

perfect Union." It is difficult to convey the idea of indissoluble unity more clearly than by these words. What can be indissoluble if a perpetual Union, made more perfect, is not?

But the perpetuity and indissolubility of the Union, by no means implies the loss of distinct and individual existence, or of the right of self-government by the States. Under the Articles of Confederation each State retained its sovereignty, freedom, and independence, and every power, jurisdiction, and right not expressly delegated to the United States. Under the Constitution, though the powers of the States were much restricted, still, all powers not delegated to the United States, nor prohibited to the States, are reserved to the States respectively, or to the people. And we have already had occasion to remark at this term, that "the people of each State compose a State, having its own government, and endowed with all the functions essential to separate and independent existence," and that "without the States in union, there could be no such political body as the United States." (*County of Lane v. The State of Oregon, supra*, p. 76.) Not only, therefore, can there be no loss of separate and independent autonomy to the States, through their union under the Constitution, but it may be not unreasonably said that the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.

A comparison of the Articles of Confederation and the Constitution of the United States in the matter of the treaty-making power and a statement of the function of the Supreme Court in the interpretation and application of treaties, will also show the international character of the Constitution and its applicability to the Society of Nations. And this can best be shown for present purposes by the quotation of material portions of these two documents without indulging in lengthy comment.

First, as to the Articles of Confederation:

The United States in Congress assembled, shall have the sole and exclusive right and power . . . of sending and receiving