

## COMMUNICATION

*From Josiah Bayly, Esq. Attorney General, to the Governor of Maryland.*

CAMBRIDGE, February 27th, 1832.

HIS EXCELLENCY

*The Governor and Council.*

The Clerk of the Council, by the direction of your honourable body, has transmitted to me copies of a resolution passed at the last session, of the report of commissioners appointed in pursuance thereof, and of a resolution passed at the present session of the General Assembly, relative to certain dams heretofore constructed in the Susquehanna river, within the territorial limits of the state of Pennsylvania, and by her authority, some of which have recently been destroyed. The object of the last resolution is to prevent the reconstruction of such as have been destroyed, and for that purpose, the Governor is requested forthwith to take such measures as he, by and with the advice and consent of the Council may deem proper and expedient to prevent such reconstruction. My opinion and advice are requested.

In the performance of my official duty, I have carefully examined the several documents by which it appears that the claim of Maryland has been urged, at different times, on several distinct principles, the law of nations, prescription, compact, and contract within the meaning of the Federal constitution, the power of Congress to regulate commerce with foreign nations and among the several states, and the grant of the immunities and privileges to citizens of the several states, to the citizens of each state. These principles are irrelevant to this case, and the claim cannot be sustained upon either of them.

Remonstrance to the Legislature of Pennsylvania, as heretofore, is, in my opinion, the only proper measure, that can be taken. Measures of coercion or of compulsion, cannot with propriety be adopted, or legally enforced. If the right to continue, or to reconstruct the dams shall continue to be asserted and redress refused, there is no remedy. The subject matter of complaint proceeds from the local regulations enacted by Pennsylvania, in aid of her internal improvements, and cannot be noticed by the judicial