in which the contracts were made.—Cf. Pothier, *Obligations*, No. 94, "Ce qui peut paraître ambigu dans un contrat, s'enterprète 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 Gallisun'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, for the definition of terms which occur in such contracts and which have received *a plain and positive meaning*, we are not going beyond the law of either of the countries which are parties to the Treaty.

The interpretation contended for by the United States' Government requires that we should, in effect, admit the words "of the shore" into the Article itself, as understood although not expressed, either before the words "of any of the coasts, bays, creeks, or harbours," &c., as necessary to make those words operative, or as authorized by usage; or before the words "bays, creeks, or harbours," as demanded by the context, and indispensable to prevent a conflict with other provisions of the Treaty.

Such an interpretation, however, is, in the first place, not required to make the words "of any of the coasts" operative. Assuming that we should be justified in applying to the language of the Treaty the decisions of the Admiralty Courts of the United States, where any words have received a judicial interpretation, the Treaty being a contract according to the Law of Nations, and the Admiralty Courts in the United States being tribunals which administer that law, we find that the term "coast" has received a judicial interpretation expressly with reference to territorial jurisdiction; and that, according to that interpretation, the word "coasts" signifies "the parts of the land bordering on the sea, and extending to low-water mark;" in other words, "the shores at low-water."

This question was formally taken into consideration in the year 1804, in the case of the "Africaine," a French corvette, captured by a British privateer off the bar of Charleston, and on the outside of the Rattlesnake shoal, which is four miles at least from land. (Bee's *Admiralty Reports*, p. 205.) On this occasion, the Commercial Agent of the French Republic claimed the corvette to be restored as captured within the jurisdiction of the United States; and it was contended in argument, in support of the claim, that the term "coasts" included also the shoals to a given distance; and that all geographers and surveyors of sea-coasts understood by the term "coasts" the shoals along the land. Mr. Justice Bee, however, who sat in the Court of Admiralty in Charleston, overruled this argument; and after observing that the interpretation of coasts in the large sense of the word might possibly be correct in a *maritime* point of view, decided that the term "coasts," in reference to *territorial jurisdiction*, is equivalent to shores, and must be construed to mean "the land bordering on and washed by the sea extending to low-water mark."

That the words "shores" and "coasts" are equivalent terms, according to the *common* sense of those terms in the jurisprudence of the United States, may be gathered from the language of various Acts of Congress. For instance, the Revenue Act of 1799 (*Laws of the United States*, vol. iii, p. 136) assigns districts to the collectors of revenue, whose authority to visit vessels is extended expressly to a distance of four leagues from the coast; and the districts of these collectors in the case of the Atlantic States are expressly recited as comprehending "all the waters, shores, bays, harbours, creeks, and inlets" within the respective States. This Act of Congress has also received a judicial interpretation, according to which the authority of revenue officers to visit vessels is held to extend over the high seas to a distance of four leagues from the shore of the main land. Again, the Judiciary Act of June 1794 uses the words "coasts" and "shores" not as alternative, but as equivalent terms, according to judicial decisions on this very point, when it speaks of the "territorial jurisdiction of the United States extending a marine league from the 'coasts' or 'shores' thereof."

It would thus appear that it is not necessary to understand the word "shore" before "coasts" in order that the latter word should be fully intelligible. It remains to consider whether such an understanding would be anthorized by usage on the principle laid down by Pothier: "L'usage est d'une si grande autorité pour l'interprétation des Conventions, qu'on sous-entend dans un contrat les clauses qu'y sont d'usage, quoiqu'elles ne sont pas exprimées." (*Obligations*, No. 95.)

No such usage, however, of nations prevails, applicable to the term "coasts." Islands, indeed, which are adjacent to the land, have been pronounced by Lord Stowell to be natural appendages of the coast on which they border, and to be comprised within the bounds of territory. ("*The Anna.*" 5 Robinson's *Reports*, p. 385.) The assertion, therefore, of an usage to understand the word "shore" before "coasts" in Treaties, would tend to limit the bounds of territorial jurisdiction allowed by Lord Stowell in the case just cited, in which a question was involved to which the United States' Government was a party, and in favour of whose claim, on the ground of violated territory, Lord Stowell pronounced.

It remains next to consider what is the true construction of the expressions within three marine miles of any of the "bays, creeks, or harbours." That the words "bays," "creeks," and "harbours," have all and each a distinct sense separate from and supplemental to the word "coasts," to which effect must be given, where there are reciprocal rights and obligations growing out of the Treaty in which these words have been introduced, is consonant with the rules for interpreting contracts, which have been dictated by right reason, and are sanctioned by judicial decisions. Mr. Justice Story may be cited as an authority of the highest eminence, who has recognized and applied this principle in construing a statute of the United States. "The other words," he says, "descriptive of place in the present statute (Statute 1825, cap. 276, s. 22), which declare that 'if any person or persons on the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the Admiralty jurisdiction of