

channel to their moiety of the St. Croix river, from the main channel or that part of the Bay of Fundy which lies on the outside of the Islands; which common channel, notwithstanding all the bars in it, is sufficient for the passage of the largest ships that trade within the Bay of Fundy, and is the channel usually if not in all instances made use of by American vessels passing to and from the river St. Croix; but, because there is a deeper channel by the East end of Campo-Bello Island, they now affect to claim this channel as the water boundary line between His Majesty's territory and that of the United States;—a prelude, without doubt, to an ultimate claim to the Island of Campo-Bello itself, in full property and sovereignty: Be that however as it may, they now claim the whole of the waters above mentioned as a safe and secure asylum from a violation there, of the Navigation Laws of Great-Britain, the due observance of which is so highly important to her maritime strength and interests: That this is the object of the pretensions set up in this Claim is manifest from that part of it in which the foreign clearance of the Sloop (which I shall hereafter notice) is mentioned; the Claimant declaring that this clearance was obtained to enable him to go and "anchor his Sloop off Snug Cove, there to lie and take on board a cargo of Plaster of Paris from British vessels lying there also"; taking care only to lie "without the Points or Head-lands forming Snug Cove." Now by a bare inspection of the Map, it will be seen that a line drawn across Snug Cove from one of these Points or Head-lands to the other, will leave nearly the whole of the Stream or waters between Campo-Bello Island and Dudley-Island, on the *caselle* of such line; and (if this Claim should be established) will render them a secure place of rendezvous for carrying on every species of illicit commerce between the two Countries.

THE other reason which the Claimant assigns for his belief respecting these waters is, "That the Eastern boundary of the United States is a line to be drawn along the middle of the river Saint Croix, from its mouth in the Bay of Fundy, to its source, &c. and that all Islands within 20 leagues of any part of the shores of the United States, and lying between parallel due East lines to be drawn from the mouth of the said river Saint Croix, and the mouth of Saint Mary's river, are comprehended within the limits and boundaries of the said United States (except such Islands as at the time of or before the Treaty of Peace of 1783,) were within the limits of the Province of Nova-Scotia."

THIS reason, given by the Claimant for his belief that the waters between Campo-Bello Island and Dudley-Island, where the Sloop was anchored and seized, "are wholly within and belong to the United States," must be predicated upon the supposition not only that Moose-Island, Dudley-Island, and Frederick-Island, but Campo-Bello Island also, are wholly within or belonging to the United States.

THIS brings me to a more particular inquiry, whether any and which of the above mentioned Islands do, by the Treaty of 1783, belong to the United States.

IT has been already observed, that upon the slightest perusal of the second article of the Treaty of Peace, it is obvious, "that it was clearly intended by it, that no part of the Province of Nova-Scotia should be thereby ceded by His Majesty to the United States." The United States are expressly bounded East by the western boundaries of the Province of Nova-Scotia, which excludes them from any part of the Continent which was within that Province; and in still stronger terms they are excluded from all the Islands within the same Province, by the exception of such Islands as at the time of the "Treaty of Peace, or at any time theretofore had been within the limits of the Province of Nova-Scotia."

IT has been also shewn that the Islands in question, and all the Islands in Passamaquoddy-Bay, being within six leagues of the main Land forming the Province of Nova-Scotia, both at its original creation in 1621, and at the time of the Treaty of Peace in 1783, were referred by this Treaty to His Majesty.

I SHALL now examine more particularly the expressions made use of in the Treaty in this regard. This cannot be done more forcibly than by adopting the reasoning made use of by his Grace the Duke of PORTLAND on this subject, in his letter to Lt. Governor CARLETON, being a circular one to the Governors of Nova-Scotia and New-Brunswick, dated 11th April, 1799. His Grace in this letter says, "It is particularly worthy of observation, that in the above mentioned article of the American treaty of 1783, the exception in favour of such Islands as now are or heretofore have been within the limits of the Province of Nova-Scotia, is subsequent to that part of the same article which assigns to America its precise boundaries, comprehending all Islands within 20 leagues of any part of the shores of the United States, &c. &c. consequently the above exception is valid even against the right of America, to all Islands within 20 leagues of any part of the shores of the United States, if any of the Islands to situated are, such Islands as now are or heretofore have been within the limits of the Province of Nova-Scotia.—Indeed it is upon the face of it a general exception in favor of such Islands as now are or heretofore have been within the limits of the Province of Nova-Scotia, which nothing in the preceding part of the article can by any possibility affect." This letter of His Grace was occasioned by a letter to him from Lord GRENVILLE, then Secretary of State for foreign affairs, communicating an extract of a letter which his Lordship had received from Mr.

LISTON,