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law, but is a law of actual treaty. The only question then was whether, as the American people had set their hearts upon it, and as it could do no harm to Canada or to England, it would not be well to set this question at rest with the others, and make the concession.

This was the line taken by Her Majesty's Government, and which they had a right to take; and when some one writes my biography—if I am ever thought worthy of having such an interesting document prepared—and when, as a matter of history, the questions connected with this treaty are upheld, it will be found that upon this, as well upon every other point, I did all I could to protect and enlarge the rights and claims of the Dominion. (*Cheers.*)

Now, sir, with respect to the right itself, I would call the attention of the House to the remarks of a distinguished English jurist upon the point. I have read from the works of American jurists, and I will now read some remarks of Mr. Phillimore, a standard English writer on international law. What I am about to read was written under the idea that the Americans were claiming what would be of practical use to them. I was not aware that the difficulties of navigation were such that the concession would be of no practical use. (The following is the extract from Mr. Phillimore's work). "Great Britain possessed the northern shores of the lakes, and of the river in its whole extent to the sea, and also the southern bank of the river from the latitude forty-five degrees north to its mouth. The United States possessed the southern shores of the lakes, and of the St. Lawrence, to the point where their northern boundary touched the river." These two governments were therefore placed pretty much in the same attitude towards each other, with respect to the navigation of the St. Lawrence, as the United States and Spain had been in with respect to the navigation of the Mississippi, before the acquisitions of Louisiana and Florida.

This argument on the part of the United States was much the same as that which they had employed with respect to the navigation of the Mississippi. They referred to the dispute about the opening of the Scheldt in 1784, and contended that, in the case of that river, the fact of the banks having been the creation of artificial labour was a much stronger reason, than could be said to exist in the case of the Mississippi for closing the mouths of the sea adjoining the Dutch Canals of the Sas and the Swin, and that this peculiarity probably caused the insertion of the stipulation in the Treaty of Westphalia; that the case of the St. Lawrence differed materially from that of the Scheldt, and fell directly under the principle of free navigation embodied in the Treaty of Vienna 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, and 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 the canals of New York and Ohio.

The United States replied, that practically the St. Lawrence was a strait, and was subject to the same principles of law; and that as 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 an army may leave serious and lasting injury behind. The United States would not 'shrink' from the applications 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