry castles, towns, fortalices, manor, places, houses, buildings, built and to be built, gardens, orchards, planted and to be planted, tofts, crofts, meadows, grazings, woods, shrubs, mills, miltures, mill lands, fishings as well of red as of other fishes, salmon, large fish as small, in salt water as in fresh, together with all and sundry teind sheaves thereof included, as well great as small, with the presentation, gift of benefices, churches, and chapels, and rights of patronage thereof, annexes, connexes, dependencies, tenants, tenandries, and services of free tenants of the same; together with all and sundry precious stones, jewels, crystal, alum, coral, and others, with all and sundry minerals, veins, and quarries thereof, as well of regal and royal metals and minerals of gold and silver within the said bounds and lordship of Nova Scotia, as of other minerals of iron, steel, tin, copper, brass, mountain brass, and other minerals whatsoever, with all and sundry parts, pendicles, pertinents, privileges, liberties, and immunities of all and sundry the foresaid lands, lordship, and country of Nova Scotia, with full power and privilege to the said Sir William Alexander, his heirs and assignees, of trying and searching, digging and examining the ground for the same, and extracting, cleansing, refining, and purifying them, and using, converting, and applying them to their own proper uses, (the tenth part of the royal metals, commonly called the ore of gold and silver, hereafter to be found and extracted out of the said lands and country, only, being reserved to us and our successors), and the remainder of the said metals, minerals, precious stones, jewels, and others whatsoever, to belong to the said Sir William Alexander, and his heirs and assignees, to remain for ever with them, and be, with all profits and duties thereof, converted to their own proper uses; with power to the said Sir William Alexander, and his heirs and assignees, of building, constructing, and erecting upon and within all the bounds of the said country, as shall seem to them expedient, cities, free boroughs of barony, towns, villages, harbours, ports, naval stations; and of appointing fairs and markets, as well within the towns as without, and imposing, levying, and receiving all and whatsoever tolls, customs, anchorages, and other dues of the said cities, boroughs of barony, towns, villages, fairs, markets, free ports, harbours, naval stations, with all and sundry casualties, profits and duties whatsoever, furnishing the said cities and boroughs as well within borough as without, with sufficient and able magistrates, justices of the peace, provosts, bailies, aldermen, constables, and other officers, citizens, free burgesses, and manufacturers, crafts of all kinds, with their deacons, and others, thereto requisite, with full power, privilege, and liberty to them, or their children, citizens, and burgesses, to sell wine and wax, salmon, herrings, and other staple goods and merchandizes, as well great as small, and constructing churches, chapels, hospitals, and maison dieus, market crosses, belfries, bells, and all other ordinary ornaments thereto belonging, and planting the said churches, and suffi-

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ently providing them with sufficient teachers, preachers; pastors, and ministers: And in like manner of erecting, founding, and constructing common schools, colleges, and universities, sufficiently provided with able and sufficient masters, rectors, regents, professors of all sciences, letters, languages, and instruction; and of providing for sufficient maintenance, salaries and living for them to this effect: As also of erecting prelates, archbishops, bishops, rectors and vicars of parishes, and parish churches, and distributing and dividing all the foresaid bounds of the said country into divers and distinct shires, provinces, and parishes, for the better provision of the churches and ministry, division of the shires, and all other civil police: And likewise of founding, erecting, and instituting a senate of justice, places, and colleges of justice, senators of council and session, members thereof, for the administration of justice within the said country, and other places of justice and judicature: Further, of erecting and appointing secret and privy councils and sessions for the public good and advantage of the said country, and giving and granting titles, honours, and dignities to the members thereof, and creating their clerks and members, and appointing seals and registers with their keepers: And, also, of erecting and instituting officers of state, a chancellor, treasurer, comptroller, collector, secretary, advocate or attorney general, clerk or clerks, register and keepers of the rolls, justice clerk, director or directors of chancery, conservator or conservators of privileges of the said country, advocates, procurators, and pleaders of causes, and solicitors, and agents thereof, and other members necessary: And, likewise, of gathering, collecting, and appointing meetings and assemblies of ecclesiastical persons and prelates, as well general, special, or provincial meetings as others, for ecclesiastical police and discipline, and authorizing, ratifying, and confirming the said meetings, councils, and assemblies, with acts, statutes, and decrees thereon concluded, for the better authority of the same: Further, we have made, constituted, and appointed, and, by our present Charter, make, constitute, and appoint the said Sir William Alexander, and his heirs and assignees, our and our heirs and successors Lieutenants General, to represent our royal person, as well by sea as by land, of all and whole the said country and lordship of Nova Scotia, as well during the space in which he shall remain there, as on his or their voyage to the said country, or from it, and for ever, after their return, without interval of time or place, excluding all others from the usurpation thereof, or from a claim to any right, benefit, authority, and interest within the said bounds and lordship of Nova Scotia, or to any judicature or jurisdiction heretofore in virtue of any foregoing or subsequent right or title whatsoever: And, with special power to the said Sir William Alexander, and his foresaids, of governing, ruling, punishing, and pardoning all our subjects, and other inhabitants of the said bounds and country of Nova Scotia, or persons going thither, violaters of the peace, or of the laws, and of making, sanctioning, and establishing laws there, as well civil as criminal, with laws of justiciary, admiralty, stewardship, regality, and sheriffship, at their good pleasure, provided the said laws be as conformable as possible to the laws of Scotland, respect being had to circumstances, place, country, persons, and their qualities: And, likewise, of appointing rulers, commanders, and heads of all and sundry the foresaid cities, boroughs, ports, naval stations, and harbours, and also captains of castles, fortalices, and citadels, as well by sea and near the shore as by land, well and sufficiently provided, appointed, and fortified with troops of soldiers and forces, for the maintenance, defence, and preservation thereof, and the repelling of all domestic as well as foreign invasions of the same; and of gathering, assembling, and making all the inhabitants of the said country meet together, for the purpose before written, on all necessary occasions, and for the repelling and resisting of all other force and violences whatsoever: And with power to the said Sir William Alexander, and his foresaids, for the better fortifying of the said lordship and country of Nova Scotia, of transporting from the said kingdom, and other bounds con-

20

Power to
create Dignities and Ap-
pointment of
Officers of
State.

