

**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. 21-Enmore**

8 April 1858

VOLUME XXVIII pp. 98-99

NO. 20. – PERCIVAL.

Determining what constitutes a river – prior description as a river by Bayfield and in ancient land grants – reliance on resemblance to other rivers which owe their waters entirely to the sea.

Détermination de ce qui constitue un fleuve – désignation antérieure en tant que fleuve dans l'ouvrage de Henry Mosley Bayfield et dans d'anciens actes de concessions territoriales – confiance dans sa ressemblance avec les autres fleuves dont les eaux vont exclusivement à la mer.

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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 Percival, in Prince Edward Island, concerning which a difference of opinion had arisen between Her Majesty's Commissioner and the Commissioner of the United States, as disclosed in Record No. 11 of their proceedings, am of opinion that the Percival is a River.

The Percival is spoken of by Bayfield as a River. It is so described in the grant of Lot 10, in 1769; and like the Stour and the Orwell in England, owes its waters almost entirely to the Sea.

As such Arbitrator or Umpire, I decide the Percival 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. 21. – ENMORE.

Determining what constitutes a river – prior description as a river by Bayfield and in ancient land grants – bar at its mouth formed by the conflict of tides and the descending stream.

Détermination de ce qui constitue un fleuve – désignation antérieure en tant que fleuve dans l'ouvrage de Henry Mosley Bayfield et dans d'anciens actes de concessions territoriales – banc de sable à l'embouchure formé par l'opposition entre le flux des marées et le cours d'eau descendant.

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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 Enmore, 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 Enmore is entitled to be considered a River.

The Enmore was treated as a River in the grants of Lots 10 and 13, in 1769; is so recognized by Bayfield; and has a bar at its mouth, formed by the conflict of the tides and the descending stream.

As such Arbitrator or Umpire, I decide the Enmore 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. 23. – HALDIMAN.

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

Détermination de ce qui constitue un fleuve – désignation antérieure en tant que fleuve dans l'ouvrage de Henry Mosley Bayfield et 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 day of June, A. D. 1854, having proceeded to and examined the Haldiman, 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 Haldiman is entitled to be considered a River.

The Haldiman is described as a River in the grant of Lot 15, in 1769, and is so regarded by Bayfield.

As such Arbitrator or Umpire, I decide the Haldiman 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.

PART SECOND.

I now come to the second division, namely: the Miramichi and the Buctouche, being admitted to be Rivers, which of the lines pointed out by the Commissioners shall respectively designate the mouths of those Rivers?

THE MIRAMICHI. — 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 mouth of the Miramichi, in the Province of New Brunswick, concerning which a difference of opinion had arisen between Her Britannic Majesty's Commissioner and the Commissioner of the United States, and disclosed in Record N° 2 of their proceedings, declare as follows: —

With reference to the Miramichi, it will be seen by Record N° 2 — Her Majesty's Commissioner claims, that a line connecting Fox and Portage