exercised consistently with the prior natural right of navigation. Laws and government should extend as well over the waters as the banks of a river, and they form what may be called the local jurisdiction. But the prior right of navigation overrides all local law, and cannot be annulled, for it existed *before* and exists *independently* of all law. The right may be regulated under law by considerations of justice and expediency, but it cannot be destroyed. The right of navigating the ocean furnishes an apt illustration of the distinction thus taken. No one will deny that it is a natural right, and exists independently of law; but its exercise brought into existence new circumstances and relations between nations, which rendered necessary some law for the regulation of such exercise. Here we see the origin of international maritime law, which asserts jurisdiction over the ocean, furnishes it with a government, and *regulates* without destroying the prior right. It is only in this sense that a nation can be said to have sovereign power over the mouth of a navigable river, as against another occupying above. This same distinction was evidently taken by Mr. Adams in his instructions to Mr. Rush, before referred to, and in the following terms: "The exclusive *right of jurisdiction* over a river originates in the social compact, and is a right of sovereignty. The *right of navigating* the river is a right of nature, preceding it in point of time, and which the sovereign right of one nation cannot annihilate, as belonging to the people of another." The Congress of Vienna, in 1815, whilst it provided for the free navigation of many of the rivers of Europe, did not omit also to provide that "the regulations established with regard to the *police* of this navigation" should be respected—thus plainly recognising a right of jurisdiction as distinct from that of navigation.

We have now reached that point in the argument upon the nature of national sovereignty over navigable rivers emptying into the ocean where we are prepared to assert it is seldom, if ever, *absolute* and *unqualified*. It does not exist in the case of a navigable stream situate entirely within the territory of a single nation; for it is subject to the prior natural right of those who have planted their homes upon its banks, and must be exercised consistently with that right. It does not exist in the case of a nation dwelling upon any part above its mouth, or, it may be, occupying exclusively its sources; for, in that case, such nation, exercising its absolute sovereignty, could divert the stream, and thus destroy the navigation of nations occupying below. Lastly, it does not exist in the case of a nation holding the mouth; for if, as we have just seen, a nation occupying above cannot possess it, by what principle of justice can it be shown that a nation occupying below can possess it, thus establishing, in respect to sovereignty over a navigable river, an unequal rule of right amongst those who have chosen to settle upon its borders, and who, though from necessity they must occupy different positions in regard to its mouth, and dwell at different distances from the sea, yet all settled upon its borders for the same purpose of using it, of navigating it, of trading with remote nations, of passing and repassing at will between their homes and the ocean?

Further, if Great Britain contends for an absolute national sovereignty over the mouths of navigable rivers which may be in her possession, is she prepared to submit to the consequences which naturally flow from it, and seem quite as reasonable as the doctrine itself? The doctrine, it is