

The fact, in that part of his evidence, which they are produced to support, is, —
 "That the Scoodiac has never been known or called by the name of the Papsamaguody"

The Agent for the United States is willing, where there are not evident marks of corruption, as there ^{are} in Hodges testimony, to treat the witnesses with tenderness. These men are old. Their depositions were formed for them. They give no narration, but on having one read to them, they accommodate their recollection to it, when no one is present to cross examine them, & swear in the lump. They might, or might not understand what was read, or if they had doubts, those doubts were explained in a suitable manner for the Interest of the party who called the witnesses out. These men were swearing for themselves, & to save themselves. —

They were mistaken, the Scoodiac has clearly been known by the name of Papsamaguody river. It has been marked so on all the maps — but their error is in this, that the Indians called the river above the point by the name of Scootuck, and below Papsamaguody. —
 Another fact supported by their testimony, is, "that the Scoodiac is known & called also, by the name of the Saint Croix."

It ought here to be noted, that the above fact as sworn to amounts to this only, that the Scoodiac was, when this Deposition was taken, known by the name of Saint Croix. These men do not swear how long it had been known by that name, who called it by that name, or when they first heard it called so — therefore enough has been said since the controversy assumed a judicial form, or perhaps from the Loyalists coming there in 1783, to reconcile this mode of expression, to the feelings of those interested & ex-parte Deponents. —
 Hodges

Hodges adds, that the Scoodiac "has been always considered by him as the true & ancient Saint Croix," — but it is not pretended that Brown & Frost swear to what was, or was not considered by Hodges, as a fact.

They say the Scoodiac is, by far the most considerable and largest river which empties its waters into the Bay. — This is true, if the river by Brewers is the Scoodiac. But Hodges goes farther, & swears the same as to the branch issuing from the Scoodiac Ponds, independent of the Cheputnatekook. This does not turn out to be true on the actual surveys. Indeed it appears by the Testimony of the Natives, & all the circumstances on that point — that they never considered the chain of Ponds or Lakes as a river, but knew them in general by the name of Scootuck Ponds, & each one by itself, under a significant appropriate appellation. Neither of these Ponds, or the Cheputnatekook empties so much water, as the Magaquadavie does. But Hodges is faithful to his friends, and persevering in his intention. He swears the Magaquadavie into a rivulet, the Cheputnatekook into a brook, & gives all the waters to the west branch of the Scoodiac. [a]

The Agent for his Majesty, having with a degree of sagacity & strength of ability, which deserve a better cause, arranged the evidence on his own part, examines, deranges, & then criticises upon that offered on the other side. — The evidence he has to contend against, is offered to prove, that from the day the English, or American English subjects, had it within their power to visit the bay of Papsamaguody, the river Magaquadavie was known, acknowledged, & claimed, as the river Saint Croix, and as the boundary of the Massachusetts Province. —

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[a] The agent for his Majesty, in the 158 page of his suggestion, argues, that he swears for the United States, that the Scoodiac is the river of the Etchemins, and has so by necessity an implication, admitted that the same river is the river Saint Croix — there is nothing in the argument of the agent for the United States that can by any means admit of such an implication. The river Scoodiac may be depicted as a branch of the river of the Etchemins, or may empty its waters into the same Bay, called the Saint Croix, but it will not follow from thence that it was ever called the Saint Croix.