right and relations which affect nations, as sovereignties inter se, and Treaties which concede alien-subject, or commercial, privileges in the natural rights of the home-subjects, or citizens, of the conceding nation. For a consistent succession of precedents have an authentic force in International Law, and are also invaluable in diplomacy. And if accepted as authoritative precedents by other nations, governing their Treaty-making powers with the United States, their international force cannot fairly be repudiated by its Government, as not being equally within the inherent prerogative powers of such other nations; nor questioned on the ground that such nations are not entitled to recognize and apply them as reciprocal and authoritative precedents in their international relations with the United States.

The ratio suasoria of these precedents seems to lead to this conclusion: The prerogatives of sovereignty are regal trusts vested in the sovereign as the executive authority of the nation, for the protection of the natural rights and property of his subjects, and for the promotion of their welfare and good government; and that in the execution of the regal trust of the maintenance of the territorial inviolability and sovereignty of the nation, it is not unlimitedly within the treaty-making power of such executive authority as the temporary trustee of the national sovereignty, to concede to a foreign nation for the benefit of the commerce, or municipal purposes or privileges, of its subjects, or citizens, either for a limited time, or in perpetuity, or "in common with the home-subjects," any interest, easement, or privilege; in the natural, or public property, rights to which the home-subjects are entitled. But wherever such executive authority concedes gratutiously, or reciprocally, either by Treaty, or by what is known as Comity,[28] any such interest or easement, or privilege, in the natural rights or the public property of the home-subjects, to the alien-subjects or citizens of a foreign nation, such concessions are "during pleasure," and are always subject to

[28] "Comity extended to other nations is no impeachment of sovereignty. It is the voluntary act of a nation by which it is offered; and it is inadmissible when contrary to its policy, or prejudicial to its interests." *Bank of Augusta* v. *Earle* (1839), 13 Peters (U.S.), p. 589.