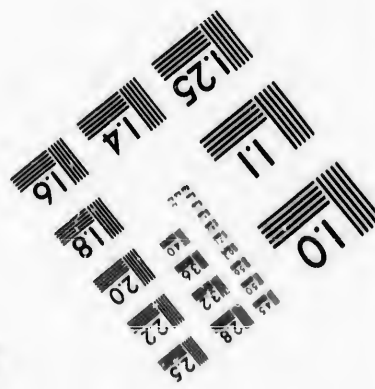
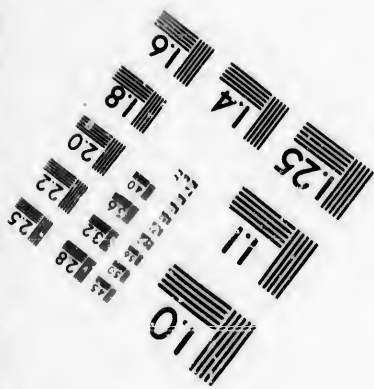
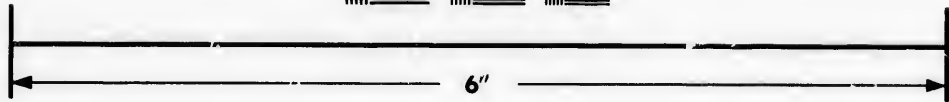
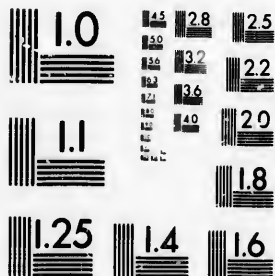


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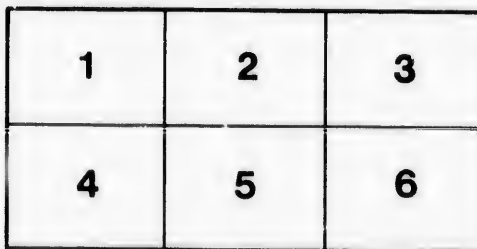
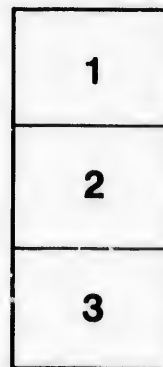
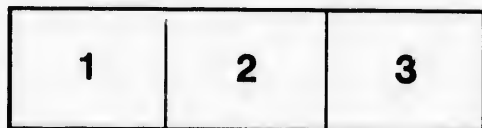
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STATEMENT OF FACTS

L A I D B E F O R E

SIR ALLAN N. MACNAB, K.T.,

CHAIRMAN OF

THE RAILROAD COMMITTEE,

OF THE

LEGISLATIVE ASSEMBLY

OF THE

PROVINCE OF CANADA,

IN RELATION TO THE APPLICATION OF THE CHAMPLAIN AND ST.  
LAWRENCE RAILROAD COMPANY, FOR THE RIGHT TO BRIDGE THE  
NAVIGABLE WATERS OF LAKE CHAMPLAIN AND RIVER  
RICHELIEU, BETWEEN ROUSE'S POINT AND ISLE AUX  
NOIX, AND TO BUILD A RAILROAD FROM THE SAID  
BRIDGE, ON THE EAST SIDE OF THE RIVER  
RICHELIEU, TO THE PROVINCE LINE.

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# STATEMENT OF FACTS

L A I D B E F O R E

THE RAILROAD COMMITTEE OF THE LEGISLATIVE ASSEMBLY  
OF THE PROVINCE OF CANADA.

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TWO QUESTIONS EMBRACE THE WHOLE SUBJECT, VIZ.,

For whom and for what purpose is this grant required?

What are the objections to making such grant?

The fact is established upon the most unquestionable testimony that the Champlain and St. Lawrence Railroad Co. and the Ogdensburgh, Rouse's Point and Boston Railroad Co., in respect to this project, as well as in the pursuit of business generally, form one and the same interest. An attempt has recently been made to present them as rival and conflicting interests before the Canadian Legislature. If any additional evidence beyond the similarity and harmony of testimony, and concert in action by these several Companies before the Legislatures of Vermont and New York, be required in proof of their oneness of interest, it is found in the fact that the largest and most influential stockholder or stock controller in the Champlain and St. Lawrence Railroad Co., and the controlling and influential Director, as well as originator of the Ogdensburgh and Rouse's Point Railroad, and the manager and commanding officer of the Hog's Island, Northfield and Boston Railroad, or the Vermont Central Railroad, are to all intents and purposes, one and the same person.

He represents a few heavy Boston railway operators, some of whom have made large speculations out of some of these roads, while not one of the small country stockholders have been exempt from loss, and hundreds have been ruined. It is the object of this combined railway interest to destroy, if possible, that valuable competition which now exists between the land and water routes for freight from the Upper Lakes, the Canadian Rivers and Canals, and the different railways between the Interior and the Seaboard. Before other Legislatures, the policy of this railway interest has been openly avowed. It is to intercept the commerce of the St. Lawrence above the St. Lawrence Canals at Ogdensburgh, and monopolize also, as much as possible, the carrying trade of the Richelieu and Lake Champlain, to the serious injury, not only of the public works of Canada, but also of a large number of vessels and people now employed in doing business on the waters of the St. Lawrence, Ottawa, Richelieu and Champlain.

