

vessel itself is built and laden just so as to float upon still 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 meets the marine navigation; since the merchandise cannot, as in the case of river navigation, reach the port, unless the canal be extended to that point, otherwise than by transshipment into other vessels, or by land transportation.

Hence it is obvious, that a boat, properly prepared for river navigation, would not only be fitted to encounter the tide navigation from the port to the very foot of the falls, but that portion of her voyage would be, in all respects, the safest and easiest. And, therefore, it was, that the act incorporating *The Potomac Company*, the purpose of which was to open a river navigation, specified, that improvements should commence 'above tide water.' But to a proper canal boat the tide water portion of her voyage would be the most perilous, or require a preparation and out-fit entirely useless through all the rest of her passage. There is, therefore, no just foundation for the position assumed in the argument, that the same termination on tide would be alike well adapted to these two different modes of navigation.

There are many canals which facilitate marine navigation, or in an indirect manner contribute largely to the gathering together commodities for foreign commerce, which are, however, in their general character, and in the objects of their terminations very unlike the one under consideration. Of the canals of this description are those which have been constructed as thoroughfares, for sea vessels, from one sea or bay to another, across a long narrow peninsula. Such as the canal of Kiel, in Denmark; (*w*) the Caledonian canal, the Forth and Clyde canals of Scotland; and the Chesapeake and Delaware canal of our own country. There are, in England, several canals, which have been constructed solely for the purpose of transporting sand, sea-weed, and shells, 'for bettering of their lands,' from the sea shore into the interior; (*x*) the terminations of which have no concern with marine navigation. In the island of Great Britain there are, besides a great number of canals, from coal mines and quarries to towns; and from one city to another. These and all such lines of canals, furnish no imme-

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(*w*) *Oddy's Commerce*, b. 5, c. 3.—(*x*) *Hale de Jure Maris* 26, 7 Jac. 1, c. 18.