

Will the Commissioners lay this positive & incontroverted evidence aside, because the Agent for his Majesty affects not to understand it? Or will they decide according to the common & rational mode adopted in all other cases?

It is not denied, that whilst John Mitchel was surveying the West side of the bay of Passamaquoddy, and the river Scodiac under the name of the Passamaquoddy, as noted in Southack's map, Nathan Jones, and Israel Jones employed themselves in surveying some way up the Magaquadavie, as the river Saint Croix.

But still it appears, that the East river on ~~Mitchel's~~ Southack's map, marked Saint Croix, was in fact intended for the Magaquadavie, and that Mitchel without corruption, or error, caused it to be surveyed as such.

The imperfect ideas of Governor Bernard, if his attachment to the Interest of the Province was ever so great, & his speculative regards to his own emolument ever so disinterested, ought not to have any weight in this controversy. He acted according to the light he had, on a subject not familiar to him, and this was all that could be expected from him.

Had his Majesty's Agent denied, that Mitchel surveyed the Magaquadavie as the Saint Croix, and as the boundary of the Province, the Agent for the United States would have solicited the attention of the honorable Board, whilst the minutes of survey marked F, from the Magaquadavie to the Passamaquoddy, and of the Magaquadavie as the Saint Croix, should be read, in order to shew that such surveys under such ideas were then actually made. The

The transaction at the mouth of the Magaquadavie, is treated by the Agent for his Majesty, in a manner not consistent with that candor which as a man he is known to possess. How far it becomes necessary for him in his station as an Agent to his Britannic Majesty, to lay it aside, he is the best and only judge.

There was no particular interest in the year 1764, to prefer the one river to the other. Their sources were unknown and unexplored. John Mitchel never was an inhabitant of Massachusetts, but belonged to a State with which it had been always in a controversy. The character of the Jones, Bradbury, and Duncan, are too good to be shaken by any suggestions which have been made. Captain Fletcher was a man, long approved for his integrity. The British Agent, therefore, by the insinuations which he makes, in page 74 of his Supplemental argument, cannot ~~of~~ ^{maintain} a lame and ~~unwarrantable~~ ^{unwarrantable} position. The Indians have been uniform in their testimony, & the Agent of the United States thinks himself justified, by the groundless attack above attended to, to say, that even the high pecuniary offers ^{by certain individuals in their private capacities} if any were made on the Scodiac in the year 1796, in the absence of his Majesty's Agent, could not prevail on the Natives to swerve from the truth, and to violate an obligation to which they appear to be peculiarly sensible.

The Agent for his Majesty page 76, allows, that the river Magaquadavie, as well as the Scodiac, might have been called the Saint Croix, — but where is his evidence, that the latter was ever called so? —

This