

But take the whole testimony together, & there can be no question upon the point. The witnesses declare that a river next to the Saint Johns was intended, that the river marked on Mitchel's map was the one agreed upon. — The river marked on the map comes into the Bay of Papsamaguddy, & cannot, therefore be ~~come~~ river, or ~~St~~ ~~Stang~~ harbour — because they have no connexion with the bay. — The river agreed upon therefore was the Scoodiac, or the Magaquadavie.

The Agent for his majesty under these circumstances, is obliged to contend that the river marked Saint Croix on Mitchel's map is the Scoodiac, & the river there called Papsamaguddy is the Cobscook — this shall be considered presently: but the honorable Board will notice, that the head of the Saint Croix, as laid down in Champlain's map, is the lake called Thousacoanaski, and has its bearing from the mouth of the river nearly as the head of the Magaquadavie is found on actual survey to have its source in a large Lake. On Popple's map the Lake is not laid down: but on Mitchel's map, it is laid down in the same manner and called Thousaki. The Lake here represented is not so much like the Scoodiac Lakes, as it is like Lake Ontario, nor the river by which its waters are poured into the sea, more like the Scoodiac than it is like the Ohio. —

Having thus paid a general attention to the question whether Nova Scotia was by the Charter of 1691, a part of Massachusetts — and having paid a general regard to that, whether, the separation did not take place upon considerations, & under views very foreign to any which could be founded in & suggested by the obsolete charter,

to Alexander — and having shewn from the various maps, now before the Board, as well as from other evidence & documents, that the river which has at all times been considered as the boundary, was in fact truly intended as such by the Treaty of Peace — and having obviated the objections raised on the expressions used, as well in the deposition of President Adams, as in other Documents respecting the Saint Croix being a Charter boundary of the late Province of Massachusetts-bay — The Agent for the United States will make some remarks, on other parts of the supplemental argument under consideration.

It is said that the report of Governor Hutchinson — the memoirs of the Commissioners at Paris in the year 1750 — the grant to Sir William Alexander, and all those Documents were under the eye of the Commissioners — who formed the Treaty of Peace. This does not appear from the evidence in the cause, but let it be taken for granted that this was the fact; what is the argument fairly flowing from

Brattle, Bowdoin, & Hubbard, contemplated the Magaquadavie as the boundary mentioned in the Royal Charter, but the Magaquadavie was not mentioned by that name on any plan, or on any Document then before the Commissioners, and if the Magaquadavie, was on Mitchel's map called the Saint Croix, the Commissioners might well consider that as the river mentioned by those Gentlemen. Some of the Commissioners conceived that instead of the river Saint John, we ought to be contented with our Charter boundary, & believed the river Saint Croix to be that boundary. This was not a mistake in substance, though it was in form. The Saint Croix was the practical, or rather agreed boundary of the Province. And the idea clearly