Lieutenant
General, &c.

venient, all sorts of munitions, great and small, greater ordnance, cannons, demi-cannons of cast iron, swords, guns of brass and iron, and other instruments and engines of war, with small guns, commonly called muskets, hagbuts, half haggis, pistols, powder, balls, and other necessary provision and arms; as well offensive as defensive, and wearing and using such arms, as well within the said country of Nova Scotia, as in their passage and progress to the said lands, or from them, with their companions, associates, and dependants: Also, we, with advice foresaid, have made, constituted, and appointed the said Sir William Alexander, and his heirs and assignees, heritably, our Justices General, in all criminal causes, within the said country and lordship of Nova Scotia, High Admiral, and Lord of Regality and Admiralty, within the said country, hereditary High Stewards, also, thereof, and of all, and sundry such regalities, with power to him, and his heirs and assignees, of using, exercising, and enjoying all and sundry the foresaid jurisdictions, judicatures, and offices, with all and sundry privileges, prerogatives, immunities, and casualties thereof, in like manner, and as freely as any other Justice or Justices General, High Stewards, Admirals, Sheriffs, or Lords of Regalities, had, or can have, or possess, and enjoy the said jurisdictions, judicatures, offices, dignities, and prerogatives, in any of our kingdoma, bounds, and dominions whatsoever; with power to the said Sir William Alexander, and his heirs and assignees, of constituting, erecting, nominating, and creating clerks, officers, macers, apprisers, and all other members of court of all and sundry the foresaid judicatures and jurisdictions respectively, with all fees, dues, and emoluments, thereto belonging, as shall seem to them expedient; without prejudice always to all other infeftments, rights, or dispositions, by us, or our predecessors, to whatsoever person or persons, who are or shall be partioners of the said plantation of Nova Scotia, proceeding upon the resignation of the said Sir William Alexander only, and not otherwise, of whatsoever parts or portions of the said country and lordship of Nova Scotia, with the privileges and immunities mentioned in their infeftments: And seeing by reason of the great remoteness and distance of the said country and lordship of Nova Scotia, from our said ancient kingdom of Scotland, both that the said country can neither easily nor conveniently be reached except in the summer time; and that the said country is altogether destitute of public scribes and notaries, requisite for taking seisins, so that seisin, at all times, cannot conveniently be taken on the ground of the said country; and also, respect being had to the great and manifold disadvantages which may result, by default, of timely seisin being taken upon this present Patent, and upon other Charters, and similar infeftments granted, and to be granted, of the foresaid lands and lordship of Nova Scotia, or any part thereof: Therefore, that this, our present Charter, may be more effectual, and that seisin thereupon may be more conveniently taken, it is necessary, that seisin of all and sundry the foresaid lands, of the said country and lordship of Nova Scotia, be taken within our said kingdom of Scotland, and on the grounds and lands of the same, in the most eminent place thereof, which can neither conveniently nor lawfully be done without an express union of the said country and lordship of Nova Scotia to the said kingdom of Scotland: Wherefore, and for the advantage and readier convenience of the aforesaid seisin, we, with advice foresaid, have annexed, united, and incorporated, and, by our present Charter, unite, annex, and incorporate with our said kingdom of Scotland all and sundry the foresaid country and lordship of Nova Scotia, with the teinds and teind sheaves thereof recorded, and all and sundry parts, pertinents, privileges, jurisdictions, and royalties of the same, and others generally and specially above mentioned; and, by our present Charter, will, declare, decern, and ordain, that one seisin, now to be taken at our Castle of Edinburgh, as the most eminent and principal place of our said kingdom of Scotland, of all and sundry the said lands, country, and lordship of Nova Scotia, or any part of the same, with the teinds and teind sheaves thereof, included, respectively, is, and shall be sufficient seisin

Hereditary
Justice General,
&c. &c.

21

Annexation of
Nova Scotia to
Scotland for
taking Seisin.

Dispensation
as to
taking Seisin.

for all and whole the foresaid lands, country, and lordship of Nova Scotia, with the teinds and teind sheaves thereof included, or any part of the said lands and country aforesaid, and all the privileges, jurisdictions, and liberties thereof respectively, and others specially and generally above mentioned, notwithstanding the said lands, country, and lordship of Nova Scotia, are far distant, and lie discontinuous from our said kingdom of Scotland; as to which, we, with advice and consent foresaid, have dispensed, and, by our present Charter, for ever dispense; without prejudice and derogation always to the said privilege and prerogative granted to the foresaid Sir William Alexander, and his heirs and assignees, of making and establishing laws, acts, and statutes, concerning all and sundry the foresaid lands, country, and lordship of Nova Scotia, as well by sea as by land: And, by our present Charter, we declare, that notwithstanding the said union (which is declared to be granted solely for the advantage and convenience of seisin,) the said country and lordship of Nova Scotia shall be judged, ruled, and governed by the laws and statutes made, and to be made, constituted, and established by the said Sir William Alexander, and his heirs and assignees, relating to the said country and lordship of Nova Scotia, in like manner, and as freely, in that respect, as if the said union had never been made, or hitherto granted: And further, notwithstanding the foresaid union, it shall be lawful to the foresaid Sir William Alexander, and his heirs and assignees, to give, grant, and dispose any parts or portions of the said lands, country, and lordship of Nova Scotia, heritably belonging to them, to and in favour of whatsoever persons, their heirs and assignees heritably, with the teinds and teind sheaves thereof included, (provided they are our subjects) to be holden of the said Sir William Alexander, or of us, and our successors, either in blench farm, feu farm, or in ward, and relief, at their pleasure; and to intitule and denominate the said parts and portions, by whatsoever styles, titles, and designations shall seem to them fit, or be in the will and option of the said Sir William, and his foresaids, which infeftments and dispositions shall be approved and confirmed by us or our successors freely, without any composition to be paid therefor: Moreover, we, and our successors, shall receive whatsoever resignations shall be made by the said Sir William Alexander, and his heirs and assignees, of all and whole the foresaid lands and lordship of Nova Scotia, or of any part thereof in our hands, and (those) of our successors and Commissioners foresaid, with the teinds and teind sheaves thereof included, and others generally and specially above mentioned, to and in favour of whatsoever person or persons, (provided they are our subjects, and live under our obedience;) And they shall pass infeftments thereon, to be holden, in free blench farm, of us, our heirs and successors, in manner above mentioned, freely, without any competition; which lands, country, and lordship of Nova Scotia, with the teind sheaves thereof included, and all and sundry parts, pendicles, and pertinents, privileges, jurisdictions, prerogatives, and liberties of the same, and others, specially and generally above mentioned, together with all right, title, interest, claim of right, petitory, as well as possessory, which we, or our predecessors, or successors, had, have, or any way can have, claim, or pretend thereto, or to any part of the same, or to the mails, farms, profits, and duties thereof, of whatsoever years, or terms bygone, for whatsoever cause or occasion we, with advice foresaid, for the reasons above mentioned, of new, give, grant, and dispose to the foresaid Sir William Alexander, and his heirs and assignees, heritably for ever; renouncing and exonerating the same simpliciter with all action and instance heretofore, competent to, and in favour of the said Sir William Alexander, and his heirs and assignees, as well for non payment of the duties contained in their original infeftments, as for non performance of due homage, conform thereto, or for non fulfilment of any point of the said original infeftment, or for commission of any fault or deed of omission or commission, prejudicial thereto; and whereby the said original infeftment may, in any way, be lawfully impugned or called in question, for ever acquitting and remitting the same simpliciter with all title, action,