If any doubt exists upon this point, reference may be had to the testimony of the President and Engineer of the Ogdensburgh Railroad—the Engineer of the Vermont Central—the Vice-President and Engineer of the Champlain and St. Lawrence Railroad, and others connected with these lines, given before the Legislatures of Vermont and New York, where for several years in succession their unreasonable demands have been disallowed. Their evidence and operations have been the same in import, substance and design. With such objects in view, it seems strange that such extraordinary claims or demands should be made upon a Canadian Parliament, after 12,000,000 dollars, or upwards, have been expended to improve the navigation of this great natural commercial highway of the continent.

A reference to the export and import trade by the River Richelieu and Lake Champlain, shows a large and growing commerce, that will contribute to the

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revenues of the great public works and afford employment to a considerable number of vessels and men, who only ask to be left to a free and uninterrupted competition, upon fair and equal terms, for the carrying trade.

The price of freight from New York to Montreal and Quebec would be greatly enhanced by a transshipment at Rouse's Point instead of St. John's, as it would be subject to an additional railroad freight of 23 miles against cheap water carriage. If unobstructed by a bridge, vessels from New York will, as heretofore, carry freight to St. John's for the same price they do to Rouse's Point or Burlington. It should be borne in mind that the Champlain and St. Lawrence Railroad Co. charge, for conveying freight a distance of about 25 miles, about two-thirds as much as other conveyances charge for 375 miles, including Hudson River towage, Whitehall Canal tolls, &c., &c. The price of freight on the Champlain and St. Lawrence Railroad is at least sufficiently high to cause large quantities of merchandise and produce to go *via* Chambly Canal and Sorel, a distance of 102 miles, instead of the shorter route of 25 miles, to Montreal.

*Statement showing the amount of increase of business between the Port of St. Johns and Lake Champlain.*

|                               | VESSELS.   | TONNAGE.        |
|-------------------------------|------------|-----------------|
| 1848.....                     | 884 .....  | 157,059         |
| 1849.....                     | 2073 ..... | 208,383         |
| 1850.....                     | 2992 ..... | 509,927         |
| VALUE OF IMPORTS AND EXPORTS. |            |                 |
| 1848 .....                    |            | \$1,757,606     |
| 1849 .....                    |            | 2,665,461       |
| 1850 .....                    |            | 4,188,031       |
| 1850.                         |            |                 |
| Imports.....                  |            | \$2,159,989     |
| Exports.....                  |            | 2,028,042       |
|                               |            | \$4,188,031     |
| SAWED LUMBER.                 |            |                 |
| 1848 .....                    |            | 9,000,000 feet. |
| 1849 .....                    |            | 13,000,000 "    |
| 1850 .....                    |            | 39,712,636 "    |

## SQUARE TIMBER.

|                           |                     |
|---------------------------|---------------------|
| 1847.....                 | 310,000 cubic feet. |
| 1848.....                 | 750,000 “           |
| 1849.....                 | 1,250,000 “         |
| 1850.....                 | 1,924,000 “         |
| 1850.                     |                     |
| Total Lumber Exports..... | 62,812,388 feet.    |
| Ashes.....                | 14,163 bbls.        |
| Flour.....                | 83,071 “            |
| Grain.....                | 679,802 bush.       |

It is estimated by those whose experience and knowledge in such matters entitle them to consideration, that vessels and rafts towed by steamers, will be greatly inconvenienced in passing any draw-bridge, however well built. Every raft of timber, of the size of 100,000 cubic feet, will be subject to an expense of at least 100 dollars, for separating and replacing the cribs, besides risk. The value of a large steamer is about 6 dollars per hour, and delay is costly. Often these steamers have ten, and a dozen vessels in tow.

This would require a detention of between three and four hours, allowing seventeen and a half minutes for each vessel, which, per returns, is the average time required at the Troy draw-bridge, which was erected by the skilful engineer of the West Philadelphia Railroad. All reliable evidence goes to show that any bridge would be an obstruction. If a partial obstruction be permitted, none can question the right of an entire closing of the navigable channel by the same power. The New York Legislature has refused to allow the Railroad Company to interfere with the channel, but permits it to build piers to the channel only. The State of Vermont has not even gone so far as that, and it is yet matter of doubt whether that Legislature will confer any new powers upon a Corporation that has perverted and abused powers heretofore conferred. Reference is here made to its disregard of the vote of that Legislature against bridging Missisquoi Bay; and the location of that Railway in a manner wholly unsuited to the purpose contemplated by the Legislature, which facts are on

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record in the State of Vermont. In the case of the Wheeling Bridge, over the Ohio River, the United States Supreme Court have recently decided that the said bridge being a partial obstruction to the navigation, under the jurisdiction of the General Government, must be removed. If the General Government of the United States guard so carefully the waters separating States, how much more carefully may they be supposed to guard from obstruction public waters forming an important international navigation. The interests of these several Railway Companies being beyond question identically the same, it is difficult to understand their purpose in asking of the Canadian Legislature also the right of bridging the Richelieu, or building long piers into the same, as a substitute for bridging, if it be not to procure from the Canadian Government an unguarded and hasty assent to any obstruction, however slight, that may be committed under the New York State charter. The Canadian and American Governments may yet deem it necessary to enquire how far the navigation of these public international waters, in the commerce of which many British-Canadian and American navigators and vessels are employed, has been impaired. That privilege should not be too hastily surrendered. (See testimony of Capt. La Rochelle, p. 17.)

