

all the British Fundy, and the Atlantic Ocean, are to be considered as the same. By thus confounding them together, they obtain an evident advantage. But it is quite clear from the treaty itself, as well as in strict conformity with custom, that the Bay of Fundy must be viewed as a geographical feature *per se*. In the second article of the treaty, the river St. Mary, which was to form the southern boundary of the United States, is described as falling into the Atlantic Ocean; the river St. Croix, which was to form the eastern boundary, not merely in the same article of the treaty, but in the very next paragraph, is described as falling into the Bay of Fundy; and, as if to place the matter absolutely beyond dispute, as the article proceeds it states, that the eastern line of boundary, where it terminates at the mouth of the river St. Croix, and the southern line of the boundary, where it terminates at the mouth of the river St. Mary, are described "as respectively touching the *Bay of Fundy*, and the *Atlantic Ocean*." They are actually placed in opposition to each other, instead of being considered synonyms. Every map, chart, proclamation, and treaty, each and all, have given a distinctive and special appellation equally to the Bay of Fundy, as to the Gulf of St. Lawrence. The dispute is consequent on where the northern line should stop; and the distinction which we contend exists, and which the Americans contend does not, as to the two ranges of Highlands which divide certain waters; the problem to be solved being, which of these is the range of Highlands contemplated by the treaty. Now, according to the treaty, the Highlands that are to form the boundary, are defined as "Highlands which divide those rivers that empty themselves into the River St. Lawrence, from those which fall into the *Atlantic Ocean*." Now, it happens that both these ranges of Highlands divide rivers which empty into the St. Lawrence, from rivers which run in an opposing direction; and thus, as far as the St. Lawrence is concerned, both ranges come within the requisites of the treaty. From the midland range, crossing the territory in dispute from Mars Hill, in a westerly direction, to the head of the Connecticut River, the large and important rivers, the Penobscot, the Kennebec, and the Androscoggin, flow southerly into the "*Atlantic Ocean*." This range entirely fulfils the provision of the treaty; it is in strict accordance both with its letter and its spirit, "dividing rivers that empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean;" and this is evidently the range to which the British have a claim by possession, right, and reason. On the other hand, the further and high northerly range, which the Americans desire, as *bringing them so near to the St. Law-*