

pledged to their enforcement, and it is as much the duty of Congress to enact legislation to carry into effect these provisions of our treaties as it is to appropriate money and enact other legislation which Congress has always done to carry out the provisions of our international agreements. The result has been that the only recourse foreign nations have had, has been to demand indemnity for such injuries, which this government has always recognized and paid. No nation claiming the high prerogative of the treaty-making power has a right to shield itself behind the claim that one of the constituent states of the Union has violated the treaty, and that the central government has no authority to redress the grievance. It is a position that we resented when Brazil, in 1875, denied its accountability for the injury of an American citizen because it had been inflicted by one of the provinces. Secretary Fish said:

“You represent that the facts as set forth in the memorial of the claimant are admitted by that government, which, however, denies its accountability and says that the province where the injury to Mr. Smyth took place is alone answerable. Supposing, however, the case to be a proper one for the interposition of this government, the reference of the claimant to the authorities of the province for redress will not be acquiesced in. Those authorities can not be officially known to this government. It is the imperial government at Rio de Janeiro only which is accountable to this government for any injury to the person or property of a citizen of the United States committed by the authorities of a province. It is with that government alone that we hold diplomatic intercourse. The same rule would be applicable to the case of a Brazilian subject who, in this country, might be wronged by the authorities of a state.”

I do not mean from anything I have said that our country should admit indiscriminately alien races to engage in industry and own property. But what I do mean is that this is a national question; that the federal government alone has the power to exclude them from the states; and if admitted, to decide on what terms and conditions this should be done.

It may, however, be said that if there are no implied limits to the treaty-making power, the President, by and with the consent of the Senate, might dismember the Union, abolish the