

*entrance* of any of such bays, creeks, or harbours, of His Britannic Majesty's dominions in America, while the United States' Government contend that the United States' fishermen are permitted by that Article to fish in the said bays, creeks, or harbours, provided they do not approach within three miles of the *shore* in the pursuit of their trade.

The particular expressions in the 1st Article of the Convention, which have furnished the occasion of a disputed construction, are "on or within three marine miles of any of the coasts, bays, creeks, or harbours, of His Britannic Majesty's dominions." For the solution of this difficulty it will be convenient, in the first place, to state certain principles of interpretation to which recourse may be had, when there is any ambiguity in the terms of a Treaty.

In the first place it is an universal rule, dictated by common sense, for the interpretation of contracts, and equally applicable to all instruments, that if there is anything ambiguous in the terms in which they are expressed, they shall be explained by the *common* use of those terms in the country in which the contracts were made.—Cf. Pothier, *Obligations*, No. 94, "Ce qui peut paraître ambigu dans un contrat, s'interprète par ce qui est d'usage dans le pays."

In the second place it is an admitted principle, that for the meaning of the *technical* language of jurisprudence, we are to look to the laws and jurisprudence of the country, if the words have acquired a plain and positive meaning. ("The *Huntress*," Davies' *Admiralty* [American] *Reports*, p. 100. *Flint v. Flemyng*, 1 Barnwall and Adolphus, 48.)

In the third place, as Treaties are contracts belonging to the Law of Nations, and the Law of Nations is the common property of all nations, and, as such, a part and parcel of the law of every country (*De Lovio v. Boit*, 2 Gallison's *Admiralty* [American] *Reports*, p. 398. *Buvot v. Burbot*, cited by Lord Mansfield in *Triquet and others v. Peach*, 3 Burrows, p. 1481); if we have recourse to the usage of nations, or to the decisions of courts in which the Law of Nations is administered,