22

Disposing
Clause.Dispositions
to be confirm-
ed by the
Crown.No forfeiture
by length of
time past.

instance, and interest, heretofore competent, or that may be competent to us, and our heirs and successors, renouncing the same simpliciter jure lite et causa cum pacto de non petendo, and with supplement of all defects, as well not named as named, which we will to be held, as expressed in this our present Charter. To be holden in free blench farm, as said is, and dispensing with non entry, whensoever it shall happen in manner foresaid: Moreover, we for us and our successors, with advice foresaid, give, grant, and commit power to the said Sir William Alexander, and his heirs and assignees, of having and lawfully establishing and causing to be coined current money, in the said country and lordship of Nova Scotia, and for the readier convenience of commerce and bargains amongst the inhabitants thereof, of such metal, form, and fashion, as they shall design or appoint; and for this effect, we give, grant, and commit to them, or their heirs and assignees, Lieutenants of the said country, the privileges of coining money with iron instruments, and with officers necessary for that purpose: Further, we, for us and our successors, with advice foresaid, have given, granted, ratified, and confirmed; and, by our present Charter, give, grant, ratify, and confirm to the said Sir William Alexander, and his heirs and assignees, all places, privileges, prerogatives, pre-eminences, and precedencies whatsoever, given, granted, and reserved, or to be given, granted, and reserved to the said Sir William Alexander, and his heirs and assignees, and his successors, Lieutenants of the said country and lordship of Nova Scotia, on behalf of the Knights, Baronets, and remanent portioners, and associates of the said plantation, so as the said Sir William Alexander, and his heirs male descending of his body, as Lieutenants foresaid, shall and may take place, prerogative, pre-eminence, and precedence, as well before all esquires, lairds, and gentlemen, of our said kingdom of Scotland, as before all the foresaid Knights, Baronets, of our said kingdom, and all others, before whom the said Knights, Baronets, in virtue of the privilege of dignity to them, can have place and precedence, for the advancement of which plantation and colony of Nova Scotia, and in respect of it, especially the said Knights, Baronets, were, with advice foresaid, created in our said kingdom of Scotland, with their state and dignity as a special token of our favour conferred upon such gentlemen, and honourably born persons, portioners of the foresaid plantation and colony; with this express provision always, that the number of the foresaid Baronets never exceed one hundred and fifty. Finally, we, with advice foresaid, for us, our heirs and successors, will, decern, and ordain that this our Patent and infestment, with all its contents, be ratified, approved, and confirmed in our next Parliament of our kingdom of Scotland; and that it may have the force, strength, and effect of an act, statute, and decree of that supreme judicatory, as to which, we, for us and our successors, declare and ordain this our present Charter, to be a sufficient warrant to the Lords of the Articles of our said Parliament, for the ratification and confirmation thereof, in manner before written: Moreover to our lovites,

and each of you conjunctly, and severally, our Sheriffs in that part, especially constituted, greeting; We charge and command you, that ye give and deliver to the foresaid Sir William Alexander, or his certain Attorney, bearer of these presents, heritable state and seisin, as well as corporal, actual, and real possession of all and whole the foresaid lands, country, and lordship of Nova Scotia, with all and sundry parts, pendicles, privileges, commodities, immunities, and others, generally as well as particularly above expressed, at our said Castle of Edinburgh, without delay, and this in no wise ye leave undone, which to do we commit to you, and each of you conjunctly and severally, our Sheriffs in that part foresaid, our full and irrevocable power by our present Charter; which seisin, we, with advice foresaid, for us and our successors, by our present Charter, will, declare, and ordain to be as lawful and sufficient, as if precepts of seisin, separately and ordinarily, to that effect had been directed out of our Chancery, upon our said Charter, as to which we, with advice foresaid, for us, our heirs and successors, have dis-

Teneudas
vid. p. (18)
supra.

Power of
Coining.

23

Precept
of Seisin.

pensed, and, by our present Charter, for ever dispense. In witness whereof, we have ordered our Great Seal to be appended to this our present Charter, the witnesses being our well-beloved Cousins and Councillors, James, Marquess of Hamilton; Earl of Arran and Cambridge; Lord Aven and Innerdail, &c.; William, Earl Marishal, Lord Keith, &c. Marishal of our kingdom; our beloved Councillor, Sir George Hay, of Kinfares, Knight, our Chancellor; our well-beloved Cousin and Councillor, Thomas, Earl of Melros; Lord Bynning and Byres, our Secretary; our beloved familiar Councillors, Sir Richard Cokburne, of Clerkintoun, Keeper of our Privy Seal; Sir John Hamiltoun, of Magdalens, Clerk of our Rolls, Register and Council; Sir George Elphingstoun, of Blythwode, our Justice Clerk; and Sir John Scott, of Scotistarvet, Director of our Chancery, Knights, at our Palace of Otlands, the 12th day of July, Anno Domini 1625, and the first of our reign.

CHARTER

OF

CANADA,

1628—9.

