

John and Restigouche, but only rivers that empty themselves into the St. John and Restigouche, with the exception of the last part of the said line, near the sources of the River St. John, and that hence, in order to reach the Atlantic Ocean, the rivers divided by that line from those that empty themselves into the River St. Lawrence each need two intermediate channels, to wit: the ones, the River St. John and the Bay of Fundy, and the others, the River Restigouche 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 at the south of the River St. John, that river, to which the territory in dispute is, in a great measure, indebted for its distinctive character, has been neutralized and set aside.

That the verb "divide" appears to require the contiguity of the objects to be "divided."

That the said boundary forms at its western extremity, only, the immediate separation between the River Metjarmette, and the north-westernmost head of the Penobscot, and divides, mediately, only the rivers that empty themselves into the River St. Lawrence from the waters of the Kennebec, Penobscot, and Schoodiac Lakes; while the boundary claimed at the north of the River St. John divides, immediately, the waters of the Rivers Restigouche and St. John, and mediately, the Schoodiac Lakes, and the waters of the Rivers Penobscot and Kennebec, from the rivers that empty themselves into the River St. Lawrence, to wit: the Rivers Beaver, Metis, Rimousky, Trois Pistoles, Green, Du Loup, Kamouraska, Ouelle, Bras St. Nicholas, Du Sud, La Famine and Chaudiere.

That even setting aside the Rivers Restigouche and St. John, for the reason that they could not be considered as falling into the Atlantic Ocean, the northern line would still be as near as to the Schoodiac Lakes, and to the waters of the Penobscot and of the Kennebec, as the southern line would be to the Rivers Beaver, Metis, Rimousky and others that empty themselves into the River St. Lawrence; and would, as well as the other, form a mediate separation between those and the rivers falling into the Atlantic Ocean.

That the prior intersections of the southern boundary, by a line drawn due north from the source of the St. Croix River, could only secure to it an accessory advantage over the other, in case both the one and the other boundary should combine, in the same degree, the qualities required by the treaties.

And the fate assigned by that of 1783 to the Connecticut, and even to the St. Lawrence, precludes the supposition that the two powers could have intended to surrender the whole course of each river, from its source to its mouth, to the share of either one or the other.

Considering, That, after what precedes, the arguments adduced on either side, and the documents exhibited in support of them, cannot be considered as sufficiently preponderating to determine a preference in favour of one of the two lines respectively claimed by the high interested parties, as boundaries of their possessions from the source of the River St. Croix to the north-westernmost head of Connecticut River; and that the nature of the difference, and the vague and not sufficiently determinate stipulations of the treaty of 1783, do not permit to adjudge either of those lines to one of the said parties, without wounding the principles of law and equity, with regard to the other.

Considering, That, as has already been said, the question resolves itself into a selection to be made of a ground, dividing the rivers that empty themselves into the River St. Lawrence from those that fall into the Atlantic Ocean; that the high interested parties are agreed with