If the American Legislature and Government will not authorise any obstruction to be placed upon their navigable waters, in which the commerce of both countries has a deep interest, and if they are disposed to respect the rights of British subjects in the use of those waters, surely there can be no good reason for Canada to authorise any obstruction to such commercial channels of inter-communication. If, likewise, the recent grant of the New York Legislature shall have been found to answer the purposes of both navigation and railway interest fairly, ought not that concession of the New York Legislature, which the Champlain and St. Lawrence Railroad Co. did much

to procure suffice. The evidence of the Vice President and Superintendent of the Champlain and St. Lawrence Railroad Co. before the New York Senate Committee, designates Rouse's Point as the most convenient and proper place for crossing. If allowed to cross there, why are similar powers asked for another locality? Assuming that the charter just obtained goes in force, and that Vermont makes a similar grant, each State securing an uninterrupted channel of 250 feet, equal to a clear channel of 500 feet; it is difficult to conceive any good and sufficient reason for acquiring additional rights on this side of the Province Line, for the use of the Champlain and St. Lawrence Railroad Co., after the same company has selected Rouse's Point (see testimony of Messrs. Campbell before Vermont Legislature, Brewster and Brainerd before the New York Committee) and have located and built their road to Rouse's Point, and have purchased and are erecting extensive wharves and other property at Rouse's Point, unless it be to operate upon the American Legislatures, and thereby obtain powers they will never confer so long as good faith in the observance of treaty stipulations is exercised and maintained on the part of Canada. The following extract from a letter written by a member of the New York Senate, to a gentleman in Canada, will exhibit the means resorted to in obtaining that concession.—  
Dated Senate Chamber, Albany, 27th June.

“The friends of the bridge assert here, unqualifiedly, that unless we pass the bill in New York Legislature, a bridge will be built on the Canadian side, and they have the copy of a bill, which, they say, has passed its second reading in Parliament, and that the second reading in the Canadian Parliament insures the passage of a bill. Is this true? We are so informed by Mr. ———, a Director in the Champlain and St. Lawrence Railroad Company, ‘who has been here.’”

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It is evident from all the facts produced that this grant is not required by any considerable portion of the community, but for a certain Railway interest that will be benefitted thereby, just so far as the present competition between land and water carriage can be destroyed.

It is equally true that the great commercial interests of two friendly countries are opposed to this project—that the testimony of practical men has been recorded against it—that the spirit if not the letter of treaty stipulations forbid it; and it is hoped that by a prompt and decisive refusal to comply with the extraordinary demand that has been made, any further misapprehension in other Legislatures as to the opinion of the Canadian Parliament upon this subject may be prevented.

## EVIDENCE.

Mr. CHANDLER, President Ogdensburgh Railroad Co., before Vermont Legislature, duly sworn, says that several attempts have been made to obtain bridge charter from New York Legislature, but without success. Thinks freight would not go by vessels past Rouse's Point, if Lake is bridged.

Mr. HENRY R. CAMPBELL, Engineer of Vermont Central Railroad Co., before the Vermont Legislature, October, 1850, duly sworn, says:—

I have had talk with Directors of the Champlain and St. Lawrence Railroad Co. about a bridge in Canada. Also,

*It is our purpose to ask for a bridge north of the Province Line, and I am in favour of it.*

*If I could have my way I would have a bridge at both places.* Thinks a charter can be obtained in Canada.

B. BREWSTER, Vice-President Champlain and St. Lawrence Railroad Co., saith that from his knowledge of *the country, its climate, and the feasibility* and the expense of the project, that a ship canal from the River St. Lawrence to any point south of St. John's, will never be built.

That the proposed draw bridge at Rouse's Point will not be a greater obstruction to the navigation of the lake and river than the draw bridge at Beloeil, the locks on the Canal, Yowle's and Jone's bridge, and that it is perfectly easy to tow up the same cribs to Rouse's Point before putting them together for their passage down the lake, and that in his opinion the obstruction to timber navigation would be very small compared with the public benefit of the proposed bridge.

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That the draw bridge for winter connexion with the east, southern, and western roads is absolutely necessary, and if it is not built in the states, such a bridge will be built on this side of the line.

ALEXANDER H. BRAINARD, *sworn*.—(Of Lapraric, Canada East,) says, that he was an Engineer of the St. Lawrence and Champlain Railroad, caused to be filed a map of location as required by the charter, with one line located north of the Province Line, with a view to the construction of a draw bridge at that point, *in the event it might become necessary by a refusal to permit one to be constructed at the Rouse's Point*, and he believes that a charter for a drawbridge north of the Province Line, would be granted by the Provincial Government, but a connexion at Rouse's Point is the most proper.

