

**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. 16 – Ellis**

8 April 1858

VOLUME XXVIII pp. 96-97

NO. 15. – STANLEY.

Determining what constitutes a river – full deep stream with two or three heads, several affluents, numerous feeders and large tributaries – prior description as a river in ancient land grants and by legislature.

Détermination de ce qui constitue un fleuve – un ruisseau profond avec deux ou trois sources, plusieurs affluents variés – désignation antérieure en tant que fleuve 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 5th day of June, A. D. 1854, having proceeded to and examined the Stanley 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 Stanley is entitled to be considered a River.

The Stanley is a full deep stream, having, if the expression may be used, two or three heads and several affluents, and is surrounded, from its sources to its outlet, by a succession of hills of rapid elevation and descent, converging in many different parts towards the River, and affording by their slopes, and the courses at their base, numerous feeders. Its large tributaries, the Trout and Old Mill Rivers, help to swell its volume. It is described as one of the boundaries of Lot 21 in the ancient grant of 1769, and recognized by the Legislature under the designation of Stanley River.

As such Arbitrator or Umpire, I decide the Stanley 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.

NO. 16. – ELLIS.

Determining what constitutes a river – existence of a broad, deep channel and abundant supply of fresh water – importance of the extent of its drainage basin – repeated prior description as a river by legislative enactments.

Détermination de ce qui constitue un fleuve – existence d'un chenal large, profond et abondamment pourvu en eau fraîche – importance de l'existence d'un bassin de drainage – désignation antérieure en tant que fleuve de manière répétée dans les dispositions législatives.

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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 Ellis, 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 Ellis is a River.

In the grants of Lots 14 and 16 in 1769, it is so described. A long succession of Legislative enactments so recognizes it. Its broad, deep channel; its abundant supply of fresh water; and the extent of country it drains, leaves no question about it.

As such Arbitrator or Umpire, I decide the Ellis 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.

NO. 17. – FOXLEY.

Determining what constitutes a river – prior description as a river in ancient land grants.

Détermination de ce qui constitue un fleuve – désignation antérieure en tant que fleuve dans d'anciens actes de concessions territoriales.

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

The Foxley is described as a River in the ancient grants in 1769.

As such Arbitrator or Umpire, I decide the Foxley 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.