

on which a ship may safely float; but it is uniformly the port at which, owing to a variety of concurring circumstances, artificial \* and natural, she must stop; because the object of her voyage must there end.

**158** There is a material difference between legislative enactments relative to the formation of an improved river navigation, and those in relation to proper navigable canals; because of the material difference between the two subjects. The forms and modes of the two kinds of navigation are essentially different; and therefore, inferences and principles, fairly deducible from, or applicable to one, cannot, with any propriety, be made from, or to the other.

The River Thames, in England, is navigable above London, for a considerable distance; and the vessels, which pass up it, are all provided with a self-moving power; many of them have a horse on board, to be sent out for towing, when it can be done. Sails are used, where an opportunity offers, and where not, they use oars, or setting-poles. For some spaces they have the privilege of a towing-path on the bank, from which the horse is made to tow the boat; and in other spaces the horse is driven into the river, to wade along, and draw the boat after him. On the River Severn, in England, a towing-path, from which vessels are drawn along up or down the river, is claimed by custom, and has been confirmed by statute. *Hale de Port Maris*, 86; 23 *Hen. 8, c. 12*. In some spaces of river navigation, the vessel is lifted up, or let down into short canals, and thus passed by unnavigable rapids; in others, its safe passage is secured by means of dams, sluices, or cuts. The whole course of river navigation is irregular in its modes of movement; but the vessel proceeds throughout by having with it, from the very port, whence it sets forth, a moving power suited to each mode of navigation, either of which may be used according as it may be most beneficial; and that too, through a wide, deep, and occasionally a rapidly descending stream. The Act incorporating the Potomac Company furnishes a complete example of river navigation. By that Act the rapid, headlong River Potomac, above tide, was to be made navigable; its falls were to be surmounted by locks and canals; its ripples were to be opened by cuts; and its shallows were to be cleared so that boats might pass up or down with safety.

Proper canal navigation is uniform in its movements and limited to one kind of propelling power; that is, by means of a towing path; and it is rarely, or ever permitted to use any other. The \* vessel itself is built and laden just so as to float upon still

**159** water, unagitated, and without a ripple or wave. All which gives to this form of transportation a peculiarity of character, which renders it necessary that the canal, for which it is alone and exclusively adapted, should terminate at that point where it