

It will not escape your observation that the Legislature of Maryland has assumed to usurp the right she has reserved in granting a half toll on the Bed of the Susquehanna; this caution has probably proceeded in a great measure from a conforming expectation, that the mutual objects of both States might be accomplished, without involving even incidentally, a division, the remote consequences of which cannot now be foreseen: It is indeed devoutly to be wished, that in our union, similar as that of the United States, conflicting Rights of Sovereignty should never become objects of controversy: thus impressed the remarks I now offer in reply to the observations contained in your letter to me, must be considered as flowing solely from my personal respect for your Excellency and the State over which you preside.

Most certainly the attempts of European ambition to legalize usurpation on the ocean can furnish no pretext for the Right, which Maryland has reserved over the Bed of the Susquehanna within her Boundaries: but the analogy drawn between that extent of this River (which is little else than an uninterrupted succession of Cataract, never to be rendered navigable but by the art and labour of Man) and the Chesapeake perhaps the most extensive Bay in the World, is not so readily perceived. Restraints on the free use of the Ocean, Arms of Seas, Inland Seas, Gulfs, Bays or Rivers which from their vastness partake of the nature of Seas, have been long discontinued by public opinion and limited by the received Law of Nations: still the practice of the civilized world continues subjected to endless varieties growing out of power and contract; and even in the case mentioned by your Excellency the State of Maryland has thought it prudent to secure by solemn compact with Virginia, the Navigation of the Chesapeake free from impositions, from which it was not entirely exempt previous to the Revolution.

But the right to jurisdiction over the Bed of a River which is controllable in its tract from either of its Branches it is believed no Moral writer or Publicist has ever yet divided or distinguished from the jurisdiction, to which those Branches belong: and as far as my information extends the uniform practice of Merchants has confirmed a right, which will be found equally essential to improvement and defence, the great objects of National Association. The Susquehanna rising and becoming navigable in the State of New York, traversing the whole extent and through the heart of Pennsylvania, empties itself into the Chesapeake in Maryland: Is Pennsylvania at this time prepared to admit that unqualified Right of New York to its navigation within her Limits, which she seems to expect of Maryland? Have her opinions and conduct on this subject been hitherto uniform? - and may not circumstances occur in the invaluable events to which human affairs are liable to render such an