Col. SCHLATTER, Supt. of Ogdensburgh Railroad Co.—Thinks in the winter especially, a bridge would be of great importance to the business that comes to Rouse's Point. *Cross-examined*.—Has no experience in navigation; has never seen vessels pass through a draw such as is proposed to be constructed at Rouse's Point.

HENRY BRAYTON.—These Canada vessels do business cheaper than the American vessels can do it. The steamer *Adventure* has, within a few days, been injured at the Beloeil Bridge. Her smoke pipe and pilot house and mast were carried away by the bridge, and her anchor was broken. In going down stream with a tow, it is necessary to round to, and drop down stern foremost, with a line ashore, and sometimes an anchor is used; this rounding to is made necessary by the current. The steamer *Vulcan* also received injuries.

C. S. PEIRCE.—In moving timber, the entire raft is put together in an average length of 1,200 feet and 70 feet wide, at the termination of the Chambly Canal at St. Johns.

When they put the raft together in the canal basin, they are put together three cribs wide, 69 feet; when above, they are sometimes three and sometimes four cribs wide: as generally four as three cribs. The rafts of three cribs wide are about 1,200 feet long: if four, about 900 feet long.

The effect of the bridge has been to increase the cost and risk in moving timber \$100 raft besides risk. The navigators used to assume the risk of injury: now it has to be taken by the owners.

The raft would have to be broken up, and it would be done at a cost of at least one mill per cubic foot: \$100 per 100,000 feet; besides the risk which witness cannot estimate.

There is now a large quantity of sawed lumber brought on the St. Johns Railroad to St. Johns; about one-fourth shipped at St. Johns, is this year brought over that Railroad: last year the proportion was greater.

The witness thinks the expense of passing the draw at Beloeil, is less than that which would be incurred at the proposed bridge at Rouse's Point, and the risk would be much greater at Rouse's Point.

In the opinion of the witness, the construction of the proposed bridge would add to the cost of transportation on the lake, and would add one cent a barrel for insurance on flour.

The bridge at Rouse's Point would be a greater injury to the general trade than the one at Beloeil. The risk of passing the proposed bridge, would be much greater than at Beloeil.

Capt. MATTOCKS, British schooner *Forwarder*, 200 tons, captain since 1833.—In moderate winds, the vessel can be steered quite steady, but in high winds, blowing fresh and squally, with two men at the wheel, she will vary sometimes four times her length. A vessel loaded deep, in winds blowing fresh, is apt to breach to, and vary very much from its course, when it is perfectly safe navigating wide water.

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Thinks that a bridge would detain his vessels three voyages in a season; has weighed the subject fully, and is confident that he does not overrate the injurious effect of the bridge.

Would rather be taxed one hundred dollars a year, while he runs a vessel, as he does now, than have any bridge constructed at Rouse's Point, however well it might be made, and whatever means were resorted to, to make it safe and convenient; thinks a bridge would add to the hazard of navigation, besides delaying.

Thinks that up to the 20th June, and after the 20th September, there would be times when his vessel could not be warped through a bridge, when, if there was no bridge, she would go on safely.

Capt. E. P. CHAMBERLIN, U. S. sloop *Henry Clay*, 140 tons.—Has seen the plan of the proposed bridge and had it explained; thinks that the bridge would have the effect of stopping the navigation for sail craft altogether; in coming up to the bridge in a head wind it would be necessary to warp through, which might take two or three hours. Can beat in narrow water better than in wide water, as there is less sea in the narrow than in the wide; if the bridge was open with a west wind it would be necessary to take in sail; if there was a bridge, should expect to haul up to the fender posts, and by the use of lines, warp the vessel through; the bridge on Champlain River hinders a vessel from half an hour to an hour in passing. It is just as safe to go to St. Johns from Plattsburg, in a dark night, as it is to go to Whitehall.

U. S. Customs Officer, Rouse's Point.—From Saturday the sixth of the month, 3 P. M., to Monday the 8th, about thirty-six hours, cleared twenty-four sail vessels, and four steamers; during the same time, there were three or four sail vessels entered in Vermont, (making nearly one vessel for every 30 minutes of day time, going South from St. Johns.)

A. MOCKRIDGE.—Thinks a vessel could get

through ; there are times when vessels could navigate if there was no bridge ; that they could *not* if there was a bridge. With a strong north-west or quartering wind, it would be very difficult to pass with a tow, as the tow would blow far off to the leeward, and it would be necessary to break it up and pass it one vessel at a time. To break up a tow of eight boats, and pass it one vessel at a time, and make it up again, would require, in a hard side wind, from six to twenty-four hours ; the prevailing winds from the upper end of the lake, would be partly side winds ; thinks that up to the 1st June, one-half of the tows would have to be broken up ; thinks for one-half of the season through, one-half of the tows would have to be broken up.

