

The time of treating and not objected to or controverted by either, for silence in such cases must be construed into consent or there is at once an end to all faith among Nations.

(120) A just application of these principles to the maps of Proofs that have been discussed in the foregoing argument, from the original creation of the Province of Nova Scotia, & the Histories of Champlain & L'Escarbot early in the last Century, down to the Act of Parliament in 1774 inclusive, forming a clear, uniform, & consistent chain of evidence concluding to one point in support of His Majesty's Claim, must it is presumed, produce the fullest conviction in every unprejudiced mind that at the time when the Treaty of Peace was made, in 1763, the River S^t. Croix, which emptieth itself into Saginawquady Bay on the western side, otherwise called the Scoudiac, formed a part of the western limits of the Province of Nova Scotia; - that it must have been so understood by the contracting powers; that the intention of the Treaty must now be interpreted accordingly, and consequently that that River was truly intended under the name of the River S^t. Croix in the Treaty of Peace and forming a part of the boundary therein described.

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The river intended under the name of the River S^t. Croix in the Treaty of Peace being incontrovertibly proved to be the River Scoudiac, the next step will be to ascertain its source in order to find out the North-west angle of Nova Scotia at which the boundaries of the United States commence. - On this head the Grant to Sir William Alexander is conclusive, and will at once dispel every shadow of doubt, by the clear, precise, unequivocal terms in which it is expressed. The first Edition of Champlain's History was published in 1613 and the third Edition of L'Escarbot's History ~~was~~ published in the year 1617. Several years before the date of Sir William Alexander's Grant, and the particulars discovered or known by the French respecting the Isle and River Sainte Croix, appear to have been known (a) to Sir William when his Patent was obtained; And among other things we find it mentioned by Champlain, that there was a portage from the River S^t. Croix to the Norembegue or Bemboscot, and another to the River S^t. John. - The branches of the River S^t. Croix must therefore have been known as indeed appears by the grant itself specifying the western as the main branch. - The boundaries of the Province of Nova Scotia, were, for all the purposes of the present inquiry, as follows - "From S^t. Mary's Bay to the North by a direct line crossing the entrance of the Great Bay" (of Handy) "to the river commonly called by the name of the Saint Croix, and to the furthest source or spring upon the western branch of the same, which first mingles

(a) vide Treaty intitled "An Encouragement to Colonies by Sir William Alexander" published in London 1624. and extract therefrom in page 67. ante in notes.