

This deed is according to the forms of Canadian Law, duly passed before a notary at Quebec.

Appendix.

14. An agreement between Henry Caldwell, and Alexander Fraser, dated 8th October, 1801. This agreement states that Mr. Caldwell had made an agreement with the trustees and executors of General Murray, for the purchase of all his property in Canada, and contains a covenant on his part, in consideration of the sum of 1766*l.*, sterling money of Great Britain, received by him from Alexander Fraser by the hands of Malcolm Fraser, (as soon as his purchase from the trustees and executors of General Murray is completed) to convey among other things "*the Seigniorie of Rivière du Loup, and Fief of Madawaska, together with the Lake Temisquata, and the lands adjoining thereto, . . . as particularly described in the original title deeds of the said Seigniorie of the said Rivière du Loup, Fief of Madawaska and Lake Temisquata . . . as the same was purchased by the said General James Murray of Mr. Dansville, which said lands and Seigniories are situated in the said Province of Lower Canada, . . . subject to certain indentures of lease made by and between the said Henry Caldwell, and the said Malcolm Fraser, bearing date the 24th day of September, 1782.*" This deed is also passed according to the forms of Canadian law before a notary at Quebec.

Reply to American observations on topographical evidence.  
App. 1st Brit. Stat. p. 215.

15. Deed of sale from Henry Caldwell to Alexander Fraser, dated 2nd of August 1802, of the Seigniorie of Rivière du Loup, and Fief of Madawaska, in pursuance of the agreement last above cited (No. 14). Ibid. p. 218.

If this be not a regular and complete deduction of title to the Fief of Madawaska under the original concession in 1683, and a continued and uninterrupted holding under the province of Canada both before and since the conquest quite down to the present day, when the last purchaser, Alexander Fraser, is proved, even by American testimony, to be in the actual possession and enjoyment of the property under this claim of title, and subject to the conditions of the original grant, Great Britain is at a loss to conceive what evidence can be required for that purpose. But, say The United States, no acts of fealty and homage have been done since the conquest. These feudal services, it is true, may, since the conquest by Great Britain, have been suffered to fall into disuse with respect to all the lands in Canada held *en fief*; but the objection would equally apply to the Seigniorie of the Rivière du Loup, or any other Canadian Seigniorie on the banks of the St. Lawrence, as to the Fief of Madawaska.

#### *River St. John.—Appendix to First American Statement, p. 46.*

The United States contend that the boundary along the River St. John, from its source to its mouth, first proposed by the old Congress as the most favourable line which they could obtain, was not intended to follow that river from its mouth to the spot now acknowledged as its source, but was to run along the river now and always known by the name of Madawaska River, and to its source beyond Temisquata Lake. This assertion is not supported by any proof, and a reference to any map of any authority at that time will shew, that the extent of the River St. John westward, and the comparative smallness of its northern branches, was so well known that the expression, "from its source to its mouth," without any further description, could mean nothing but the whole extent of the River St. John, nearly as at present known. Whether the source was actually at the spot now considered as such, or at the head of the western branch, is of such trifling moment in the present argument, that it would be quite useless to discuss this particular point. The only question of importance is, whether the old Congress, in speaking of the River St. John from its source to its mouth considered that source to be on one of the western or one of the northern branches, and all the maps will shew that the words "source of the St. John" must refer to one of the western sources of the Trunk, or main River, contradistinguished