CAPT. HIRAM FERRES, *sworn*.—Lives at Chazy, Clinton County, State of New York ; has been navigating Lake Champlain for most of the time for fifty years. Thinks the Bridge would be a great detriment to sail vessels ; more so than to steamboats. Thinks, that in any thing of a breeze of wind, it would be difficult to pass the bridge with sails up. Has towed large rafts and vessels. A steamer with a tow, with the least side wind, would drift the tow on to the pier ; unless the tow is broken up, and passed one or two of a time. Thinks that the bridge, if made, would lead to the loss of more or less property on the water, though it was made as safe as could be, and though the navigation was conducted with care and prudence. Should not risk going through in side winds, when if there was no bridge, could pass ; and though a raft might be made up narrow enough to go through the bridge, it would be necessary to take it in short pieces to pass it. While tows were passing the draw, vessels approaching the bridge would have to lay by until the tows were through. It is common for vessels to pass the point in fleet when the wind is fair ; such a fleet going north, meeting a tow at the bridge, would all be hindered.

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WILLIAM MCNAUGHTON, *sworn*.—Belongs to the firm of Sincennes & McNaughton. This firm has advertised that they will not be responsible for any injury vessels may receive at Belocil Draw; this became necessary from the injuries that were received at the bridge; and to avoid suits, notice, as stated, was given. Has had a barge injured this summer, in going down, so as to make it necessary to haul her out of the water for repairs; there is more difficulty in towing up stream than there is down, but not so much danger; has stuck with the steamer once or twice, but has not injured her much; the chief injury has been done to the barges; has seen the plan of the proposed bridge.

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CAPT. HENRY TISDALE, *sworn*.—Vessels are towed by steamboats, sometimes seventeen vessels in one tow—some abreast and some astern; such a tow would probably take half a day in passing through a bridge; part of the vessels would necessarily be taken and moored in some safe place, and so on until all were through; this is true of good weather, in bad weather it could not be done at all. These vessels towed by steamboats do not generally carry chains and anchors; and in a gale of wind, if the tow was south of the bridge, it would be necessary to take it under the lee of some Island. Rafts commonly of 100,000 feet square timber, sometimes much larger, are towed through the lake; these rafts are from 100 to 125 feet wide; during the whole season, steamboats tow vessels, particularly during the night, past this point. These vessels run to St. Johns regularly; carry merchandize to St. Johns and return with grain, and various other products. Canada steamers are used, some to tow these vessels from Detroit to Burlington; thinks a barrel of flour can be carried through the St. Lawrence 25 cents less than by the New York Canals.

CAPT. CYRUS BOARDMAN, *sworn*.—It is his opinion

that the bridge would obstruct navigation materially three-fourths of the time, and one-fourth entirely

LOTT CHAMBERLAIN, *sworn*.—Lives in Plattsburgh; agrees in the main with witnesses sworn; is Captain of propeller *James H. Hooker*, engaged in towing; in making up a tow, place three or four boats on a side and the rest astern; has been in the night on the river with such boats; in a gale of wind if there was a bridge it would be necessary to leave his tow; has passed this place in the night with fourteen boats; the bridge would be a great detention, even in a calm, still time, it would hinder three or four hours with a heavy tow; sail vessels of 300 tons navigate this lake; the common sized is 200; has sailed such a vessel five or six years.

JOSIAH BOSCOM, *sworn*.—Has been Master of a vessel on Lake Champlain for 25 years, most of the time. Thinks a well-managed drawbridge would be quite an obstruction to the navigation; some seasons the effect would be more and some less; but would be a great hindrance.

*Cross-examined*.—If there was a steamboat furnished to draw vessels through it would be still a hindrance. In going down before a heavy wind it would be a job to "get the boom in" while passing the bridge. Blows so hard sometimes that you could not make fast a vessel to a pier; in some winds might go on if there was no bridge, when it would be difficult to get through a draw.

BENJAMIN JONES, *sworn*.—Lives at Whitehall; is Pilot of the steamer *Ethan Allen*; has been engaged in towing vessels and rafts up the Richelieu River—127,000 feet square timber at one tow, and has towed 18 vessels at one time. The rafts are generally 80 feet or thereabouts wide; a bridge would be very much in the way; the further end of the rafts are nearly half a mile distant from the boat, there being about 500 feet between the steamer and the forward end of the raft; this is because the rafts and vessel

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are more manageable in this form; does not think that a steamboat could pull a raft through a bridge in a west or south-east wind. Often at evening after the wind has been blowing fresh all day lengthwise of the lake, there will be a wind from off the shores. *Rafts to be safe going through the lake must be wide—wide in proportion to their length and quantity of lumber in them—from four to six cribs abreast* With a raft made up narrow enough to pass the bridge, such would be its length, that in common weather, not one time in fifty but that its swinging would hit the pier; before a hard wind a raft will crook up and cannot be kept straight, though it may be safe to navigate with one in such times; must have half a mile to handle a raft in. A long tow of vessels is worse than a raft, as the vessels swing more than rafts, and going before the wind it would be very difficult to manage them through the bridge; thinks that two-thirds of the vessels that trade with Canada are towed up to the lake by steamers. There are four steamers used for towing and freight, besides, perhaps, a dozen small Canada steamboats engaged in towing and some propellers from Chicago.

