

valid by the law of nations or by prescription, such provision and indispensable condition would be unnecessary. Congress has thought otherwise.

Why was the Maryland act of 1799, chap. 16, sec. 18, and the act of 1813, passed? If the Susquehanna river in Pennsylvania, was at that time a public highway, these acts were unnecessary and could give no additional right; but these acts, in connexion with others, incontestably, prove that at that time, the river was not navigable according to the common acceptation of the term, that individuals or bodies corporate, had no authority to remove the natural obstructions impeding the navigation within the limits of Pennsylvania without her assent—and that a right by the law of nations in prescription, that was not claimed or relied on by Maryland. After a careful consideration of the subject, I conclude, that Remonstrance to the proper authorities of Pennsylvania, is the only measure; I cannot advise any other.

Yours with the most
Respectful consideration,
JOSIAH BAYLY.