CHARLES, by the Grace of God, King of Great Britain, France, and Ireland, and Defender of the Faith. To all good men of his whole land, clergy, and laity, greeting; Know ye, that we, being perfectly mindful by what engagement our faithful and well-beloved Councillor, Sir William Alexander, of Menstrie, Knight, our principal Secretary for our kingdom of Scotland, and Hereditary Lieutenant of our country and dominion of Nova Scotia, in America, has sustained great charges and expenses in his various undertakings, in the providing of ships, engines of war, ordnance, and munitions, in the conducting of colonies; as also, in exploring, settling, and taking possession of the said country; and, whereby, he, and our other subjects, who alongst with him were to find a settlement in the said country, might be assisted for the further diffusion of the Christian religion, in those parts of our dominions, its propagation therein, and the expected revealing and discovery of a way or passage to those seas, which lie upon America on the west, commonly called the South Sea, from which the head, or source of that great river or Gulf of Canada, or some river flowing into it, is deemed to be not far distant; and since by the example already exhibited by the said Sir William, in the exploring and settling of the said country of Nova Scotia, terminating at the foresaid Gulf and River Canada, he has proposed establishments by him in those parts of the plantation, which seem to be favourable for the propagation of the said religion, and tending only to the great honour and profit of our ancient kingdom of Scotland, whence it may come to pass that the said colonies to be planted by him, and his successors, may by this means, in process of time, discover the foresaid way or passage to the said seas, much hitherto, for very weighty considerations, desired, and so often by various persons undertaken. Therefore, and for exciting the more earnest resolutions of the said Sir William, his heirs, assignees, portioners, and associates, to further progress in such and so great an enterprize, we, with the special advice and consent of our very faithful, and well-beloved Cousin and Councillor, John, Earl of Mar, Lord Erskene and Gareoch, our High Treasurer, Comptroller, Collector, and Treasurer of our new augmentations of our kingdom of Scotland; our faithful and well-beloved Councillor, Archibald, Lord Naper, of Merchingatoun, our deputy in the said offices, and the remanent Lords of our Privy Council; our Commissioners of our said kingdom of Scotland; have given, granted, and disposed, and, by our present Charter, give, grant, and dispose to the foresaid Sir William Alexander, his heirs and assignees, heritably, for ever, all and sundry islands within the Gulf of Canada, lying between Nova Scotia and Newfoundland, at the mouth and entrance of the great river Canada aforesaid, where it falls and enters into the said Gulf (including therein the great island Anticosti). Also, we have given, granted, and disposed, and, by our present Charter, give, grant, and dispose to the before named Sir William Alexander, all and sundry islands, lying within the said river Canada, from the said mouth and entrance, up to the head, fountain, and source thereof, wheresoever it be, or the lake whence

Causes of granting.

Dispositive Clause, &c.

it flows, (which is thought to be towards the Gulf of California, called by some the Vermilion Sea,) or within any other rivers flowing into the said river Canada, or in whatsoever lakes, waters, or arms of the sea, through which either the said great river Canada, or any of the said other rivers pass, or in which they discharge themselves. And further, we have given and granted, and, by our present Charter, give and grant to the foresaid Sir William, and his foresaids, fifty leagues of bounds, on both sides of the foresaid river Canada, from the said mouth and entrance, to the said head, fountain, and source thereof; also on both sides of the said other rivers flowing into the same; as also, on both sides of the said lakes, arms of the sea, or waters, through which any of the said rivers have their course, or in which they terminate; and in like manner we have given and granted, and, by our present Charter, give and grant to the foresaid Sir William Alexander, and his foresaids, all and whole the bounds and passages, as well in waters as on land, from the foresaid head, fountain, and source of (the river) Canada, wheresoever it is, or from whatsoever lake it flows, down to the foresaid Gulf of California, whatsoever the distance shall be found to be, with fifty leagues altogether on both sides of the said passage, before the said head of (the river) Canada, and Gulf of California; and likewise, all and sundry islands lying within the said Gulf of California; as also, all and whole the lands and bounds adjacent to the said Gulf, on the West and South, whether they be found a part of the continent or main land, or an island, (as it is thought they are,) which is commonly called and distinguished by the name of California. Moreover, we have given and granted, and, by our present Charter, give and grant, and for us and our successors, with advice and consent foresaid, perpetually confirm to the foresaid Sir William Alexander, his heirs and assignees whatsoever heritably, all and sundry other lands, bounds, lakes, rivers, arms of the sea, woods, forests, and others that shall be found, conquered, or discovered, at any future time, by him or his successors, their partners, associates, or others in their name, or having power from them, upon both sides of the whole bounds and passages foresaid, from the mouth and entrance of the said river Canada, where it discharges itself into the said Gulf of Canada, to the said Gulf of California, or the islands in the seas thereto adjacent, which are not yet really and actually possessed by others, our subjects, or the subjects of any other Christian Prince, or constituted Orders in alliance and friendship with us, with full and absolute power to him the said Sir William Alexander, and his foresaids, (and to no others,) their stewards, servants, and others in their name, of establishing colonies, and engaging in commerce, in the before named places or bounds, or any part of them particularly designed, and of expelling or debarring all others from the same: also, of leasing out proportions of the lands thereof, to whatsoever person or persons shall seem to him fit, and on the same terms, conditions, restrictions, and observances, within all the before named bounds, as he can do in Nova Scotia, by whatsoever Charters or Patents granted to him by our late dearest father, or by ourselves: Also, with such, and as great privileges and immunities, in all the foresaid places, or bounds, islands, and others above written, as well in the sea and fresh water, as on land, as the said Sir William Alexander has in Nova Scotia, by his prior Charters or Patents of Nova Scotia, dated at which privileges, contained in the said prior Charters, and every one of them, we ordain to be equally sufficient and valid, and altogether of the same strength, force, and effect, as if each had been herein, word for word, particularly, and by itself, granted and expressed; as to the not particular insertion of which herein, we, for us and our successors, have dispensed, and, by our present Charter, for ever dispense; declaring, also, as we, with advice and consent foresaid, ordain and declare, for us and our successors, that this our present Charter or Patent shall in no wise be prejudicial or derogatory to whatsoever rights, Charters, or Patents, granted to the foresaid Sir William Alexander, or his foresaids, of, or concerning Nova Scotia, at whatsoever time pre-

