

ording to that law, so far as to make the States sovereign in that respect. Your committee have examined this part of the subject very minutely, but have not been able to concur with the Governor of New York in his conclusions, or to discover the force of the argument used to establish the position.

Writers on national law have differed in opinion on this subject. Grotius Puffendorff, Hernecrius, Vattel, Burlamqui, Martens, Lord Coke, Beccaria, and others, have given the world their labors. They all disagree, more or less, as to the particular cases in which the demand may be made, and some deny the right altogether, except as founded in national courtesy. The adjudications in this country have uniformly acknowledged the right, with a single exception, as far as your committee have discovered; and those in New York have admitted it. The framers of the constitution of course knew the difficulties that the question presented, and which might arise under any attempt to exercise the power. They therefore had sufficient motives for making it part of that instrument, and in thus attempting to remove the difficulties, we must impute to them the intention of placing the constitution above the law of nations, and of rendering certain beyond dispute, that in reference to which an eminent jurist said, "there were great names on both sides." The States, by the constitution, became sovereign, as to their local criminal jurisprudence. To this extent they were recognized as free and equal communities, independent of the general government and of each other. As sovereign they possessed all the rights of nations, under the law of nations, except as prohibited by the constitution. The convention knew this—they were slow to introduce provisions that they thought unnecessary or merely explicative. Their proceedings shew that they rejected many propositions because it was imagined that the end proposed could be attained without them. They had an object for every clause inserted. They designed to leave nothing uncertain, but to make all plain. If they had desired to leave the States to the law of nations, they would have done so, by restricting the right of demand and surrender to that code, in express terms. The object of the constitution, as declared by the preamble, was "to form a more perfect union, establish justice, ensure domestic tranquility, &c." The construction now put on one of its most important provisions, tends to destroy the union, prevent justice and produce domestic strife.