

Of the nations which have not accepted the above in its entirety as a recognized doctrine of International Law, the United States has been the most pronounced, for it has furnished the largest number of modern instances of the exercise of the legislative and prerogative powers of variation, or abrogation, of Treaties entered into by it with foreign nations. And respecting the second, or "alien-subject," or commercial, class of Treaties, its Supreme Court has said: "A Treaty may also contain provisions which confer certain rights upon the citizens, or subjects of one of the nations within the territorial limits of the other, which partake of the nature of local municipal law, and which are capable of enforcement as between private parties in the courts of the country. The Constitution of the United States places such provisions as these in the same category as other laws of Congress, and they may be repealed, or modified, by an Act of a later date," without the assent of the foreign nation with which the Treaty had been made.

By the Constitution of the United States, its legislative powers are vested in two departments of the Supreme Government: (a) by Article I., which provides that "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives;" and (b) by Article II., which provides that "the President shall have power, by and with the consent of the Senate, to make Treaties, provided that two-thirds of the Senators present concur."

Then Article VI. declares that three instruments, viz. :—

"(a) This Constitution and (b) the laws of the United States which shall be made in pursuance thereof, and (c) all Treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges of every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

These articles of the Constitution received an early interpretation by Chief Justice Marshall in their Supreme Court:

* Head Money Cases (1884), 112 U.S. 580.