ceding the date of these presents, or to any head, clause, article, or condition therein expressed, as also shall be, without prejudice, to any prior Charter granted by us ere now, or to be granted at any time to come to whatsoever Baronets within Scotland, of the country of Nova Scotia; prohibiting and forbidding all and sundry our subjects, of whatsoever degree, or condition wheresoever, in our Kingdoms or dominions, to make any plantation, or engage in any commerce in the said places, or bounds, gulfs, rivers, lakes, islands, and arms of the sea, above written, or in any part thereof, without the special advice, permission, and consent of the foresaid Sir William Alexander, or his foresaids. And with special power to the said Sir William Alexander, and his foresaids, of seizing, arresting, and apprehending all and sundry persons, who shall be found to be in trade, and engaged in commerce in any part of the said places or bounds, contrary to this prohibition, and of confiscating their ships and goods, and disposing thereof at pleasure, to their own proper uses, without rendering any count or reckoning, in any manner, for the same, or any part thereof; and of doing all other things, within all and whole the before named bounds or spaces, as freely and fully, to all intents, purposes, and instructions, as the foresaid Sir William Alexander, and his foresaids, could have done, or can do within the said country of Nova Scotia, or our said kingdom of Scotland, in virtue of any of the said Letters Patent, prior Charters or Patents: To be holden, and to hold all and whole the before named lands, spaces, or bounds, islands, and others, generally and particularly expressed, with their sundry privileges, immunities, and commodities whatsoever, generally and particularly, above mentioned, by the foresaid Sir William Alexander, and his foresaids, of us, and our successors, of the Crown and our kingdom of Scotland, in free blench farm for ever, by all their right, meiths, old and divided, as they lie in length and breadth, in houses, buildings, thickets, plains, muirs, marshes, roads, footpaths, waters, pools, rivulets, meadows, grazings, and pastures; mills, multureas, and their sequels; fowlings, huntings, fishings, peat ground, turf grounds, coals, coal pits, rabbits warrens, pigeons, dovecots, forges, kilns, breweries, and broom woods, groves, and shrubs, buried trees, timber, quarries, stone and lime; with courts and their dues; herezelds, fines, and raids of women; with common pasturage, and free ish and entry; and with all other and sundry liberties, commodities, profits, easements, and just pertinents thereof whatsoever, as well not named as named, under ground as above ground, far and near, belonging, or which may justly belong, in any manner, for the future, to the foresaid lands, with the pertinents, freely, quietly, fully, entirely, honourably, well and in peace, with gibbet, ditch, suit, liberty of pleas, toll power of having servants, forestry, sea wreck, ware, waif, venison; jurisdiction over thieves, taken within and without the liberties, pit and gallows, without any impediment, revocation, contradiction, or obstacle whatsoever; paying, therefore, yearly, the said Sir William, and his foresaids, to us, and our successors, one penny, Scots money, upon the ground of the said lands, or any part thereof, at the feast of the Nativity of our Lord, in name of blench farm, if asked only; which whole and entire forenamed lands, spaces, or bounds, islands, and others, generally and particularly, above expressed, as said is, we, with the special advice and consent foresaid, for us, and our successors, have erected and united, and, by our present Charter, erect and unite into one entire and free lordship, for ever, to be called of Canada, heritably belonging and pertaining to the before mentioned Sir William Alexander, and his foresaids; Also, we, by our present Charter, are graciously pleased, that whensoever the said Sir William Alexander, and his foresaids, or any of them, shall wish and desire this our present Charter to be renewed, with all and sundry beneficial clauses and conditions, as in the said prior Charters, or Patents of Nova Scotia, or as he, his foresaids, or any of them, on consultation of counsel, or by any special examination towards the further or more certain discovery of the said places, or bounds, rivers, lakes, arms of the sea, or passages, and others, above mentioned, shall see to be more advantageous and

Tenendas.

Reddendo.

Clause of
Uniu.

Dispensation
as to
taking Seisin.

expedient, then, and in that case, we, on the word of a Prince, promise, that we will renew and alter the said Charter to the foresaid Sir William Alexander, and his foresaids, in the best and most ample form that can be conceived: Moreover, we, by our present Charter, with advice and consent foresaid, decern, declare, and ordain, that seisin to be taken by the said Sir William Alexander, or his foresaids, at our Castle of Edinburgh, as the most eminent and principal place of our said kingdom of Scotland, or upon the soil and ground of the foresaid lands, bounds, and islands, or any part thereof, at the pleasure and will of the said Sir William, and his foresaids, shall, in all time coming, be sufficient for all and whole the before named lands, bounds, islands, and others, above specified, or any part or portion thereof; and that the heirs of the foresaid Sir William, and his foresaids, may be seised, in all and sundry the before named lands, bounds, islands, and others, foresaid, by precepts out of either the Chancery of our said kingdom of Scotland, or the Chancery to be instituted by the said Sir William, and his foresaids, in the aforesaid country and lordship of Canada, as they incline, or also as their heirs can be seised, by their said prior grants in Nova Scotia, as to which we, with advice and consent foresaid, for us and our successors, have dispensed, and, by our present Charter, for ever dispense, and as to all and sundry the before named privileges, and others, generally and particularly, above mentioned: And further, we have made and constituted, and, by our present Charter, make and constitute,

Precept of
Seisin.

and any of them conjunctly, and severally, our Bailies in that part, giving and granting our full power and special warrant to them, and any of one them, for giving, granting, and delivering to the foresaid Sir William Alexander, and his foresaids, or to their certain Attornies, holding or producing this our present Charter, heritable state, and seisin, as well as actual, real, and corporal possession, of all and sundry the before named lands, bounds, rivers, lakes, islands, arms of the sea, or passages, and others, whatsoever, generally and particularly, above expressed, of the said country and lordship of Canada, at our said castle of Edinburgh, or upon the soil and ground of any part of the foresaid lauds, and bounds or places, or in both manners, at the pleasure of the said Sir William Alexander, and his foresaids, commanding them, and any one of them, that, on sight of these presents, they, or any one of them, forthwith give and deliver heritable state and seisin, as well as actual, real, and corporal possession of all and sundry the before named lands, places, or bounds, islands, rivers, lakes, and others, foresaid, generally and particularly, above expressed, to the foresaid Sir William Alexander, and his foresaids, or to their certain Attornies, holding or producing this our present Charter, upon any part of the ground of the said lands, or at our Castle of Edinburgh, or in both manners, as shall appear to him, and his foresaids, best, by delivery of earth and stone to the foresaid Sir William Alexander, and his foresaids, or to their Attornies, holding or producing this our present Charter, at the said Castle, or upon the soil and ground of the said lands, and others, above written, or in both manners, as the said Sir William, and his foresaids, incline, which seisin so to be delivered by our said Bailies in that part to the foresaid Sir William, and his foresaids, or to their Attornies, holding or producing this our present Charter, we, for us and our successors, decern and ordain to be good, lawful, valid, and sufficient, in all time coming, dispensing, as we, by our present Charter, dispense, as to all that can be objected against the same, whether in form or in effect. Lastly, we, for us and our successors, with advice and consent foresaid, will, decern, declare, and ordain, this our present Charter, with all and sundry privileges, liberties, clauses, and conditions, above mentioned, to be ratified, approved, and confirmed, in our next Parliament of our kingdom of Scotland, or in any other Parliament of the said kingdom hereafter to be holden, at the will and pleasure of the said Sir William Alexander, and his foresaids, and to have the strength, force, and effect of a decree of that supreme court, which to do, we, for us and our successors, will and declare our said Charter, and clauses

therein contained, to be a sufficient mandate or warrant, promising, on the word of a King, that the same shall be so done and performed. In witness whereof, we have ordered our Great Seal to be appended to this our present Charter, the witnesses being, as in other (Charters,) our cousins and councillors, James, Marquess of Hamilton, Earl of Arran and Cambridge, Lord Aven and Innerlaill, William, Earl Marishal, Lord Keyth, &c., Marishal of our kingdom, George Viscount of Duplin, Lord Hay, of Kinfauns, our Chancellor, Thomas, Earl of Hadingtoun, Lord Bynning and Byres, &c., Keeper of our Privy Seal, our beloved familiar councillors, Sir William Alexander, of Menstrie, our principal Secretary, Sir James Hamilton, of Magdalenis, Clerk of our Rolls, Register, and Council, Sir George Elphinstoun, of Blythiswode, our Justice Clerk, and Sir John Scot, of Scottistavett, Director of our Chancery, Knights, at our palace of Whythall, the 2d day of February, Anno Domini 1628, and the 3d of our reign.

