

to the "more perfect union" formed by the constitution. Judge Story, in vol. 1, page 207 of his Commentaries, states, that even before the ratification of the confederation, "Congress possessed, by the consent of the people of the United States, sovereign and supreme powers, for national purposes." The General Government, under the confederation, could therefore not only treat with Great Britain, but *did* actually conclude the treaty of peace; and in that treaty the "States, as such," were not distinctly named; nor does Great Britain cede to the States, *eo nomine*, all or any part of the territory, as stated in the report of the majority: on the contrary, it is called a "treaty of peace between his Britannic Majesty and *the United States of America*," and thus are the parties described throughout the whole instrument. Perhaps the committee considered that as the *United States* included all the States, the treaty, in naming the first, distinctly named every State; and if this were the meaning of the committee, it would have been more convenient, as a matter of reference, if it had been so explained in the report.

It is stated by the committee that "New York, non obstante, "the intimation of his Excellency, that no deed looked to an exclusive application of this fund, expressly states in her legislative cession, that a portion of the contested territory ought to be appropriated as a common fund for the expenses of the war." The part of the Governor's message to which this extract refers, contains the distinct assertion, and not an intimation, that "in none of the deeds of cession is there to be found a reservation of this fund to the separate use of the different members of the Union; or any stipulation that it should be applied exclusively to the payment of the public debt; or is there the slightest intimation that it was to be distributed among the States for any purpose whatever."

The majority of the committee attempt to show that the Governor was mistaken, by referring to what they call the *legislative* cession of New York, which is an act of Assembly, passed the 7th of March, 1780, in which the words quoted by the committee are to be found. But the deed of cession from that State, was executed the 1st March, 1781, and contains no stipulation whatever in reference to the public debt or the expenses of the war. As the passage quoted from the act of Assembly is omitted in the deed, it may be fairly inferred that Congress would not consent to a condition which would