

# Three Types of Waterways under English Common Law

- Navigable waters
  - Tidal waters, owned by the Crown in trust for public use for fishing and passage
- Public highways
  - Non-tidal waters, privately owned, subject to right of passage by the public
- Wholly private streams
  - Streams so small or shallow as not to be navigable for any purpose

**This was the law in the original 13 colonies!**