

**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.2 – Orwell**

8 April 1858

VOLUME XXVIII pp. 90-91

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 Vernon, 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 Vernon is entitled to be considered a River.

It has, at low tide, water for boat and shallop navigation. It has good breadth, requiring long and strong bridge to cross it. Vessels are built two miles from its mouth. As you drive along its banks, there would be no hesitation in speaking of it, were no question raised, as a River. It would appear as if the salt water were an intrusion into a channel, formed and supplied by a running stream, enlarging and deepening the channel, but finding it there, the banks and surrounding lands all bearing towards the Vernon the same relative formation as the banks towards admitted Rivers. It is spoken of in Bayfield's Sailing Directions as a River, and as such in various Acts of Assembly.

As such Arbitrator or Umpire, I decide that the Vernon 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. 2. – ORWELL.

Determining what constitutes a river – prior description as a river by Bayfield, in Public Acts 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, dans des actes officiels 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 5<sup>th</sup> day of June, A. D. 1854, having proceeded to and examined the Orwell, 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 is disclosed in Record No. 11 of their proceedings, am of opinion that the Orwell is entitled to be considered River.

It is spoken of by Bayfield, in conjunction with the Vernon, as a River; has been recognized as such in the Public Acts of the Island; and described under that designation, as boundary in the ancient grants, as far back as 1769.

As such Arbitrator or Umpire, I decide that the Orwell 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. 3. – SEAL.

Determining what constitutes a river – prior description as a river by Bayfield and in Public Acts – small tributary constitutes a river.

Détermination de ce qui constitue un fleuve – désignation antérieure en tant que fleuve dans l'ouvrage de Henry Mosley Bayfield et dans des actes officiels – un petit affluent peut constituer un fleuve.

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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 Seal, 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 Seal is entitled to be considered a River.

The Seal is spoken of by Bayfield as a River, and recognized as such in the Public Acts of the Island. It is small tributary of the Vernon, and as such Arbitrator or Umpire, I decide it 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. 4. – PINNETTE.

Determining what constitutes a river – tidal basin or harbour is not a river.

Détermination de ce qui constitue un fleuve – un bassin de marée ou un port ne constituent pas un fleuve.

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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 Pinnette, 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