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indeed singular for Governor Bernard in the very next year to apply for & procure his Grant from the Province of Nova Scotia, which, if any credit was due to Mitchell's report or return become a matter of record, must have been null and void, the lands thereby granted, except (a) the Islands, not being, according to that record, within the limits or jurisdiction of the Province of Nova Scotia. — Mitchell swears that he delivered to Governor Bernard three plans of the said river St. Croix, (Magaguadavic) and of the Bay of Passamaquady in August 1764. This it is presumed must be the return upon which, and if these three plans became a matter of record, it is not a little surprising that this record should be altogether lost. When the existence of it, as a record of the Government of the Province, and its subsequent loss, shall be proved and accounted for, perhaps it may not be improper to prove the contents of this record by witnesses.

The Agent of the United States, thus concludes his Observations upon this part of his testimony.

"This is acknowledged not to be conclusive evidence in a Court of Law, that the River Magaguadavic had always been called the St. Croix, but it is good evidence

(a) These Islands, Moose Island, and St. Croix, (now called Dudley Island), were beyond all dispute, in fact within the limits of the Province of Nova Scotia, even if the Magaguadavic were the true original great River St. Croix.

"to prove that the Commissioners agreed upon it as the river St. Croix in 1783, because the report of the Surveyors being a matter of public notoriety, led them naturally to fix upon it as the river known by that name." (a)

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It is difficult here to distinguish with certainty, what is intended by the word "This," in the beginning of this sentence. If it refers to the "Claim of the Government of the Province to the River Magaguadavic as the river St. Croix, evinced by the orders from Governor Bernard to John Mitchell to survey it," — which seems to be the ground upon which this piece of evidence was introduced, and this is ~~inadequate to prove that the Commissioners agreed upon the River Magaguadavic as the river St. Croix in 1783.~~ It is obvious to remark, that as these orders were clear & positive, and ~~unambiguous~~, to survey a River answering to the description of the River St. Croix, and not the Magaguadavic, it necessarily follows, upon the same principles, that ~~this is inadmissible at all, goes~~ ^{it is inadmissible at all, goes} ~~inadequate evidence to prove that the Commissioners agreed upon the River St. Croix as the River St. Croix in 1783.~~

But if by the word "This," is intended Mr. Mitchell's return, or the plan of his survey delivered to Governor Bernard, founded upon the Indian Story, which Governor Bernard

(a) The Agent of the United States in the copy of his argument filed after receiving a copy of this argument has considerably altered this conclusion which will be noticed in a supplemental argument.