

authority, when the question arose, the Legislature of California, by an almost unanimous vote of its members and with the approval of its distinguished governor, took the position that California had the exclusive right to regulate the ownership and disposition of real estate by foreign citizens—a position which was conceded without question by a large section of the public journals, and which seems to have been held by influential members of the Washington Government. Certain it is that the government did not take the stand that any law of California or any other state, made in violation of a treaty with the United States, is void, and that the government would enforce such treaty rights notwithstanding the action of the states.

From the standpoint of history and judicial authority, I shall attempt in this address to maintain the supremacy of the treaty-making power, although the subject has been so fully treated by able writers and in judicial opinions that it seems hardly to be open to discussion.

The Federal Government is a government of the people, and not of the states. Its title springs from the primary authority of all governmental power, and its treaty-making power is subject to no limitations except those provided by the constitution.

The provisions of the Constitution of the United States relative to the treaty-making power and the limitations upon the states are as follows:

“No state shall enter into any treaty, alliance, or confederation.” Article I, Section 10, Clause 1.

“No state shall, without the consent of Congress enter into any agreement or compact with any state, or with a foreign power.” Article I, Section 10, Clause 2.

“He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.” Article II, Section 2, Clause 2.

“The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.” Article III, Section 2, Clause 1.

“This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States,