

admitted in support of the line claimed at the south of the River St. John, which would tend to prove that such part of the territory in dispute belongs to Canada or to New Brunswick.

Considering, that the question divested of the inconclusive arguments drawn from the nature, more or less hilly, of the ground—from the ancient delimitation of the provinces—from the north-west angle of Nova Scotia and from the actual possession, resolves itself, in the end, to these: which is the line drawn due north from the source of the River St. Croix, and which is the ground, no matter whether hilly and elevated or not, which from that line to the north-westernmost head of Connecticut River, divides the rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean; that the high interested parties only agree upon the fact that the boundary sought for must be determined by such a line and by such a ground; that they further agree, since the declaration of 1798, as to the answer to be given to the first question, with the exception of the latitude at which the line drawn due north from the source of the St. Croix River is to terminate; the said latitude coincides with the extremity of the ground which, from that line to the north-westernmost source of Connecticut River, divides the rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean: and that, therefore, it only remains to ascertain that ground.

That on entering upon this operation, it is discovered on the one hand,

First, that if, by adopting the line claimed at the north of the River St. John, Great Britain cannot be considered as obtaining a territory of less value than if she had accepted, in 1783, the River St. John as her frontier, taking into view the situation of the country situated between the Rivers St. John and St. Croix, in the vicinity of the sea, and the possession of both banks of the River St. John in the lower part of its course, said equivalent would, nevertheless, be destroyed by the interruption of the communication between Lower Canada and New Brunswick, especially between Quebec and Fredericton; and one would vainly seek to discover what motives could have determined the Court of London to consent to such an interruption.

That if, in the second place, in contra distinction to the rivers that empty themselves into the River St. Lawrence, it had been proper, agreeably to the language used in geography, to comprehend the rivers falling into the Bays of Fundy and des Chaleurs with those emptying themselves directly into the Atlantic Ocean, in the general denomination of rivers falling into the Atlantic Ocean, it would be hazardous to include into the species belonging to that class the Rivers St. John and Restigouche, which the line claimed at the north of the River St. John divides immediately from rivers emptying themselves into the River St. Lawrence, nor with other rivers falling into the Atlantic Ocean, but alone; and thus to apply, in interpreting the delimitation established by a treaty, where each word must have a meaning, to two exclusively special cases, and where no mention is made of the genus (*genre*); a generical expression which would ascribe to them a broader meaning, or which, if extended to the Schoodiac Lakes, the Penobscot and the Kennebec, which empty themselves directly into the Atlantic Ocean, would establish the principle that the Treaty of 1783 meant highlands which divide, as well mediately as immediately, the rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean—a principle equally realized by both lines.

Thirdly, that the line claimed at the north of the River St. John does not divide, even immediately, the rivers that empty themselves into the River St. Lawrence from the Rivers St.