

plementary Treaty of 1880;" and that it was "a constitutional abrogation of the existing Treaties with China;" adding:—

"The power of the exclusion of foreigners, being an incident of sovereignty belonging to the Government as part of the sovereign powers delegated by the Constitution, the right to its exercise at any time, when, in the judgment of the Government, the interests of the country require it, cannot be granted away, or restrained, on behalf of anyone. The powers of Government are delegated in trust and are incapable of transfer to other parties. Nor can their exercise be hampered when needed for the public good. The exercise of these public trusts is not the subject of barter or contract. Whatever license Chinese labourers may have obtained is held at the will of the Government, revocable at any time at its pleasure. Unexpected events may call for a change in the policy of the country. . . . But far different is the case where a continued suspension of the exercise of a prerogative power of abrogation is insisted upon as a right, because by the favour and consent of the Government of the nation it has not heretofore been exercised. The rights and interests created by a Treaty which have become so vested that its expiration, or abrogation, will not destroy or impair them, are such as are connected with and lie in property, capable of sale and transfer, or other disposition; not such as are personal and intransferable in their character. . . . Between property rights not affected by the termination, or abrogation, of a Treaty, and expectations of personal benefits from the continuance of existing Treaty legislation, there is as wide a difference as between realization and hopes." ²¹

And the Supreme Court also held that the sovereign and legislative powers of the Government to exclude aliens from the territory of the United States, who claimed the Treaty privilege of entering its territory, was incident to the inherent and inalienable prerogatives and sovereignty of the nation, which could not be surrendered in perpetuity to the subjects of foreign nations by the Treaty-making power of that Government; and that such Treaty privilege of entering the territory of the United States was "during pleasure," and was revocable at any time whenever the sovereign interests of the Government demanded it, or when-

²¹ *Chinese Exclusion Cases* (1889), 130 U.S. 581.