

**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, decisions of 8 April 1858  
No. 7 – Boughton**

8 April 1858

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## NO. 6 – CARDIGAN.

Determining what constitutes a river – prior description as a river by Bayfield, in ancient land grants and repeatedly by the legislature – resemblance to other rivers.

Détermination de ce qui constitue un fleuve – désignation antérieure en tant que fleuve dans l'ouvrage de Henry Mosley Bayfield, dans d'anciens actes de concessions territoriales et de manière répétée par le Parlement – ressemblance avec les autres fleuves.

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I, the undersigned, Arbitrator or Umpire under the Reciprocity Treaty, concluded and signed at Washington on the 5<sup>th</sup> day of June, A. D. 1854, having proceeded to and examined the Cardigan, 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 Cardigan is entitled to be considered a River.

It is so described by Bayfield. It bears close resemblance to the Montague and the Elliot, which have been declared by both Commissioners, as appears by Records Nos. 9 and 10, to be Rivers. It is so designated by the Crown, in the grant of Lot 34 in 1769; and has been repeatedly recognized as such by the Legislature.

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

Dated at Saint John, in the province of New-Brunswick, this 8<sup>th</sup> day of April, A. D. 1858.

JOHN HAMILTON GRAY.

## NO. 7. – BOUGHTON.

Determining what constitutes a river – deep, broad and navigable – ship building facilities – narrow entrance and bar across mouth – prior description as a river by Bayfield, in ancient land grants and repeatedly by the legislature.

Détermination de ce qui constitue un fleuve – profondeur, largeur et navigabilité – proximité des chantiers navals – entrée étroite et présence de banc de sable à l'embouchure – désignation antérieure en tant que fleuve dans l'ouvrage de Henry Mosley Bayfield, dans d'anciens actes de concessions territoriales et de manière répétée par le Parlement.

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I, the undersigned, Arbitrator or Umpire under the Reciprocity Treaty, concluded and signed at Washington on the 5<sup>th</sup> of June, A. D. 1854, having proceeded to and examined the Boughton, 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 Boughton is entitled to be considered a River.

It is deep and broad, affording accommodation for vessels, and facilities for ship building, far in the interior. Its comparatively narrow entrance, and bar across its mouth, are observable and striking characteristics. It is described as such by the Crown, in the grant of Lot 56 in 1769; has been repeatedly recognized by the Legislature, under the name of Grand River; and by Bayfield in his Sailing Directions.

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

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

JOHN HAMILTON GRAY.

#### NO. 10. – ST. PETER’S.

Determining what constitutes a river – inlet of the sea or harbour does not constitute a river – prior description in ancient land grants and legislation as St. Peter’s Bay.

Détermination de ce qui constitue un fleuve – un bras de mer ou un port ne constituent pas un fleuve – désignation antérieure en tant que fleuve dans d’anciens actes de concessions territoriales et lois de la Baie de St. Peter.

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I, the undersigned, Arbitrator or Umpire under the Reciprocity Treaty, concluded and signed at Washington on the 5<sup>th</sup> day of June A. D. 1854, having proceeded to and examined St. Peter’s, 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 St. Peter’s is not entitled to be considered a River.

It is claimed by Her Majesty’s Commissioner, as a River; by the United States Commissioner, as an inlet of the Sea, or at most a harbour. I think the view taken by the United States Commissioner correct. It is certainly not formed by the Morel, the Midgie, or the Marie, which run into it; and the little stream called Saint Peter’s at its head, is entirely unequal to the task. It is also to be observed, that in the ancient grant of Lot 39, in 1769, it is given as boundary under the designation of St. Peter’s Bay; and in the grants of Lots 40 and 41, in the same year (1769), partly bordering on, and partly embracing within their boundaries. Saint Peter’s Bay, it is described (though inaccurately as a boundary) as “the Sea”. I do not find it any where recognized in the legislation of the Island as a River; but always as Saint Peter’s Bay.