

That, in the second place, if, according to the language usually employed in geography, the generic term of Rivers falling into the Atlantic Ocean, could with propriety be applied to the Rivers falling into the Bays of Fundy and Chaleurs, as well as to those which discharge themselves directly into the Atlantic Ocean, still it would be hazardous to class under this denomination the Rivers St. John and Ristigouche, which the Line claimed to the North of the River St. John divides immediately from the Rivers discharging themselves into the St. Lawrence, not in company with other Rivers flowing into the Atlantic Ocean, but by themselves alone; and thus in interpreting a definition of Boundary fixed by Treaty, in which every expression ought to be taken into account, to apply to two cases which are exclusively specific, and which there is no question as to genus, a generic expression which would give to them a wider signification, or which, if extended to the Scoudiac Lakes, the Penobscott and the Kennebec which discharge themselves directly into the Atlantic Ocean, would establish the principle, that the Treaty of 1783 contemplated Highlands dividing mediately as well as immediately the Rivers discharging themselves into the St. Lawrence, from those which fall into the Atlantic Ocean, a principle equally realized by both Lines :

Thirdly, that the Line claimed to the North of the River St. John does not, except in its latter part, near the sources of the St. John, divide the Rivers that empty themselves into the St. Lawrence, immediately from the Rivers St. John and Ristigouche, but only from the Rivers which fall into the St. John and Ristigouche; and thus, that the Rivers which this Line divides from those discharging themselves into the St. Lawrence, require, all of them, in order to reach the Atlantic Ocean, two intermediate aids—the one set at the River St. John and the Bay of Fundy; the other set, the River Ristigouche and the Bay of Chaleurs :

And, on the other hand,—

That it cannot be sufficiently explained how, if the High Contracting Parties intended in 1783 to establish the Boundary to the South of the River St. John, that River, to which the territory in dispute owes in a great degree its distinguishing character, was neutralized and put out of the question :

That the verb “ divide ” appears to require contiguity in the objects which are to be “ divided : ”

That the said Boundary forms only at its Western extremity the immediate division between the River Mettjarmette and the North-west source of the Penobscott, and only divides mediately the Rivers emptying themselves into the River St. Lawrence from the waters of the Kennebec, and of the Penobscott, and from the Scoudiac Lakes; whilst the Boundary claimed to the North of the River St. John separates immediately the waters of the Rivers Ristigouche and St. John, and mediately the Scoudiac Lakes, and the waters of the Rivers Penobscott and Kennebec, from the Rivers emptying themselves into the River St. Lawrence, that is to say, from the Rivers Beaver, Metis, Rimousky, Trois Pistoles, Green, du Loup, Kamouraska, Ouelle, Bras, St. Nicholas, du Sud, la Famine, and Chaudière :

That even putting the Rivers Ristigouche and St. John out of the question, on the ground that they cannot be considered to fall into the Atlantic Ocean, the North Line would still be found as near to the Scoudiac Lakes, and to the waters of the Penobscott and of the Kennebec, as the South Line would be to the Rivers Beaver, Metis, Rimouski, and others, emptying themselves into the River St. Lawrence, and would, as well as the other Line, form a mediate separation between these last-named Rivers, and the Rivers falling into the Atlantic Ocean :

That the circumstance of the Southern Boundary being the first that is met with in drawing a Line North from the source of the River St. Croix, could afford that Boundary an incidental advantage over the other, only in case that both Boundaries should comprise in the same degree the qualities required by the Treaties :

And that the manner in which the Connecticut and even the St. Lawrence are disposed of in the Treaty of 1783, does away with the supposition that the two Powers could have intended that the entire course of each River, from its source to its mouth, should fall to the share of either one or other of them :

Considering,—