

tenor of the description therein given of the Eastern boundary of the United States, so manifestly copied from the ancient western boundary of Nova Scotia. - And that this is the true construction, and must have been the intention of the second article of the Treaty of peace is further confirmed by the provisions made in the fifth article of the treaty under which this honorable Board is formed, directing that the (126) declaration of the Commissioners, deciding what river is the river S. Croix intended by the former treaty, shall not only "contain a description of the said river, but shall particularize the latitude and longitude of its mouth and of its source". - For unless the difference of those respective longitudes had been supposed to be considerable, this direction for ascertaining them could not have occurred as at all necessary or important. - The Agent of the United States, however, has stated the fourth & last part of his argument to be grounded on the following position, that "the head of the tide is the source of the river within the meaning of the treaty of 1783." [a] - The distance between the meridians of the mouth and of the source of the river Scoudiac, under this idea, would not be more than eight or nine English miles

[a] This fourth point has been since given up, the statement of it appears in the Appendix p. 51.

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and of the river Magaguadavic not more than three or four. It cannot be reasonably supposed that, in any treaty respecting boundaries, it was ever in contemplation to direct the ascertaining of such inconsiderable differences of longitude as either of these. And as to the head of the tide, at what ever distance that might be from the mouth of the river, had such an idea been entertained at the time of making the treaty of peace, it may be fairly presumed that the boundary [127] would have been made to follow the river no further than to that head, and thence to run north to the Highlands; - instead of which it is expressly to be traced, as in the Grant to Sir William Alexander, "to the Source of the River, and from its Source to those Highlands."

That by the Source of the River S. Croix is intended the remotest head or spring, from whence its waters first proceed, is also to be inferred from the meaning of the same word in other parts of the same treaty, for it will not be contended, that the word can be made use of in different senses in the same treaty, without a distinct specification in the treaty of the sense in which it is used, or a manifest intention that it should be understood in a different sense. [a]

[a] "The interpretation of treaties ought to be made in such a manner that all the parts appear consonant to each other, that what follows agree with what went before; at least if it doth not manifestly appear that by the last clauses something is changed which went before". Vatt: b. 2. c. 17. §. 286.