

The Agent for the United States has, in his former argument, advanced this principle, that if it was proved, that the Islands in the Scoodiac were the place where DeMonts wintered, and that he called the same the Isle de Saint Croix, it would by no means follow from thence, that the river Scoodiac then was, or ever since has been known by the name of the river Saint Croix.

The Agent for his Majesty in his supplemented argument, charges the Agent for the United States with abandoning his former ground, & assuming new principles in the cause; and to maintain the charge appeals to the Commissioners to recollect, how the Agent for the United States looked, how he talked, & what he said at Saint Andrews in 1796. The Agent for the United States, had, before the Board was formed, and even upon his receiving his appointment, fully determined, to have no verbal communications on the controversy, and the Agent for his Majesty appeared to be of the same opinion as to the proceedings. What is written is laid before the honorable Board, and before the two Nations.

The Agent for the United States in a visit to the Islands in the Scoodiac, started some objections to what was there advanced by his Majesty's Agent, in regard to the description of the Islands, answering to those described as the place where DeMonts wintered. The same objections are made & dwelt upon in the argument before filed. But it was never agreed, or even thought by the Agent for the United States, that this was a conclusive point in the cause.

The tour to the Islands was made before any evidence was taken in the case. The Agent for the United States cannot recollect any loose convention there had, nor does he consider it to be of any consequence.

[a] The agent for the United States has corrected this in an ~~afforded~~ a post argument p. . The fact was that the Commissioners went there at the request of the American agent who then proposed to prove the place at Maplow where DeMonts wintered and has relinquished the demand.

The Agent for the United States has carefully examined the histories of L'Escarbot, ~~Champlain, & DeMonts~~, but has not been able to find one instance, in which the river ^{now call.} Scoodiac is, by either of them called the Saint Croix. These writers ~~all use the same~~ ^{L'Escarbot} mode of expression, Twenty leagues from Saint Johns, coasting along they come to a river which is properly Sea, and landed on an Island. The place was called Saint Croix, as it was the place of the Frenchmen's retreat. The route from the Isle of Saint Croix to Pempteguet, is described so as to suit an Island in the bay of Saint Andrews, or in either river. The way by which the bay is entered to find the Island, is described by Champlain, but he does not call the waters where the Island is situated by the name of the Saint Croix. [a]

Champlain afterwards mentions an Indian ambassador from the Etchemins to the Armouchiquois, as coming from the river Saint Croix, but does not say where the river is. The whole country from Saint Johns to Penobscot was the land of the Etchemins, & marked so on the maps, but the waters between the extremes, were considered as exclusively theirs. The truth is, that the whole Bay now called Passamaquoddy or Saint Andrews bay was the river which was properly Sea, and by ~~Champlain~~ ^{L'Escarbot} called the river, where the place of the Frenchmen's retreat was to be found.

But it will not be a fair deduction from that fact, to say, that neither branch soon afterwards obtained the name of Saint Croix exclusively, or that the Testimony of the witnesses in regard to their National tradition of the Magaquadavie, having gained the name of Saint Croix, in a peculiar manner, from the circumstance of the Cross they mention, is not true. It may not be amiss to add here, that if the Indians were as regardless of Truth,

[a] The agent for his Majesty in his supplemental argument, out page 158 cites a passage from Champ-plain which had been cited and relied upon by both sides before
"De la dite riviere de
"St Croix continuant
"de long dala cote
"faisant environs 25
"lieues profondes
"par une grande
"quantite d'isles
"bonnes, basses, et
"noires qui sont
"plus de 4 lieues a
"la mer, par endroits
"qui sont mai les
"plus rouges, les plus
"port de guellets fort
"couverts de pins, et
"sopins de sa"

The Island here described are either those in the Bay of Passamaquoddy, or in the way from thence to Penobscot, or both. Let it be which it may, it proves that there was a river called Saint Croix, but leaves it unsettled where the Magaquadavie or the Scoodiac was intended as that river. For as has been before observed, by the agent for the United States, the description as applies equally to both rivers.

That the river between the Saint Johns & the Penobscot was the river of the Etchemins is very probable it is said to be the country of the Etchemins, as was asserted by the French agent in his deposition
VD Memoir at Paris vol 113