

By an examination of the Channel we find miles up this River a deep continuous Channel, of twelve, fifteen, twenty, twenty-four and thirty feet, down to Priest Point, varying from eighteen to twenty-four to Giddis Point, and thence to a line drawn across from the Sand Bar to Glover's Point, from seven to twenty, but of greater width. On the outside of this channel which is clearly defined, and between the Sand Bar and the Channel, we find mud flats with dry patches and Oyster beds, "flats of mud and eel grass, with dry patches at low water;" with depths from Priest Point to the Sand Bar, varying from four to six feet, and from the Channel off Giddis Point to the Bar, from one foot to three. On the other side of the Channel between Priest Point and Giddis Point, we find "flats of mud and weeds with dry patches and Oyster beds." What has given depth and breadth to this Channel,—the tide rises in this vicinity about four feet; would that rise create a channel of the average depth above named? Can there be any doubt that it is created by the great body of the River water finding its way to the Sea? The line "from Glover's Point to the Southern extremity of the Sand Bar, marked in red on plan No. 1," is claimed by H. M. Commissioner as the mouth of the River, and admitted by the United States Commissioner as the mouth of the Harbour, but if there were no river here, would there be any Harbour at all? I think not, and this line therefore while it constitutes the mouth of the Harbour also constitutes the mouth of the River.

This conclusion is consonant with the conclusion at which the Commissioners themselves arrived, in the cases of the Elliot and Montague Rivers in Prince Edward Island as shewn by Records Nos. 9 and 10. The Harbours of Charlottetown and Georgetown are clearly within the lines they have marked and designated as the mouths of those Rivers respectively, and thus within the lines of exclusion: but if the express words of the Treaty gave a right to such Harbours, because "Harbours," then why did the Commissioners exclude them? And why should not the same principle which governed the Commissioners in their decision with regard to those "Harbours," not also govern with regard to the Buctouche Harbour?

As Arbitrator or Umpire, I decide that a line from Glover's Point to the Southern extremity of the Sand Bar marked in Red on plan No. 1 in Record No. 1 designates the mouth of the River Buctouche.

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

It may not come within the exact line of my duty, but I cannot forbear remarking that the true benefits of this Treaty can only be realised to the inhabitants of both countries by a course of mutual forbearance, and enlightened liberality. Captious objections, fancied violations and insults should be discountenanced, and above all there should be an abstinence from attributing to either nation or people, as a national feeling, the spirit of aggression which may occasionally lead individuals to act in direct contravention of its terms. Every friend of humanity would regret further misunderstandings between Great Britain and the United States. The march of improvement which is to bring the broad regions of North America, between the Atlantic and Pacific, within the pale of civilization, is committed by Providence to their direction; fearful will be the responsibility of that nation which mars so noble a heritage.

JOHN HAMILTON GRAY.

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