

nicety, since, wherever it is required, the Treaty provides (Article II) that the navigation of the river shall be free and open to both parties. This provision, it is hoped, will tend greatly to facilitate the arrangements of the Commissioners with respect to this part of the Line of Boundary, and to remove any difficulties which may arise.

The same principle of adjustment which is applied to the River St. John should be of course equally applied to the River St. Francis, since, although the word "main," as applied to the channel, is omitted in the Treaty in speaking of that river, it is obvious that its omission was merely accidental, and that the same principle of delimitation which was provided in respect to the St. John was equally intended with respect to the St. Francis.

The apportionment of the islands lying in the bed of the two rivers may possibly be here and there subject to some little difficulty, where the main channel of either river is a matter of question.

Where the main channel is plainly discernible, the islands lying to the right of the line drawn along it, in descending either river, will of course, as a general principle, belong of right to the United States, while those lying to the left will belong to Great Britain.

Cases, however, may occur, in which it may be for the interest of both parties that this point of right should be waved by mutual agreement, and a principle of reciprocal accommodation be substituted for it.

In a despatch addressed by Lord Ashburton to this office, after the signature of the Treaty of Washington, in August, 1842, it is stated "that it was fully understood between the negotiators, that the question of the distribution of the islands should be dealt with equitably and with the least possible contention, consulting, where it can be done, the interests of the inhabitants, with whose farms the islands, which are not generally large, may be connected."

By these principles the Commissioners should be guided; and there can be little doubt that, by a candid and liberal observance of them on both sides, all difficulties which may arise in the adjustment of this part of the Boundary will be speedily removed.

Wherever the point of the main channel of either the River St. John or the River St. Francis is doubtful, the same scheme of mutual agreement and accommodation, which has been above recommended for the determination of the Boundary Line, in such an event, must be adopted with regard to the distribution of the islands.

By these principles, therefore, you will regulate your conduct in both cases. But if, contrary to our hopes and expectation, you should find the Commissioner of the United States indisposed to act on those principles, you will insist on an adherence to the strict principle of right on both sides, by which, wherever the main channel of either river is plainly discernible, all islands lying on one side of the centre of that channel should be adjudged to Great Britain, and all on the other side to the United States; reserving, for reference to your Government, all cases of doubt which cannot be amicably adjusted between the Commissioners themselves.

It is highly desirable that such cases should not be allowed to delay or interfere with the prosecution of your labours in other parts of the work intrusted to you.

There is good reason for supposing that the lake designated in the Treaty as the Lake Pohenagamook, does not in reality bear that name; but a lake nearer the mouth of the St. Francis seems to be known by a somewhat similar appellation.

The lake, however, intended by the Treaty, is so clearly laid down in the map of the United States' Surveyors, Renwick, Graham, and Tallcot, which was before the negotiators at the time of signature, and on which they caused the Line of Boundary intended by them to be generally traced, that no mistake can well occur on that point.

That map, although not to be taken as an authentic deed or document officially annexed to the Treaty, must nevertheless be considered as indicating generally the intentions of the negotiators; and may always be appealed to by you as a *general* evidence of those intentions.