

"respecting the Rhine, the Neckar, the Mayne, the Moselle, the Meuse, and the Scheldt. But especially it was urged, and with a force which it must have been difficult to parry, that the present claim of the United States with respect to the navigation of the St. Lawrence, was precisely of the same nature as that which Great Britain had put forward with respect to the navigation of the Mississippi when the mouth and lower shores of that river were in the possession of another State, and of which claim Great Britain had procured the recognition by the Treaty of Paris in 1763.

"The principal argument contained in the reply of Great Britain was, that the liberty of passage by one nation through the dominions of another was, according to the doctrine of the most eminent writers upon International Law, a qualified occasional exception to the paramount rights of property: that it was what these writers called an *imperfect* not a *perfect* right; that the Treaty of Vienna did not sanction this notion of a *natural* right to the free passage over rivers, but, on the contrary, the inference was that not being a *natural* right, it required to be established by a *convention*; that the right of passage once conceded must hold good for other purposes besides those of trade in peace, for hostile purposes in time of war; that the United States could not consistently urge their claim on principle without being prepared to apply that principle by way of reciprocity, in favor of British subjects, to the navigation of the Mississippi and the Hudson, to which access might be had from Canada by land carriage or by canals of New York and Ohio.

"The United States replied, that precisely the St. Lawrence was a strait and was subject to the same principles of law; and that *straits* are accessory to the seas which they unite and therefore the right of navigating them is common to all nations, so the St. Lawrence connects with the ocean those great inland lakes, on the shores of which the subjects of the United States and Great Britain both dwell; and, on the same principle, the *natural* link of the river, like the *natural* link of the strait, must be equally available for the purposes of passage by both. The passage over land, which was always pressing upon the minds of the writers on International Law, is intrinsically different from a passage over water; in the latter instance, no detriment or inconvenience can be sustained by the country to which it belongs. The track of the ship is effaced as soon as made; the track of an army may leave serious and lasting injury behind. The United States would not shrink from the application of the analogy with respect to the navigation of the Mississippi, and whenever a connection was effected between it and Upper Canada, similar to that existing between the United States and the St. Lawrence, the same principle should be applied. It was, however, to be recollected that

"the case of rivers which both rise and disembogue themselves within the limits of the same nation is very distinguishable, upon principle from that of rivers which, having their sources and navigable portions of their streams in States above, discharge themselves within the limits of other States below.

"Lastly, the fact, that the free navigation of rivers had been made a matter of *convention* did not disprove that this navigation was a matter of *natural right* restored to its proper position by Treaty.

"The result of this controversy has hitherto produced no effect. Great Britain has maintained her exclusive right. The United States still remain debarred from the use of this great highway, and are not permitted to carry over it the produce of the vast and rich territories which border on the lakes above to the Atlantic ocean.

"It seems difficult to deny that Great Britain may ground her refusal upon strict law; but it is at least equally difficult to deny, first, that in so doing she exercises harshly an extreme and harsh law; secondly, that her conduct with respect to the navigation of the St. Lawrence is in glaring and discreditable inconsistency with her conduct with respect to the navigation of the Mississippi. On the ground that she possessed a small tract of domain in which the Mississippi took its rise she insisted on her right to navigate the entire volume of its waters; on the ground that she possesses both banks of the St. Lawrence where it disembogues itself into the sea, she denies to the United States the right of navigation though about one-half of the waters of lakes Ontario, Erie, Huron and Superior, and the whole of Michigan through which the river flows are the property of the United States.

"An English writer upon international law cannot but express a hope, that this *summa juris*, which in this case approaches to *summa injuria*, will be voluntarily abandoned by his country. Since the late revolution in the South American Provinces, by which the dominion of Rosas was overthrown, there appears to be good reason to hope that the States of Paraguay, Bolivia, Buenos Ayres and Brazil will open the River Parana, to the navigation of the world."

On reading a report of a speech of my hon. friend the member for Lambton, on this subject—a very able and interesting speech, if he will allow me so to characterize it—I find that in speaking of the navigation of Lake Michigan, he stated that that lake was as much a portion of the St. Lawrence as the River itself. I do not know under what principle my hon. friend made that statement, but those inland seas are seas as much as the Black Sea is a sea and not a river. The lake is enclosed on all sides by the United States territory; no portion of its shores belong to Canada, and England has no right by international law to claim its navigation. Sir, she never has claimed it, for if my hon. friend will look into the matter,