

each particular Province. That "trade" meant the exchange of goods for other goods, or for money—the business of buying and selling—while "commerce" might be more correctly defined as an interchange of goods, wares, productions or property of any kind, between nations and individuals. That the regulation of trade and commerce must involve full power over the matter to be regulated, and must necessarily exclude the interference of all other bodies that would attempt to intermeddle with the same thing.

Vattel, chap. 8, referring to our duties towards foreigners, observes: "Since the Lord of the Territory may, whenever he thinks proper, forbid its being entered, he has a power to annex what conditions he pleases to the permission to enter. This is a consequence of the right of domain. If he annexes any particular condition to such permission, he ought to have measures taken to acquaint foreigners with it when they present themselves on the frontier. He ought not to grant an entrance into his state for the purpose of drawing foreigners into a snare. As soon as he admits them he engages to protect them as his own subjects, and to afford them perfect security as far as depends on him."

Kent, in his Commentaries (8th Edition, vol. II., p. 388) observes: "Every person is entitled to be protected in the enjoyment of his property, not only from invasions of it by individuals, but from all unequal and undue assessments on the part of the Government. It is not sufficient that no tax or imposition can be imposed upon the citizens, but by their representatives in the Legislature. The citizens are entitled to require that the Legislature itself shall cause all public taxation to be fair and equal, in proportion to the value of property, so that no one class of individuals, and no species of property may be unequally or unduly assessed." Chinese are not citizens, nor are Frenchmen, Germans, Italians, Spaniards, or Americans; all alike are foreigners, unless naturalized, and as such are entitled to the same privileges. The United States, as the sovereign power to which California belongs, made treaties with China. Great Britain, as the sovereign power to which Canada belongs, has made treaties with China. Those treaties are described for the purposes of peace and amity, trade and commerce,

Treaties are regarded as the highest and most binding of laws, beyond any merely internal regulation which one of the parties thereto may make for the government of its own people, because, on the subjects to which they refer they bind the people of both powers, however dissimilar in other respects may be their institutions, customs or laws. A remarkable case illustrating this principle will be found in 3 Dallas' American Reports, p. 199 (*Ware vs. Hylton*): "During the revolutionary war between Great Britain and the United States the State of Virginia made a law that all persons indebted to British subjects, might pay the amount into the loan office, which should be a good discharge." By the Treaty of Peace it was provided that "Creditors of either side should meet with no lawful impediments for the recovery of their money." The defendant had paid the money into the loan office, but it was held that in consequence of the Treaty of Peace he was liable to the plaintiff. Judge Chase said: "In the constructions of contracts words are to be taken in their natural and obvious meaning, unless some good reason be assigned to show that they should be understood in a different sense. The universality of the terms is equal to an express specification in the treaty, and indeed includes it, for it is fair and conclusive reasoning that if any description of debtors or class of cases were intended to be expressed it would have been specified. The indefinite and sweeping words made use of by the parties, exclude the idea of any class of cases having been intended to be excepted, and explode the doctrine of constructive discrimination." (Phillimore on International Law, vol. II., p. 89.)

Wildman on International Law, vol. I., p. 188, says: "Treaties of commerce and navigation are necessary to secure, as a matter of right, that commercial intercourse, which without treaty is merely precarious." At p. 179: "They are to be taken as to their stipulations, most strongly against the party for whose benefit they are introduced." At p. 184: "Provisions in favor of natural justice and humanity, and consequently much more those that are declaratory of the Common Law of Nations, must be construed liberally." As a matter of history, it is well known that these treaties were forced on