

Sable across the entrance of the Bay of Fundy, as constituting the water boundary of the province of Nova Scotia, is identified with the mouth of the channel which separates the Island of Campo Bello from the American mainland.

Such is the necessary conclusion from the award of the Commissioners in 1817, inasmuch as the expressions "boundaries between Nova Scotia, on the one hand, and East Florida, on the other," in the Treaty of 1783, mean the boundaries between Nova Scotia and the United States, on the one hand, and East Florida and the United States, on the other;" the former of which boundaries expressly commences at the mouth of the River St. Croix, in the Bay of Fundy, and is to be drawn westward along the middle of that river.

An apparent objection may be taken to this view, on the ground that the mouth of the St. Croix, intended by the Treaty as the point of departure for the boundary westward, ought, with more propriety, to be fixed at the point where that river meets the waters of the Bay of Fundy, in that part of it distinguished as Passamaquoddy Bay, opposite to the low headland upon which the town of St. Andrew stands, in Charlotte county, New Brunswick.

If this, however, were to be conceded, it would not affect the substantial question of territorial jurisdiction or dominion; for the Island of Campo Bello, Deer Island, and Marvel Island, which, with other small islands, form almost a continuous chain on the north-east side of the deep-water channel, are all British territory, and, with the adjoining waters, are within a county of New Brunswick. The water limits, therefore, of His Britannic Majesty's territory are co-extensive with the waters on the north-east side of the line drawn in continuation of the mid-channel between Campo Bello and the American mainland, to the mid-channel of the St. Croix river, between St. Andrews and the shore of the United States, along which river it is to be prolonged to its source.

This view is perfectly in accordance with the decision of the Circuit Court of the United States in the case of the schooner "Fame," reported in 3 *Mason's American Reports*, p. 147. (October 1822.)