

The rule in this case is clearly laid down by Vattel as follows (a) "The Cession of a right or of a Province made to a Conqueror, in order to obtain Peace, is interpreted in its most confined sense". and it is remarkable that the instance given by this profound writer in illustration of this maxim, bears singular affinity to the present question. — "If it were true," says he, "that the limits of Acadia were always uncertain and that the French were the lawful possessor of it, that Nation would have had a right on their side in pretending that by the treaty of Utrecht they had ceded Acadia to the English according to its most confined limits."

Not to dwell upon the broad applicability of the maxim itself upon the present occasion, wherein not one Province only, but thirteen very extensive ones, and an immense Country besides were ceded, and in an instance, wherein prior to the war, the Power to which they were ceded, did not pretend a right to any part of the Cessions; — Let us translate the case put by Vattel into the terms of the present question. — "If it were true that the limits of "Massachusetts-Bay," were always uncertain and that "His Britannic Majesty," was the lawful possessor of it, he would have right on

(a) Vatt. b. 2. c. 17. §. 308. — "The possessor can only lose so much of his right as he has ceded of it; and in a case of doubt, the presumption is in favor of the Possessor." ib. §. 308.

his side," on this occasion, in alleging "that, by the treaty of Paris in 1763, he had ceded" Massachusetts-Bay to the United States of America," according to its most confined limits."

If then there were any uncertainty in the present instance, what river was the River St. Croix which had always been and was at the time of the treaty of Peace the boundary between Massachusetts-Bay and Nova Scotia; if there were any uncertainty respecting the source of that River, from whence the line is to be drawn due North to the Highlands to form the north west angle of Nova Scotia, at which the boundaries of the United States by the treaty commence; — either of which doubts, it is presumed, it hath been fully shewn, cannot exist: — Still, even in such case, if the River Scoudiac, or in other words the river commonly called and known by the name of St. Croix River which emptieth itself into Caspamaguddy Bay on the western side, (a) could be proved to have been at any time the established boundary between these two Provinces, and this limit is a more confined limit than the limit claimed on the part of the United States, even admitting the latter to have been at any time considered as the limit between the two Provinces, which it is not, then the matter is decided in favor of the British.

(a) vid. ante. p. 115. §.