

N.B. The two foregoing deeds are the foundation of Small's claims - to the first no objection is made by the proprietary, it not extending to their claim - the last is not admissible for the following reasons, which your Committee submit to your better judgment

Thuellin sells all that land from Saco Patent bounds, southward, beyond Cape Porpoise river for breadth, and from the head of Wells and Cape Porpoise townships heads, up into the Country to its furthest extent* except four miles square sold to Rush. Sanders and Turbet. Thuellin's furthest extent is explained to be Captain Sunday's Rocks - this deed to Phillips is dated seven years before, and recorded twenty six years before the first deed of Wescomb (or Capt Sunday) to Small - it is dated nine years and recorded fifty six years before the second deed of Captain Sunday's to Small, on which the Small's lay claim to the land between the Opapees. -

It must be observed that Thuellin's deed is without a seal - and strictly speaking is no deed at all in Law - but let it also be remembered, that in ^{an} action of trespass brought in York County in June 1773 by Andrew Oliver Esq against John White for cutting trees, below the Opapees - Thuellin's deed was confirmed and Oliver recovered - See Small's State of the Case - in file A

2^{dy} Captain Sunday's deed to Small mentions "all that my tract of Land at Opapee containing twenty miles square lying between the two rivers of great and little Opapee being the same where the said Small's trading house now stands and from the river Newichewanock, near Humphrey's shed bourns logging Camp to extend northerly and easterly to Saco River." -

There is ^{some} evidence ⁱⁿ file N.B to prove the logging Camp of Humphrey Chadbourne to be at Berwick - if this can be proved - then twenty miles square would not reach to the land between the Opapees by twenty miles. -

† Humphrey Chadbourne is now about seventy three years of age