

bunals. The exclusive right of sovereign jurisdiction within the territorial limits of a state to enact municipal laws, regulating internal improvements and domestic police, and declaring public highways by land or water, to be opened, obstructed, changed, altered or improved, is a power reserved to the states and not inconsistent with the constitution. Maryland and every state of the Union claim, and have exercised the same prerogative. The Pennsylvania acts of 1801 and 1827, which gave rise to the present contest, are of this character and cannot be judicially impeached.

The power vested in Congress to regulate commerce with foreign nations and among the several states has never been construed to confer any constitutional right to control, impede, prevent or interfere with the municipal laws, and internal regulations of either foreign nations or of the states. They have been respected and held inviolable.

The clause of the constitution granting to the citizens of each state, the privileges and immunities of the several states has never been construed to confer any such power or authority, but its construction has been strictly confined to the subject matter to which it relates, and to none other.

The report of the commissioners admits, that the act of Pennsylvania, 1801, is not a compact, agreement, or contract within the meaning of the constitution, and that the acts of 1801 and 1827, are constitutional; if so, they are subject to repeal, amendment, or modification, at the will and discretion of the legislative power, and the exercise of such authority cannot be controverted by any judicial tribunal.

The right of a state to those parts of navigable rivers, creeks, or other waters within the territorial bounds of other states, claimed or derived from the law of nations, or by prescription, may be well questioned. If such rights are tenable and can be sustained, why did Maryland and Virginia, in 1785, make a compact upon that subject, and thereby ascertain and establish their respective rights, as may be seen by reference to the act of confirmation, passed at November session, 1785, chap. 1. If the right was sufficient, the compact was unnecessary.

Why has the General Government in admitting new states into the Union, cautiously required and imposed a fundamental provision reserving such rights to the citizens of other states, as the indispensable and unqualified condition of their admission? If the right existed and was