

the right reciprocally to confer upon foreign citizens those privileges consistent with the laws and usages of nations; and, lastly, it established a tribunal—the federal judiciary—which was to preserve the constitutional guaranties of liberty, maintain the supremacy of the Union, and enforce its laws and treaties.

We come now to the last and conclusive interpretation of the treaty-making power by the Supreme Court of the United States. We shall see how citizens of foreign countries, whose rights, guaranteed by treaties with the central government, had been violated by the states, naturally sought redress in the tribunal the Constitution created for this purpose, and how that court, fully realizing its grave responsibility, established beyond peradventure the supremacy of the treaties over the laws of the states and enforced the rights of foreign citizens, in the face of popular prejudice. These decisions were rendered at a time when the reasons for the adoption of the constitutional provisions were fresh in the minds of lawyers and jurists. Many of the men who participated in these trials and in the decisions as judges had been members of the Constitutional Convention and of the Congress of the confederation. They knew the reasons which had actuated the convention in adopting these provisions and the construction which ought to be placed upon them; and by an unbroken line of decisions, evincing the most profound knowledge of the principles underlying representative government, the court sustained the supremacy of the treaty-making power in relation to the subjects under discussion.

Alexander Hamilton was the first to assert the rights of British subjects to lands in the state of New York, claiming that they were protected by the treaty, notwithstanding the confiscatory legislation of that state. He argued the case of *Elizabeth Rutgers vs. Joshua Waddington*, in the Mayor's Court of the City of New York, in 1784. The decision in that case, which sustained the treaty as against the law of the State of New York, brought forth a storm of protest and created the most bitter feeling. It was denounced in mass meetings of the people, and and an extra session of the Legislature condemned the action of the court. Hamilton was publicly abused, and his motives ques-