OSCAR F. BLOUNT, *sworn*.—Flour and Wheat can be carried to the shores of Lake Champlain cheaper (wheat 10 cents a bushel) by the Canada Canals than by way of Albany (flour 15 cents a barrel.)

HENRY SMAWLEY, *sworn*.—Lives at Troy; is acquainted with the drawbridge at Troy; makes it difficult to get through; has seen vessels foul of the bridge going both ways.

JOSEPH LA ROCHELLE, of the Township of Stanbridge, County of Missisquoi, Captain of British schooner *Ann*, duly sworn, declares that the drawbridge over Missisquoi Bay, erected between Rouse's Point and Hog's Island, by the Vermont Central or Vermont and Canada Railroad Co. is a great obstruction and injury to navigators, and that in conse-

quence of that obstruction and delay, he has already lost at least Fifty Pounds, or Two Hundred Dollars to this date. A bridge over the Richelieu, above St. Johns, will prove dangerous to vessels and navigators, no matter how well protected. Nothing but extra anchors and cables has saved my vessel from being driven by wind on the bridge. The same risk will be occasioned on the Richelieu if bridged by the Champlain and St. Lawrence Railroad Co.

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## EXTRACTS FROM REPORTS

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### SENATORS GEDDES, DART AND OWEN.

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Senator Geddes, of New York, who had formerly favoured the bridge project, after devoting several weeks to the examination of the subject, reports as follows:—

“ That in obedience to the resolution of the New York Senate, the Committee visited Rouse’s Point, and took such testimony as was offered by the Northern Railroad Co., and by persons opposed to the erection of the bridge. The first session for taking testimony, was held on the 12th day of July, previous to which the localities had been examined by the committee with great care.

“ From Montreal, by means of improvements made by Canada around the rapids of the St. Lawrence, there is an unbroken navigation to Lake Ontario. By means of the Welland Canal, that navigation is continued to Erie and the Upper Lakes: so that a vessel of not over one hundred and twenty feet length, and twenty-four feet beam, may load at Chicago and unload at Whitehall. In fact this navigation is now used very extensively by the people of Vermont, to supply themselves with grain and flour from the grain growing States of the West; and to bring their salt by way of the Gulf of St. Lawrence, from the Salt Islands.

“ Formerly, lumber in large quantities was exported from this State to Canada; but of late years, the course of trade has been the other way—and now we import. Lumber comes up by way of Sorel, from 100 miles below Quebec, and finds its market in New York.

“ From returns, it is shown that the business is increasing at a rate hardly paralleled any where. To

give a more practical view of the business done on this lake, it may be proper to state, that in passing from Whitehall to St. Johns, *one hundred and ninety* trading vessels, besides steamers, were counted.

“ There are upon this lake many first class steamers, whose elegance and good management, is not surpassed, engaged in transporting the large numbers of persons who seek this thoroughfare on business and pleasure. Timber is towed in large rafts by a smaller class of steam vessels.

“ At Rouse’s Point, and for a distance above and below that place, the shores are low, and rise from the water with so small an angle as to be scarcely perceptible.

“ By reference to testimony, it will be seen that flour is carried from Detroit by water to any place on Lake Champlain for fifty cents a barrel, and wheat for sixteen cents a bushel.

“ The great objection to allowing the construction of the proposed bridge, is the effect it would have upon the navigation of the lake. To the examination of this question, the labours of the committee were principally confined. A large number of witnesses were examined by us, who were men of skill and great experience. Some of them had navigated these waters for fifty years. It is worthy of remark, that every witness who spoke to the point, was of the opinion that the bridge would injuriously affect the navigation to some extent. The precise effect can only be known by experiment. The present mode of steamers towing large numbers of vessels and barges, and wide rafts of timber, would not be admissible with a bridge. Some losses of vessels would probably occur against the bridge. It would not be possible so to judge of the winds and waves as for every vessel to go safely through, however well managed.

“ The effect upon vessels passing between narrow shores, and through bridges and between walls, may

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be learned by comparing the rates of insurance on the canals with the rates on the great lakes. Such a comparison will show that the hazards to property on canals are at least as much as they are on the lakes at like distances. Canals being entirely protected from the injurious effects of tempests, the losses on them must be entirely due to collisions of boats against each other, and against the structures and shores of the canals. The injuries to vessels, to a great extent, on the lakes, are done by running against each other, and in going in and out of harbours. The course of trade over the lakes will bring different vessels over the same place, and very frequently they hit each other in the wide waters. Sometimes trains of cars would be using the bridge when vessels were ready to pass, and when, perhaps, they could not stop in safety, in consequence of not having had timely notice that the bridge would be used.

“The business upon Lake Champlain has so increased within two years, as to present this question in an entirely new aspect. When there was but little business done on the lake, the evils of a bridge would have been small in comparison with the injury it would now inflict upon navigation; and if the navigation interest should continue to increase, the objections to a bridge will continue to grow stronger.