CHAPTER I

The first part of the book is devoted to a general survey of the subject. It is divided into two main sections, the first of which deals with the history of the subject, and the second with its present state.

The second part of the book is devoted to a detailed examination of the subject. It is divided into three main sections, the first of which deals with the theory, the second with the practice, and the third with the application of the subject.

The third part of the book is devoted to a detailed examination of the subject. It is divided into three main sections, the first of which deals with the theory, the second with the practice, and the third with the application of the subject.

The fourth part of the book is devoted to a detailed examination of the subject. It is divided into three main sections, the first of which deals with the theory, the second with the practice, and the third with the application of the subject.

The fifth part of the book is devoted to a detailed examination of the subject. It is divided into three main sections, the first of which deals with the theory, the second with the practice, and the third with the application of the subject.

CHARTER

IN FAVOUR OF

SIR WILLIAM ALEXANDER OF MENSTRIE, KNIGHT,

OF THE

LORDSHIP OF CANADA, &c.

CAROLUS Dei Gratia Magne Britannie Francie et Hibernie Rex Fideique Defensor Omnibus probis hominibus totius terre sue clericis et laicis salutem Sciatis quia nos perfecte diligentes quo pacto fidelis ac praedilectus noster consiliarius Dominus Willielmus Alexander de Menstrie miles noster Principalis Secretarius pro regno nostro Scotiae ac Haereditarius Locum tenens regionis et domini nostri Novae Scotiae in America variis suis susceptis navium machinarum bellicarum tormentorum et munitionum provisione deductione coloniarum necnon in dicta regione perspicienda peragranda et possidenda magnos sumptus et impensas sustinuerit et quo melius ipse ceterique nostri subditi dictae regionis inhabitationem secum experturi corroborarentur pro ulteriore nostrorum in istis partibus dominiorum dilatazione Christianae religionis inibi per pagatione viaeque seu transitus sperabili releuatione et detectione ad ista maria quae Americae ab occidente incumbunt vulgo *sic South Sea* nuncupata unde magni istius fluminis seu sinus Canadae vel alicujus in eundem defluentis fluvii caput seu scaturigo non procul distare existimatur ac quoniam ex specimine per dictum Dominum Willielmum in dictae regionis Novae Scotiae ad praefatum sinum et fluvium Canadem terminantis perspectione et peragrationse hactenus exhibitio spectata plantationis in istis partibus mita ad propagationem dictae religionis magnumque antiqui regni nostri Scotiae decus et emolumentum tantum tendentia sibi stabilienda proposuit ex quo fieri potest ut dictae coloniae per ipsum suosque successores plantandae hac ope praefatam viam seu transitum ad dicta maria multum huc usque praegravibus considerationibus desideratum totiesque per varias personas susceptum processu temporis detegant Igitur ac pro dicti Domini Willielmi haeredum suorum assignatorum suorumque participum et associatorum ad ulteriorem in tali tantoque suscepto progressum flagrantioribus accendendis animis nos cum specialibus avisamento et consensu praefidelis et praedilecti nostri consanguinei et consilarii Joannis Comitiss Marriae Domini Erakene et Gareoch magni nostri thesaurarii nostrorum computorum rotulatoris collectoris et thesaurarii novarumque nostrarum augmentationum regni nostri Scotiae fidelis et praedilecti nostri consilarii Archibaldi Domini Naper de Merchingstoun nostri in dictis officiis deputati ac reliquorum dominorum nostri secreti consilii nostrorum commissionariorum dicti regni nostri Scotiae Dedimus concessimus et disposuimus tenoreque praesentis cartae nostrae Damus concedimus et disponimus praefato Domino Willielmo Alexander haeredibus suis et assignatis haereditarie imperpetuum Omnes et singulas insulas infra sinum Canadae jacentes inter Novam Scotiam et Terram Novam ad ostium et introitum praedicti magni fluminis Canadae ubi decidit et intrat in dictum sinum (includendo inibi magnam insulam Anticosti) necnon dedimus concessimus et disposuimus tenoreque praesentis cartae nostrae damus concedimus et disponimus praenominato Domino Willielmo Alexander suisque praedictis omnes et singulas insulas infra dictum flu-

Reg. Mag. Sig.
B. 57. N. 110.

