

Justice Wilson said:

"Even if Virginia had the power to confiscate, the treaty annuls the confiscation. The fourth article is well expressed to meet the very case; it is not confined to debts existing at the time of making the treaty; but is extended to *debts heretofore contracted*. It is impossible by any glossary or argument, to make the words more perspicuous, more conclusive, than by a bare recital. Independent, therefore, of the Constitution of the United States, which authoritatively inculcates the obligation of contracts the treaty is sufficient to remove every impediment founded on the law of Virginia."

Justice Cushing said:

"A state may make what rules it pleases, and those rules must necessarily have place within itself. But here is a treaty, the supreme law, which overrules all state laws upon the subject, to all intents and purposes; and that makes the difference.

". . . . To effect the object intended, there is no want of proper and strong language; there is no want of power, the treaty being sanctioned as the supreme law, by the Constitution of the United States, which nobody pretends to deny to be paramount and controlling to all state laws, and even state constitutions, wheresoever they interfere or disagree. The treaty, then, as to the point in question, is of equal force with the constitution itself; and certainly, with any law whatsoever."

Both Justices Paterson and Wilson had been members of the Constitutional Convention. Justice Wilson had been a member of the Congress and a signer of the Declaration of Independence, and was one of the most distinguished lawyers of the United States. The Chief Justice was one of the authors of the "Federalist." They were all men deeply learned as lawyers and statesmen. This opinion was delivered in the February term 1796. It was the leading case which for the first time laid down the principles of the supremacy of the federal treaties over state laws. It was argued by distinguished counsel, Marshall, subsequently Chief Justice, appearing for the defendants in opposition to the treaty power. It received the most careful and painstaking consideration by the court. It was followed by many decisions all along the same line, some of them particularly applying to the ownership or the devolution of real estate within the states.