“The business that comes from the great lakes, must come during the ordinary season of navigation, and the competitors for it will, in the main, be compelled to carry it during the season of navigation. The railroad, being much the shortest line, will possess some advantages over the water route, and where time is important, will probably be successful. But on the other side is cheapness. The cost of a two hundred ton vessel is but little compared with that of a locomotive and train-cars, leaving out of account the cost of the road itself. The capacity of the road

to do a freighting business is limited, and on the whole it is probable that the vessels will be, to some extent, successful competitors for this business. If a bridge were to be constructed that would not only aid the railroad, but hinder the vessels, it might be an undue interference in favour of one of the competitors against the other, and thus increase the cost of transportation.

“A very large portion of all the passengers and property brought to Rouse’s Point by the Northern Railroad will pass over Lake Champlain, and it is only for the remainder that a bridge is wanted, and it is not probable that the cost of transportation of that part of the business that will cross the lake will be sensibly altered, whether it goes over a bridge or is carried over in a boat. There are objections to the idea that has taken strong hold of the minds of some persons, of sending loaded cars from Ogdensburgh to New York or Boston, that will arise in the practical working of a great railroad business, that perhaps have not been fully considered. Changing passengers and freight from one car to another is sometimes a less evil than an extensive interchange of cars between companies.

“Lake Champlain cutting the line of railroad from Ogdensburgh to the State of Vermont is an inconvenience and an obstruction. So is the Hudson River at Albany. All the business from the Great West that finds its way by railroad to Albany, that is destined to go over the railroad to Boston or to New York city, is subjected to this inconvenience. A bridge at Albany would do much less injury to the same number of vessels than would a bridge at Rouse’s Point. At Albany the water is so narrow, and the lands on each side are so high that winds would do comparatively little damage, and produce but little effect upon vessels passing a bridge. The railroad bridge at Belcoil very seriously injures the navigation, as appears from the testimony herewith submitted.

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“ The facts learned by a visit to the place where it is proposed to construct the bridge, have now been fully stated, together with the general considerations that have presented themselves in favour of, and against the passage of a law allowing its construction ; and it only remains to add that upon a view of the whole case, it appears clear to the undersigned that the construction of a bridge as proposed, would do the interests concerned in navigating these waters, more injury than it would do good to the owners of the railroad, or the owners of property transported thereon, and therefore he asks to be discharged from the further consideration of the subject.”

The report of Mr. Dart, who has been the active and persevering Agent of the Ogdensburgh Railroad Company in the New York Legislature, has the following appeal, which seems to disclose the whole object of the bridge project :—

“ When completed and fully equipped, the St. Lawrence and Atlantic Railroad will be a greater competitor for western trade with our state canals than all the railroads in our state combined. With proper allowances for equated grades, it can beat any line from Ogdensburgh to the Atlantic ports by more than one-third in distance, time, and the expenses of operation.

“ It is a very proper matter of consideration by the Legislature of New York, whether it be not most expedient to give all possible facility to communication by a line of railroads wholly in our territory in preference to any diversion of trade through a foreign territory.

“ It has been urged heretofore by parties opposing the bridge crossing, that the Canada Ship Canal, (canals capable of passing vessels of five or six hundred tons,) will be extended to the Richelieu River, for passage of the same vessels to Lake Champlain, That these vessels would take the great share of tonnage from western lakes, soon requiring enlarge-

ment of the Champlain Canal to the same capacity, and that a bridge at Rouse's Point would interpose some obstructions to this splendid *scheme*.

"If these ship canals should be built, they are designed mainly for large propellers and lake vessels, not for the small craft passing the present canals connected with Lake Champlain.

"As a question of state policy of encouraging such predicted navigation, to wit the Canadian Ship Canals to compete with our own canals, in their unfinished condition, it is probable the opinion of the Legislature would quite as strongly favour the claims of the applicants for Rouse's Point Bridge."

Senator Owen reports that—

"The evidence on the effect of a bridge upon the navigation of the lake, though somewhat conflicting, preponderates strongly against the proposed bridge.

"The evidence herewith submitted, together with that already before the Senate, the reasons for the opinions given by witnesses, furnish a mass of testimony showing the dangerous consequences which the bridge would effect upon the commercial and navigating interests of Lake Champlain, that it would seem to be impossible to resist.

"These witnesses concur in the opinion, that with strong southerly or south-easterly winds it would not be safe to attempt to pass the draw of the bridge.

"A very considerable business is done on these waters in towing rafts of square timber, boards and lumber up the Richelieu River, through Lake Champlain to Plattsburg and other places. These rafts generally consist of 100,000 to 130,000 feet of lumber.

"Many of the witnesses were of opinion that even in mild weather it would be difficult to pass the draw of the contemplated bridge with these two loads without breaking them up and passing them in pieces, which would be attended with serious expense and

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vexatious delay. But in rough weather, which is estimated to constitute a large portion of the time of the sailing season, it would be impossible to pass the draw with two loads of boats or of lumber until the storm was over. Rafts are made up of a width and length proportioned to their quantity.

"The general width is eighty to one hundred and twenty feet, which is fifty feet wider than is proposed to make the draw of the bridge.

"The evidence shows that the transportation of lumber through this lake is increasing each year, and that towed through the last year was equal to double the amount which passed through the year preceding.

