

**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. 17 – Foxley**

8 April 1858

VOLUME XXVIII pp. 97

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.