

"because the case was mis-stated to the Attorney
"and Solicitor General, and that, whatever be the
"determination on this head, yet the Lords
"think that the Province can claim no right
"to the Lands on the River S^t Lawrence, because
"the bounds of the Charter are from Nova Scotia
"to the River Sagadahoc, so that this right
"cannot extend beyond the head of that
"river". — From the whole of this letter it is
obvious that ^{the Lords of Trade &} Mr. Maudslott contemplate and
refer to the ancient river S^t Croix, originally
established as the boundary between Nova
Scotia and New England, when they mention
on the river S^t Croix; and that it was con-
sidered on all hands as a settled & acknowledged
point, that the bounds of the Province of Mas-
sachusetts-Bay were from Nova Scotia of which
this river was the western boundary.

Things being circumstanced as above
mentioned, and the Governor of the Province
of Nova Scotia being authorized by an order
of His Majesty in Council to grant the lands
lying within that Province; Governor Bernard
was solicitous to obtain a tract for himself & his
friends from the Governor of Nova Scotia, indis-
putably within the bounds of that Province,
as the validity of the grant might be otherwise
impeached, and the great expences to be in

incurred in obtaining it, — & making settlements
in performance of the conditions of it, finally lost.

Accordingly on the 25th April 1764, Governor
Bernard issued his orders to John Mitchell, a
Surveyor appointed with assistants for the purpose,
to survey the River S^t Croix. — It appears by these
orders or instructions, a copy of which has been
produced by the Honorable Agent of the United
States, that Governor Bernard agreeably to some
former ^{English} maps, contemplated only the two rivers
above mentioned, the Passamaquady River &
the river S^t Croix, as emptying themselves into
the Bay of Passamaquady; and that the descrip-
tion of the River S^t Croix in these instructions cor-
responds with the River S^t Croix described by Cham-
plain, which has been so clearly shewn to be the
River Scoudiac, and part of the Original Western
boundary of the Province of Nova Scotia.

The orders are "that each of these rivers,
S^t Croix and Passamaquady, be surveyed eight
miles up ^{on} the shores next to each other, and also
the Coast between them, and the Coast from
the mouth of the River Passamaquady to the
extreme point of the Bay on the West side of
it, including the Island of Passamaquady."

This part of the Survey is evidently contem-
plated as being on the western side of the
Bay and perfectly accords with the situation
of the River S^t Croix or Scoudiac, and of the

[a] vid. his argument part. 3^d. §. 18.