vium Canadam jacentes a dicto ostio et introitu ad caput usque primum ortum et scaturiginem ejusdem ubicunque sit aut lacum unde fluit (qui putatur esse verus magnum sinum Californiae a quibusdam Mare Verneis nuncupatum) aut infra quosvis alios fluvios in dictum fluvium Canadam defluentes vel in quibuscunque lacubus aquis sive fretis per quae vel dictus magnus fluvius Canada vel aliqui alii dictorum fluviorum decurrunt aut in quibus exeunt ac praeterea dedimus et concessimus tenoreque praesentis cartae nostrae damus et concedimus praefato Domino Willielmo suisque antedictis quinquaginta leucas bondarum ab utroque latere antedicti fluvii Canadae a dicto ostio et introitu ad dictum caput fontem et scaturiginem ejusdem necnon ab utroque latere dictorum aliorum fluviorum in eundem defluentium ac etiam ab utroque latere dictorum lacuum fretorum seu aquarum per quas quilibet dictorum fluviorum decurrunt aut in quibus exeunt et similiter dedimus et concessimus tenoreque praesentis cartae nostrae damus et concedimus praefato Domino Willielmo Alexander suisque praedictis totas et integras bondas et transitus tam in aquis quam in terra a praedicto capite fonte et scaturigine Canadae ubicunque sit aut a quocunque lacu unde labitur ad praefatum sinum Californiae quantacunque compta fuerit esse distantia cum quinquaginta leucis omnimodo ab utroque latere ejusdem transitu ante dictum caput Canadae et sinum Californiae et similiter omnes et singulas insulas infra eundem sinum Californiae jacentes ac etiam totas et integras terras et bondas eidem sinui ab occidente et austro adjacentes sive reperiantur pars continentis sive terrae firmae sive insula (ut putatur esse) quae Californiae nomine vulgo nuncupatur et indigitatur insuper dedimus et concessimus tenoreque praesentis cartae nostrae damus et concedimus ac pro nobis et successoribus nostris cum avisamento et consensu praedicti pro perpetuo confirmamus praefato Domino Willielmo Alexander haereditibus suis et assignatis quibuscunque haereditarie omnes et singulas alias terras bondas lacus fluvios freta silvas forestas aliaque per ipsam sive suosve successores eorum participes associatos aut alios eorum nomine seu potestatem ab his habentes quocunque tempore futuro invenienda conquerenda seu detegenda super utroque latere integrarum bondarum et transitu antedicti ab ostio et introitu dicti fluvii Canadae ubi in dictum sinum Canadae se exonerat ad dictum sinum Californiae aut insulas in maribus eidem adjacentibus quae per alios nostros subditos aut subditos alterius alicujus Christiani principis seu ordinum nobiscum in foedere et amicitia constitutorum haecenus realit et actualit possess non sunt Cum plena et absoluta potestate ipsi dicto Domino Willielmo Alexander suisque praedicti (nullisque aliis) eorum factoribus servis et aliis eorum nomine colonias stabiliendi ac utendi commercio in praenominatis locis seu bondis vel qualibet earundem parte particularit designat omnesque alios ab iisdem arrendi seu prohibendi Necnon proportionem terrarum earundem cuicunque personae seu quibuscunque personis prout sibi commodum videbitur elocandi ac super iisdem terminis conditionibus restrictionibus et observationibus infra omnes praenominatas bondas sicut in Nova Scotia per quascunque literas patentes seu diplomata ipsi per quond nostrum charissimum patrem vel nosmetipsos concess facere potest cum talibus etiam et tantis privilegiis libertatibus et immunitatibus in omnibus praedictis locis seu bondis insulis aliisque suprascriptis tam in mari aqua dulci quam in terra quales quantasque dictus Dominus Willielmus Alexander habet in Nova Scotia per priores suas literas patentes seu diplomata de Nova Scotia de data apud

Quaequid privilegia in dictis prioribus literis patentibus contenta et unumquodque eorum adeo sufficientia et valida fore ordinamus ac si singula hic particularit et sigillatim concessa et expressa fuissent de verbo in verbum ejusdem omnimodo roboris fortitudinis et efficacitae fore volentes penes quorum particularem hic non insertionem nos pro nobis et successoribus nostris dispensavimus tenoreque praesentis cartae nostrae dispensamus imperpetuum Declarando etiam sicut nos cum avisamento et consensu praedicti ordinamus et declaramus pro nobis et successoribus nostris quod hae praesentes nostrae literae paten seu diploma nullatenus erit praepjudicabile

dicabile nec derogativum quibuscunque juribus cartis seu diplomatibus praefato Domino Willielmo Alexander suiive antedictis de aut super Nova Scotia quocunque tempore datam praesentium praecedente concessis aut alicui capiti clausulae articulo seu conditioni in iisdem expressis ac etiam sine praedictio prioris alicujus literae patentes per nos antehac quibuscunque Baronetia infra Scotiam de regione Novae Scotiae concess seu concedend quovis tempore futuro Prohibendo et vetando prout nos tenore praesentis cartae nostrae specialit prohibemus et vetamus omnes et singulos nostros subditos cujuscunque gradus seu conditionis in quolibet nostrorum regnorum seu dominiorum ne ullam faciant plantationem nec ullo utantur commercio in dictis locis seu bondis sinibus fluviis lacubus insulis et fretis suprascriptis aut in aliqua earund parte absque specialibus avisamento licentia et consensu praefati Domini Willielmi Alexander suorumve praedictorum ac cum speciali potestate dicto Domino Willielmo Alexander suisque praedictis attachiandi arrestandi et deprehendendi omnes et singulas personas quae negotiari et commercio uti in aliqua ditorum locorum seu bondarum parte contra hanc prohibitionem inventae fuerint eorumque naves et bona confiscandi ac desuper in suos proprios usus pro libito disponendi absque ullo computo seu ratione de eisd vel aliqua earund parte reddenda quomodolibet omniaque alia adeo libere et large in omnibus intentionibus propositis et instructionibus faciendi infra totas et integras praenominatas bondas seu spatia sicuti praefatus Dominus Willielmus Alexander suiive praedicti infra dictam regionem Novae Scotiae seu dictum regnum nostrum Scotiae feciase potuit seu facere potest virtute cujuslibet dictarum literarum patantium priorum cartarum seu diplomatum TENENDAS et HABENDAS totas et integras praenominatas terras spatia seu bondas insulas aliaque generalit et particularit expressa cum singulis suis privilegiis immunitatibus et commoditatibus quibuscunque generalit et particularit supramentionat praefato Domino Willielmo Alexander suisque praedictis de nobis et successoribus nostris de corona et regno nostro Scotiae in libera alba firma imperpetuum per omnes rectas metas antiquas suas et divisas prout jacent in longitudine et latitudine in domibus aedificiis boscis planis moris marisii viis semitis aquis stagnis rivolis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbis columbariis fabrilibus brasinis brueriis et genistiis silvis nemoribus et virgultis lignis tignis lapideis lapide et calce cum curiis et earum exitibus herezeldis bludevitis et mulierum merchetis cum communi pastura liberoque introitu et exitu ac cum omnibus aliis et singulis suis libertatibus commoditatibus proficuis asiamentis ac justis suis pertinent quibuscunque tam non nominat quam nominat tam sub tus terra quam supra terram procul et prope ad praedict terras cum pertinent spectan seu juste spectare valen quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace cum furca fossa sok sac thole thame wert wrack weir weth vennyssoun infangtheif outfangtheif pit et gallows sine aliquo impedimento revocatione contradictione aut obstaculo aliquali **REDDENDO** inde annuatim dictus Dominus Willielmus suiive praedicti nobis et successoribus nostris unum denarium monetae Scotiae super solo dict terrarum aut alicujus partis earund ad festum Nativitatis Domini nomine albae firmae si petatur tantum Quasquidem totas et integras praenominatas terras spatia seu bondas insulas aliaque generalit et particularit supra expressa ut dictum est nos cum specialibus avisamento et consensu praedicto pro nobis et successoribus nostris creximus et univimus tenoreque praesentis cartae nostrae erigimus et univimus in unum integrum et liberum Dominium de CANADA nuncupandum ad memoratum Dominum Willielmum Alexander suosque praedict haereditarie spectan et pertinent imperpetuum Nobis etiam tenore praesentis cartae nostrae gratiose placet quod quocunque dictus Dominus Willielmus Alexander suiive antedicti vel aliquis eorum hanc praesentem nostram cartam cum omnibus et singulis beneficialibus clausulis et conditionibus quae in dictis prioribus literis patentiibus cartis seu diplomatibus de Nova Scotia renovari voluerit et desideraverit vel prout ipse sui antedicti vel eorum quilibet ex advocatorum consultatione aut speciali aliqua ulterioris seu certioris ditorum locorum seu bondarum

