

latitude 45; and it is equally certain that from them, all along in regular succession, streams proceed falling into the St. Lawrence. A mistake in one part of a description of boundary, has never been held to vitiate the whole, provided sufficient remains clearly to designate the intention of the parties.

But how is it possible ever to embrace Mars hill in the line of highlands running from the western extremity of the Bay of Chaleurs and forming the southern boundary of the province of Quebec? It is clear that in this, and in this alone, the northwestern angle of Nova Scotia is to be found. Mars hill is one hundred miles directly south of this line. You cannot, by any possibility, embrace that hill in this range; unless you can prove that a hill in latitude  $46\frac{1}{2}$  is part of a ridge directly north of it in latitude 48; and this, notwithstanding the whole valley of the St. John, from its southern to its northern extremity, intervenes between the two. The thing is impossible. Mars hill can never be made, by any human ingenuity, the northwest angle of Nova Scotia.

Particular emphasis has been placed by the British Government on the word "highlands," mentioned in the treaty; and comparisons have been made between the height of Mars hill and that of different parts of the highlands which divide the streams of the St. Lawrence from those of the Atlantic. Even in this they have failed; because it has been shown that the summits of the more elevated portions of the treaty highlands are considerably above that of Mars hill, the highest point on the ridge claimed by Great Britain. The committee, however, deem such a question to be wholly immaterial. When highlands are spoken of as dividing waters flowing in different directions, the meaning is plain. From the very nature of things, they must exist and slope off in opposite directions; but whether they consist of table land, of mountains, or even of swamp, still if there be a height of land, from which streams flow down in different directions, this is sufficient. It is not their elevation, but their capacity to divide, which gives them their character.

It is strange that the mere incidental mention of the Bay of Fundy in the treaty, though not at all in connexion with the St. John, which is not even named, should have been the foundation of the whole superstructure of the British argument. The reason why it was mentioned at all is obvious. It was palpably not for the purpose of creating a third class of rivers flowing into that bay, distinct from those flowing into the St. Lawrence and the Atlantic, as the British Government con-