

earliest times. Upon the principle then of the general rights growing out of the Law of Nations, British subjects are entitled to an exclusive fishery on the north-east side of the boundary-line.

With regard to the limits of the old province of Nova Scotia, that the water-line drawn from Campo Bello to Cape Sable, across the entrance of the Bay of Fundy, and resting in its course upon the Island of Grand Menan, is not unreasonable in its extension of dominion and jurisdiction, must be admitted on the part of the United States, which claims exclusive maritime jurisdiction over the waters on these coasts, though included within lines stretching from quite distant headlands, as for instance from Cape Ann to Cape Cod, and from Nantucket to Montauk Point, and from that point to the Capes of Delaware, and from the South Cape of Florida to the Mississippi. (Kent's *Commentaries of American Law*, vol. i, p. 30.)

It being thus established that the waters of the Bay of Fundy, on the north-east side of the boundary line, are in the dominions of His Britannic Majesty, it hardly seems open to question that the American fishermen are prohibited from fishing within them, unless privileged so to do by Treaty. This boundary line being the boundary line of the old province of Nova Scotia, was described "*ante litem motam*" in the Royal Commission of 1763, as drawn across the *entrance* of the Bay of Fundy. It would thus appear that the known limit of the Bay of Fundy was identical with the water-boundary of the province of Nova Scotia; as the mouth or entrance of a bay is one of the limits of a bay. If indeed any portion of the sea beyond the water-boundary of the province of Nova Scotia has been ever regarded as part of the Bay of Fundy, from that part indeed American fishermen would not be excluded under the Convention of 1818, as it is not any longer within His Britannic Majesty's dominions. In determining this controversy it becomes important to take care that the term "Bay of Fundy" is not used equivocally, otherwise a verbal ambiguity may create difficulties, which do not arise on the face of the Convention itself of 1818.

By the first Article of that Convention, after