rum fluviorum lacuum fretorum seu transituum aliorumque supra mentionat detectionis cognitione magis commodum et expediens videbitur tunc et in eo casu nos dict cartam praefato Domino Willielmo Alexander suisque antedictis in optima et amplissima quae comminisci poterit forma renovaturos et translatus promittimus in verbo Principis Insuper nos tenore praesentis cartae nostrae cum avisamento et consensu praedicti decernimus declaramus et ordinamus quod sasina per dict Dominum Willielmum Alexander suosve praedictos apud castrum nostrum de Edinburgh tanquam eminentissimum et principalem dicti regni nostri Scotiae locum aut super solo et fundo praefat terrarum bondarum et insularum vel cujuslibet earund partis ad placitum et libitum ejusdem Domini Willielmi suorumque praedicti capienda omni tempore futuro sufficiens erit pro totis et integris praenominatis terris bondis insulis aliisque supra specificat aut aliqua parte seu portione earund et quod haeredes praefati Domini Willielmi suorumque praedicti in omnibus et singulis praenominatis terris bondis insulis aliisque praedictis vel per praecepta e cancellaria dicti regni nostri Scotiae aut cancellaria per dictum Dominum Willielmum suosque antedictos in praefata regione et dominio de Canada instituenda pro libito sasiantur aut etiam prout haeredes sui per dictas priores suas concessionem in Nova Scotia sasiri possunt penes quod nos cum avisamento et consensu praedicto pro nobis et successoribus nostris dispensavimus tenoreque praesentis cartae nostrae dispensamus imperpetuum ac penes omnia et singula praenominata privilegia aliaque generalit et particularit supra mentionata Et praeterea fecimus et constituimus tenoreque praesentis cartae nostrae facimus et constituimus

et eorum quemlibet conjunctim et divisim balivos nostros in hac parte dan et conceden iis et eorum cuilibet nostram plenam potestatem et speciale warrantum statum et sasina haereditariam parit et possessionem actualem realem et corporalem praefato Domino Willielmo Alexander suisque antedictis vel suis certis actornatis hanc praesentem cartam nostram habentibus seu producentibus dandi concedendi et deliberandi de omnibus et singulis praenominatis terris bondis fluviis lacubus insulis fretis seu transitibus aliisque quibuscumque generalit et particularit supra expressis dictae regionis et domini de Canada apud dict castrum nostrum de Edinburgh vel super solo et fundo cujuslibet partis praedicti terrarum et bondarum seu locorum vel utroque modo ad placitum dicti Domini Willielmi Alexander suorumque praedicti mandan iisdem et eorum cuilibet quatenus visis praesentibus indilate statum et sasina haereditariam parit et possessionem actualem realem et corporalem omnium et singularum praenominat terrarum locorum seu bondarum insularum fluviorum lacuum aliorumque praedicti generalit et particularit supra express praefato Domino Willielmo Alexander suisque praedictis vel suis certis actornatis hanc praesentem cartam nostram habentibus seu producentibus super qualibet parte fuudi dicti terrarum vel apud castrum nostrum de Edinburgh vel utroque modo prout ipi suisque praedictis melius apparebit dent tradant et deliberent seu aliquis eorum det tradat et deliberet per terrae et lapidis deliberationem praefato Domino Willielmo suisque antedictis vel eorum actornatis hanc praesentem nostram cartam habentibus seu producentibus apud dict castrum vel super solo et fundo dicti terrarum aliorumque supra script vel utroque modo pro libito dicti Domini Willielmi suorumque praedictorum quamquidem sasina ita per dictos nostros balivos in hac parte praefato Domino Willielmo suisque antedictis vel eorum actornatis hanc praesentem cartam nostram habentibus seu producentibus tradendam nos pro nobis et successoribus nostris decernimus et ordinamus bonam legitimam validam et sufficientem fore in omni tempore futuro dispensando sicuti nos tenore praesentis cartae nostrae dispensamus penes omnia quae adversus eand obijci possunt sive in forma sive in effectu Denique nos pro nobis et successoribus nostris cum avisamento et consensu praedicti volumus decernimus declaramus et ordinamus hanc praesentem cartam nostram cum omnibus et singulis privilegiis libertatibus clausulis articulis et conditionibus supradictis in proximo nostro Parlamento regni nostri Scotiae seu quolibet alio ejusd regni Parlamento posthac tenendo ad libitum et placitum dicti Domini Willielmi Alexander suorumque praedicti ratificandam approbandam et confirmandam roburque fortitudinem et efficaciam decreti ejusd

ejusd' supremi fori habituram ad quod faciendum nos pro nobis et successoribus nostris volumus et declaramus eand' nostram cartam et clausulas inibi content' sufficiens fore mandatum seu warrantum idem ita fieri et perfici promittentes in verbo Regis In cujus rei testimonium huic praesenti cartae nostrae magnum sigillum nostrum apponi praecepimus testibus in aliis a nostris consanguineis et consiliariis Jacobo marchione de Hamiltoun comite Arranie et Cantabrigie domino Aven et Innerdaill W^{mo} Mariscalli comite domino Keyth &c. regni nostri mariscallo George vicecomite de Duplin domino Hay de Kinfawins nostro cancellario Thoma comite de Hadingtoun domino Bynning et Byres &c. nostri secreti sigilli custode dilectis nostris familiaribus consiliariis Dominis W^{mo} Alexander de Menstrie n^{ro} secretario principali Jacobo Hamiltoun de Magdalenis nostrorum rotulorum registri ac consilii clerico Georgio Elphingstoun de Blythiswod nostre justitiarie clerico et Joanne Scot de Scottistarvett militibus nostre cancellarie direttore Apud regiam nostram de Whythall secundo die mensis Februarij anno Dni millesimo sexcentesimo vigesimo octavo et regni nostri tertio.

47.

CHARTER

OF THE

LORDSHIP OF CANADA.

1628.

1628

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