

true, does not go quite so far as to imply absolute property in the contiguous water, as in land or moveable articles; for the water by necessity would cease to become such when it passes from one territorial dominion into another. It is continuous in its nature; and the same water forms the navigable river both above and below the dividing boundary line. Yesterday it was in one dominion, to-day it is in another, and "to-morrow will be in that ocean to which the presumptuous sway of no one has as yet been lawfully extended." Whilst the doctrine does not go to the length just intimated, it does, however, give as absolute and sovereign control over the *sources* of a river to a nation within whose territories they are situate, as over the *mouth* to that nation which may possess it. Such control is as just and consistent with the principles of right in one case as in the other.

Apply this consequence of the doctrine claimed to the case of the St. Lawrence, and what follows? Its chief sources are the great lakes, one of which lies *entirely* within American territory. It has been believed that the waters of Lake Erie can be made to flow into the Ohio. This idea is not altogether new; for such a connexion, in the form of a canal, was the subject of correspondence between Washington and Jefferson at an early day in the history of the country. It was then supposed that it might be the means of bringing the trade of the western country to Virginia. Whatever might be the effects of such a measure at the present day, by way of diverting trade, if feasible, it might be so executed as to create a new and large navigable river within our borders, which, whilst it would form a great highway for inland commerce, would at the same time swell the waters of the Ohio so as to be navigable by steamboats at all seasons of the year for a much greater distance above its mouth. But would England acquiesce in such a measure, when she should suddenly find the waters of the St. Lawrence partially dried up, and its navigation from Lake Ontario to Quebec perhaps destroyed by *shoals, rocks, and rapids*?

Yet this case, extreme as it may seem, would be the natural result of the doctrine for which England contends. It could work but little injury to us, except so far as the St. Lawrence may be contiguous to New York. Lake Ontario is of great depth, and, although its outlet would become greatly diminished, yet its surface would be but little affected, and its navigation would continue as before. The upper lakes would remain the same, as their surplus waters would still accumulate in, and be discharged from, Lake Erie. But this objection would be without force, since our drainage of its surplus waters would not injure its navigation.

Yielding, however, to this objection, let us pass upward for a thousand miles, and we come to the extremity of Lake Michigan, which lies *entirely* within our borders. It cannot be denied that the United States have as sovereign control over the waters of this lake as any nation can have over those of a navigable river. But will England admit such control to be absolute and unqualified, and allow us to drain its waters into the Ohio or Mississippi? In this case, as in the other, she might behold her navigation of the St. Lawrence obstructed by new shoals, rocks, and rapids. Michigan, too, might be a little interested in this state of things; and all the States of the Northwest, whose commerce passes over the lakes, might find their ancient right of navigation interrupted by impassable shoals, if not in the St. Clair and Detroit rivers, certainly in Lake St. Clair, the depth of whose navigable channels is now barely sufficient