

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

**Disagreements between the United States and the United Kingdom, relating
to the Treaty extending the right of fishing, signed at Washington on June 5
1854**

No. 4 – Pinnette

8 April 1858

VOLUME XXVIII pp. 91-92

As such Arbitrator or Umpire, I decide that the Orwell is a River.

Dated at Saint John, in the Province of New-Brunswick, this 8th day of April, A. D. 1858.

JOHN HAMILTON GRAY.

NO. 3. – SEAL.

Determining what constitutes a river – prior description as a river by Bayfield and in Public Acts – small tributary constitutes a river.

Détermination de ce qui constitue un fleuve – désignation antérieure en tant que fleuve dans l'ouvrage de Henry Mosley Bayfield et dans des actes officiels – un petit affluent peut constituer un fleuve.

* * * * *

I, the undersigned, Arbitrator or Umpire under the Reciprocity Treaty, concluded and signed at Washington on the 5th day of June, A. D. 1854, having proceeded to and examined the Seal, in Prince Edward Island, concerning which a difference of opinion had arisen between Her Britannic Majesty's Commissioner and the Commissioner of the United States, as disclosed in Record No. 11 of their proceedings, am of opinion that the Seal is entitled to be considered a River.

The Seal is spoken of by Bayfield as a River, and recognized as such in the Public Acts of the Island. It is small tributary of the Vernon, and as such Arbitrator or Umpire, I decide it is a River.

Dated at Saint John, in the Province of New-Brunswick, this 8th day of April, A. D. 1858.

JOHN HAMILTON GRAY.

NO. 4. – PINNETTE.

Determining what constitutes a river – tidal basin or harbour is not a river.

Détermination de ce qui constitue un fleuve – un bassin de marée ou un port ne constituent pas un fleuve.

* * * * *

I, the undersigned, Arbitrator or Umpire under the Reciprocity Treaty, concluded and signed at Washington on the 5th day of June, A. D. 1854, having proceeded to and examined the Pinnette, in Prince Edward Island, concerning which a difference of opinion had arisen between Her Britannic Majesty's Commissioner and the Commissioner of the United States, as

disclosed in Record No. 11 of their proceedings, am of opinion that the Pinnette is tidal basin or harbour; and as such Arbitrator or Umpire, I decide that it is not a River.

Dated at Saint John, in the Province of New-Brunswick, this 8th day of April, A. D. 1858.

JOHN HAMILTON GRAY.

NO. 5 – MURRAY.

Determining what constitutes a river – abundant supply of fresh water, its formation and a deep and navigable channel – ancient land grants distinguish between the river, the harbour and the sea coast – prior recognition as a river in Public Acts of appropriation of the island.

Détermination de ce qui constitue un fleuve – distribution abondante d’eau fraîche, forme et chenal profond et navigable – les concessions territoriales antérieures font la distinction entre le fleuve, le port et la côte maritime – reconnaissance antérieure en tant que rivière dans les actes officiels d’acquisition de l’île.

* * * * *

I, the undersigned, Arbitrator or Umpire under the Reciprocity Treaty, concluded and signed at Washington on the 5th day of June, A. D. 1854, having proceeded to and examined the Murray, in Prince Edward Island, concerning which a difference of opinion had arisen between Her Britannic Majesty’s Commissioner and the Commissioner of the United States, as disclosed in Record No. 11 of their proceedings, am of opinion that the Murray is entitled to be considered a River.

The Murray is a River, and entitled to be so considered, in view of its abundant supply of fresh water, its formation, and deep and navigable channel. By reference to the original grants in 1769, of Lots 63 and 64, bordering on the “Murray,” it will be seen that the Crown at that early day drew the distinction between the river, the harbour, and the sea coast, and bounds these lots by the harbour and river, and by the sea coast respectively. It is also recognized in the Public Acts of appropriation of the Island, under that designation.

As such Arbitrator or Umpire, I decide that the Murray is a River.

Dated at Saint John, in the Province of New-Brunswick, this 8th day of April, A. D. 1858.

JOHN HAMILTON GRAY.