

it is irrational in theory; for in that case, the same article of the same treaty might by law be made to mean one thing in New Hampshire, another thing in New York, and neither the one nor the other of them in Georgia."

In the course of this very important document the Secretary of Foreign Affairs and the Congress admitted that the definitive treaty of peace of September 19, 1783, between Great Britain and the United States had been violated in some respects and that it would be impossible to enter into treaties with foreign countries unless they were faithfully observed and interpreted in the sense in which they were understood by the contracting nations at the time of their ratification. On this point, the letter reads (p. 333):

Contracts between nations, like contracts between individuals, should be faithfully executed, even though the sword in the one case, and the law in the other, did not compel it. Honest nations like honest men require no constraint to do justice; and though impunity and the necessity of affairs may sometimes afford temptations to pare down contracts to the measure of convenience, yet it is never done but at the expense of that esteem, and confidence, and credit which are of infinitely more worth than all the momentary advantages which such expedients can extort.

The Congress recommended, therefore, that the States should take the following action (p. 336):

Be it enacted by . . . and it is hereby enacted by the authority of the same, that such of the acts or parts of acts repugnant to the treaty of peace between the United States and his Britannick majesty, or any article thereof, shall be and hereby are repealed; and further that the courts of law and equity within this state be and they hereby are directed and required, in all causes and questions cognizable by them respectively, and arising from or touching the said treaty, to decide and adjudge according to the tenor, true intent and meaning of the same, anything in the said acts or parts of acts to the contrary thereof in any wise notwithstanding.