"That the construction of a bridge across the navigable waters of Lake Champlain would most injuriously affect the rapidly increasing commerce of the lake cannot, from the evidence, admit of a reasonable doubt.

"The high standing, the great intelligence, and the almost entire unanimity of the witnesses in relation to the consequences that must inevitably result from bridging Lake Champlain at the point proposed, will be readily seen and acknowledged by all who will take the trouble to read the evidence. By a reference to that evidence, Senators will discover that the commerce of that lake has, within a short period, increased with almost unexampled rapidity. To what an extent it shall go on increasing under the judicious and fostering care of the Legislature, and the enterprise of the people engaged, and hereafter to engage in extending it, is impossible to conceive.

"By reference to the returns from the Custom Houses, it will be seen that the commerce and tonnage has doubled each year for the last three years. The trade and intercourse between the Canadas and the United States so rapidly increased, is mainly carried on through Lake Champlain; thence by way of the Champlain Canal and the Railroads of New York, this trade and travel passes to the city of New York,

increasing the revenue of our public works, and paying tribute as it passes, to the State. If the undersigned is at all correct in the conclusion arrived at, it would seem to be impossible for the Legislature of New York to do an act so suicidal as to authorise the erection of an obstruction to the free navigation of this valuable, and, from its association, deeply interesting highway.

“By existing treaties between the United States and Great Britain, the navigation of Lake Champlain is to be free to the vessels of both nations. While these treaties remain in full force, it may well be doubted whether this State has a right to permit that navigation to be either partially or wholly obstructed. If we have the right to do the one, we may the other, and so may defeat or destroy the effect of treaty stipulations solemnly made between the two Governments. If there should be no doubt of the legal right to do so, notwithstanding the promise of good faith implied by these solemn treaties between the nations, there still should arise some mighty reason to demand that the “Gordian Knot” of that faith should be cut before the deed was done. And it might be well to inquire what has arisen to demand this sacrifice of revenue, and good faith, and commercial intercourse at our hands. It is that a private corporation require that we shall obstruct or seriously injure this great and national highway, in which our whole people have a common interest, that a private road of their own may be improved. Navigable waters are national property. Under its constitutional power to regulate commerce, the general government has the right to erect Light Houses, improve Harbours, and to remove obstructions to the free and uninterrupted enjoyment of its national highways. Individual states, within whose borders such highways are located, may, it is true, regulate bridges and ferries for the public convenience. But this must always be done in strict observance of the higher and Heaven derived right

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of free and unobstructed navigation. Three independent sovereignties, bounded upon it, have a common right to the full enjoyment of the highway of nations as the God of nature made it. Neither has the right to impede or discommode the other in the use of its navigable waters. No one of these states, nor *all three combined*, have the moral right to obstruct or destroy the useful navigation of this lake. The commission of man is to *improve* for the benefit of his race as well as himself, upon the works of his Creator, not *destroy them*. A right may exist, but posterity in another generation will have as good a right as we now hold to enjoy this navigation unmo- lested and undisturbed.

“ It would seem to the undersigned that a measure so fraught with destructive consequences to the great and rapidly growing commerce of Lake Champlain, could not be viewed with favour by the Legislature, and that the report of the committee might well be confined to the navigation question alone. And that the obstruction the bridge would cause to the navigation of the lake would furnish a sufficient objection to its present construction.

“ The design of the Erie Canal was to furnish a safe, expeditious, and cheap highway for the transportation of property going to and from the great west. At the time of its construction, the Falls of Niagara were regarded as constituting an insurmountable barrier to navigation between Lakes Erie and Ontario.

“ But by the construction and the more recent enlargement of the Welland Canal around the Falls of Niagara, by the British Government, the aspect of things is materially changed.

“ The petitions, documents and reports of its friends and legislative committees, conclusively prove the bridge project never was conceived before the road was chartered. Boston is most evidently entitled to the honour or credit of its conception, and if it is ever completed, will reap alone the rewards of the work.

“The undersigned would not be understood as in the slightest degree complaining of the intelligence and far reaching sagacity of the people of Boston. It is not only their right, but emphatically their duty as citizens of Massachusetts, to endeavor to aggrandize and enrich by all honourable means, their own commercial city, and thereby their State at large.

“Weighing all the evidence and arguments that have been presented, considering the history of this road from its infancy, and the relation it sustains not only to our own State and to those of New England, but to the British Provinces, the undersigned cannot but regard this application as in a great degree suicidal to the interests of the State of New York to permit the construction of this bridge :

“Because it would, beyond all doubt, greatly injure and probably circumscribe a navigation that now is a great and growing tributary to our public works.

“Because it would divert the commerce of the Canadas, a great part of which now finds its way to the seaboard through the Champlain canal, into other channels.

“Wisdom, justice, and sound policy would seem most strongly to forbid this self-sacrifice of the interests of our people, however magnanimous it might be regarded to promote the interests and claims of another State, in their revenues and commerce, a rival people.

“The interests of New York imperiously demand that their Legislature shall do nothing to destroy, injure, or impede the navigation of those streams and lakes which the God of Nature made navigable for their enjoyment.”



