

129/ giving a different meaning to the word in another article of the same Treaty where the Source of the river S^t. Croix is mentioned.

But in the last recited article of the Treaty of amity commerce & navigation, we find the true principle of the Law of Nations recognized, for the interpretation of Treaties in instances of this nature;—"That the several points are to be adjusted according to justice and mutual convenience, and in conformity to the intent of the Treaty."

The most accustomed and convenient rule in cases of this kind is to leave to each power respectively, the sources of those rivers, that empty themselves or whose mouths are within its territory upon the sea-coast, if it can be done consistently with, or in conformity to the intent of the Treaty (a)

If it can be shown that this rule in the

(a) "Dans de pareils cas, la règle la plus usitée, & la plus convenable, est d'étendre les limites dans l'intérieur des terres, jusqu'à la source des rivières qui se déchargent à la côte, c'est à dire, que chaque nation a de son côté les eaux pendantes; c'est ainsi qu'on en a usé à la paix des Pyrénées, pour fixer les limites entre la France & l'Espagne"; - *Memor. Eng. & Fr. Com.* p. 184.

- In such cases the most accustomed and most convenient rule is, to extend the limits into the interior to the sources of the rivers of the countries, which discharge themselves at the coast; that is to say, that each nation should have within its own limit, the appurtenant waters. - This was done at the peace of the Pyrenees, in fixing the limits between France & Spain.

present case can be adopted consistently with what has been shown to be the intent of the treaty it will form an unanswerable argument in favor of a compliance with the rule, more especially if a different construction will involve the inconveniences intended to be avoided by so just a principle of interpretation.

Let us in this view attend to the words made use of in the Treaty describing the first station or boundary from which all the other boundaries of the United States are to be traced, viz:—"From the Northwest angle of Nova Scotia, - viz: that angle which is formed by a line drawn due North from the source of S^t. Croix River to the Highlands, which divide those rivers that empty themselves into the River S^t. Lawrence from those which fall into the Atlantic Ocean".

It ^{appears} ~~is fully ascertained~~ by a map accurately compiled from actual surveys, an authentic copy of which is now before the Board, that a line drawn due North from the source of the Chequamegon River ^(a) or northern branch of the River Seaboard or S^t. Croix, will not intersect the Highlands here described, but will intersect the river Restigouche, which empties itself into the Bay of Chaleurs which falls into the Gulf of S^t. Lawrence, and will also intersect the Metobediac Lake which is the head or source of a river likewise falling into the Bay of Cha

(a) The Augustinacook River in this map is not laid down from an actual survey, but ^{sketched from the information of Indian Hunters} ~~from an Indian Sketch~~, which, it is presumed, is not very incorrect. The weight of this part of the argument must therefore depend upon the correctness of this sketch, which cannot be ascertained till the surveys are completed.