

**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. 13 – Winter**

8 April 1858

VOLUME XXVIII pp. 95

As such Arbitrator or Umpire, I decide that Saint Peter's 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. 13. – WINTER.

Determining what constitutes a river – rise in the interior – abundant fresh water – channel through Bedford Bay bounded by shoals – continuous flow of water from the interior to the sea – breach in the sands by the sea shore formed by the water seeking an outlet of sufficient strength to form a bay or harbour.

Détermination de ce qui constitue un fleuve – élévation interne - eau fraîche en abondance – chenal dans la Baie de Bedford borné par des bancs de sable – flux d'eau continu depuis le cours d'eau jusqu'à la mer – les brèches dans le sable de la plage engendrées par l'eau cherchant un écoulement sont suffisantes pour créer une baie ou un port.

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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 Winter, 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 Winter is entitled to be considered a River.

Apart from its rise in the interior, and its abundant fresh water, its channel through Bedford Bay, (as it is called,) is marked and distinct – showing a continuous flow or current of water, from the interior towards the Sea; a channel bounded by shoals; and proving by its deflected course, that the breach in the sands on the sea shore, forming the entrance to the so-called Bedford Bay, has been formed by the water seeking an outlet for itself, not from the Sea making a passage in. In fact, if there were no River or stream in the interior, of sufficient strength to make the outlet, and keep it open, the water of the Sea would only make the embankment more solid, and there would be no bay or harbour at all.

As such, Arbitrator or Umpire, I decide the Winter to be a River.

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

JOHN HAMILTON GRAY.