

from each other. To avoid the confusion which would unavoidably result from the contradictory decisions of a number of independent judicatories, all nations have found it necessary to establish one court paramount to the rest, possessing a general superintendence, and authorized to settle and declare in the last resort a uniform rule of civil justice. . . .

“The treaties of the United States, under the present Constitution, are liable to the infractions of thirteen different legislatures, and as many different courts of final jurisdiction, acting under the authority of those legislatures. The faith, the reputation, the peace of the whole Union, are thus continually at the mercy of the prejudices, the passions and the interests of every member of which it is composed. Is it possible that foreign nations can either respect or confide in such a government? Is it possible that the people of America will longer consent to trust their honor, their happiness, their safety, on so precarious a foundation?”

In discussing the subject of limitations upon the power of the federal government, he says that such power “ought to exist without limitation, because it is impossible to foresee or define the extent and variety of national exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them.”

It was in the light of history and with the full knowledge of the condition of the treaty-making power, and of the violation of treaties by the states, that the Constitution was adopted by the convention of every state after the widest discussion and deliberate consideration. It was a momentous step in human government. It was to be a trial of constitutional representative democracy. While preserving the widest field consistent with liberty in the individual, it was an attempt to confer upon the central government sufficient power to stand among the nations of the earth. It attempted to remedy the evils and instabilities of pure democracies and loose confederations on the one hand, and the oppressions and tyrannies of pure monarchies on the other. While protecting the person and the property of the citizen against the abuses of government, it gave to the central government the power to make treaties with foreign nations necessary to the preservation of the Union, to the extension of its commerce, to the protection of its citizens in foreign lands, and