

The limitation that no State shall, without the consent of Congress, enter into any agreement or compact with another State, or with a foreign power, is a qualified one: meaning, that with the consent of Congress, a State may enter into agreements and compacts with other States, or with foreign powers, or both. This also implies that such an agreement or such a compact, is, in its nature and extent, less national than an alliance or a confederation, and pertains primarily, to State jurisdiction and sovereignty; but, having more or less relation to general interests and public rights, the power is to be exercised with the consent of Congress.

If a grant for the incorporation of the proposed bridge company should be considered in the nature or purview of such an agreement or compact, as the Constitution contemplates and limits the States from entering into only with the consent of Congress, it would be no insuperable objection, in the opinion of the committee, to the exercise of the authority by the Legislature. The consent of Congress to the grant could, as effectively for the removal of any constitutional difficulty or question, be obtained after its passage, as if had and obtained before the enactment. But, the committee submit, that so far as the jurisdiction of the State extends over the frontier waters of the Niagara river, and it is co-extensive with that of the United States, excepting the regulation of commerce and the exercise of other powers delegated to Congress, the grant of authority to bridge the navigable waters of that river is not an agreement or compact with a foreign power. It would be no more such an agreement or compact with a foreign power, than was the enactment of the Legislature of 1846, incorporating the Niagara Falls ferry association, for the purpose of establishing and maintaining a steamboat ferry across the Niagara river. A bridge is a substitute for a ferry. It would be no more such an agreement or compact with a foreign power than was the passage of "An act to incorporate the Niagara Falls International bridge company," by the Legislature of that year, with power to construct or to associate with any other persons, company or association, for the construction, maintaining and managing of a bridge across the