

But as the sea is different from the land, so are the police regulations which govern each. No nation—at least Great Britain does not—claims the right to stop or rule American vessels at sea. England only claims the right to know whether the vessels she meets and suspects of being pirates upon the ocean, are—though hoisting an American flag—really American vessels or not. As before quoted from Judge Story, the doctrine of any ship's appropriating so much of the ocean as she may choose, and preventing any nearer approach, seems to be novel, and not supported by any authority. "It goes," he says, "to establish upon the ocean a *territorial jurisdiction*, like that which is claimed by all nations within cannon-shot of their shores, in virtue of their general sovereignty. But the latter right is founded upon *the principles of sovereign and permanent appropriation, and has never been successfully asserted beyond it.*

A ship at sea is, as it were, a floating island upon the ocean. If it were fixed and stationary as the soil, then it would be the duty of all vessels to know and respect its territory. But inasmuch as it is transitory in time and movable in space, as it occupies a portion of an element common to all other vessels, it becomes necessary, when suspicions warrant the inquiry, before full credit can be given to the display of a mere signal, hundreds of which, of different nationalities, it can display in as many hours, that the documents which really create the ship's nationality should be produced, in order to give her claim to that inviolability which appertains to the soil of the country to which she belongs.

Despite the unreasonableness of the cause, one cannot but admire the spirited position taken by the American people against what they conceive to be an injury or affront put upon their national pride. But the chief danger in the impetuosity manifested upon such occasions, lies in the imagination of injury where none is intended, or exists; and the