

admission now, highly inconsistent and mischievous hereafter?

If the terms of the Charter of Pennsylvania (as cited) are not too general to serve as the basis of a specific claim; still it is to be observed, that no tie or political connexion, (it is believed) has been ever impliedly admitted between the several States, after they had disengaged themselves from Great Britain, except what has been created by the articles of Confederation and the Federal Constitution. The 8th Article of this last Instrument has indeed as your Excellency observes, conferred on Congress the power of regulating Commerce between the States as well as foreign Commerce; but the extent of this power is explained and qualified by the exceptions contained in Sect. 10. of same Article, by which the States are prohibited from laying Imports duties and tonnage: if the general power granted to Congress was not incompatible with the subsequent exercise of these powers by the States, it cannot now be construed to include the Right of the States to grant a toll for the improvement of the Navigation of a River or a Turnpike of a Road which are not prohibited. All powers granted to Congress must be expressly granted, and even then they may be concurrently exercised by the States, unless expressly prohibited to them.

This leads me to what I consider as the real principles on which the Law of Maryland is founded.

By this Law granting the Half Toll to the Canal Company, the State exercises no Fiscal right, she does not enrich herself by indirectly laying contributions on her Neighbours, a practice against which the Federal Constitution was intended to guard, and which having no limits but those which public avarice, uncorrected by private feeling would impose had been and would no doubt be, liable to all that abuse of which your Excellency states the extreme: Her right to Jurisdiction has only been exercised as subservient to that allodial right of property in a River, which existing in no one Individual, vests to the State as a Trustee for the benefit of those interested.

Such property in Governments like ours, founded wholly on the Representative principle, can rarely from local jealousies be improved by the public Treasury: and even in patrimonial Governments, such improvements have always been best conducted, by private hands, at private expense and for private advantage. we are therefore to look only to this one source, of accomplishing these great National objects; that is, by contracting with Individuals, who undertake them for certain emoluments, generally attached to, and growing out of the objects themselves: Great abuses it is admitted may still be committed in such contracts, but not until the