

Whether the Saint Croix was an original Charter boundary of the Province of Massachusetts-bay in 1691.

Whether there is evidence to maintain the averments which have been made, that the Isles in the Scoodiac were the place where DeMonts wintered.

Whether if that fact could be ascertained from the evidence, it could amount to proof, that the Scoodiac was exclusively, or inclusively called the Saint Croix, or

Whether if that was fully proved it can affect the matter in issue; and

Whether there is not full evidence from the maps, &c. that the river represented under the appellation of the river Saint Croix on Mitchels map, is the river truly intended in the Treaty of Peace, as the river Saint Croix forming a part of the boundary therein described.

The Agent for the United States will only solicit the patience of the Board, whilst he considers the objections made by the Agent for his Majesty, to the viva voce evidence offered on the part of the United States to controul the same kind of evidence offered on the part of the British Government.

The viva voce evidence on the part of his Majesty is intended to prove, the Scoodiac to be the true and ancient Saint Croix, and from thence to form, and maintain a conclusion, that the same was intended, under the appellation of the Saint Croix, as a boundary in the Treaty of Peace.

The oldest & most confident witness produced is Alexander Hodges, with the sign of the Cross, as his signature.

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The objections made to this mans testimony are, that he is a weak, and an illiterate man. The first is submitted on the appearance & tenor of his testimony, and the other from the form of the deposition. That he is not a credible witness. This is suggested on this ground - that he swears to what Indians told him - and the same Indians swear in effect, that they never told him so, and in effect that it was impossible that any Indian could have given him such information - the credit of the Indians, with the various circumstances attached to their evidence, are laid in the scale against his. He swears that Alexander Nichols & Captain McKown in the year 1763, told him, that the Scoodiac was the true & ancient river Saint Croix. This mode of expression could not have been coined at so early a period, & therefore must be now used, either weakly, or wickedly to serve a particular end. McKown is dead, but Alexander Nichols is alive - in good standing, a respectable magistrate, & swears to facts which flatly contradict the principal part of Hodges evidence. James Nichols Esq, the son of Alexander Nichols, and likewise a respectable magistrate, testifies to the entire support of his fathers testimony.

The Agent for his Majesty says, that if he had been present at the caption, he could perhaps have proposed questions, which might have produced answers more favourable to his cause. The interrogatories appear before the Board - they are simple & natural, as liable to produce the Truth on one side as on the other. If Hodges evidence had been forwarded to Nichols, the charge might have been, that it was sent on, that the tenor of it might be contradicted.

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