

gate, Treaties has been thus stated: "Private contracts may be set aside on the ground of what is technically called in English law the want of consideration, and the inference arising from manifest injustice, and want of mutual advantage. But no inequality of advantage, no lésion, can invalidate a Treaty."³ Further, as Vattel says: "An injury cannot render a Treaty invalid. If we might recede from a Treaty because we found ourselves injured, there would be no stability in the contracts of nations."⁴ But without impeaching this assumed doctrine as applicable to Treaties which deal with the higher international rights and responsibilities of nations, as sovereignties, it will be found that it has not been universally accepted by other authorities on International Law as applicable to, gratuitous, or reciprocal, commercial or residential privileges, or territorial easements, conceded to the subjects or citizens of foreign nations; nor by some nations in the higher relations of sovereignties inter se; as when Russia in 1871 sought to revoke the provision in the Treaty of 1856, which "in perpetuity interdicted to the flag of war the Black Sea and its coasts. The protocol of the signatory Powers to the original Treaty declared that "it is an essential principle of the Law of Nations that no Power can liberate itself from the engagements of a Treaty, nor modify the stipulations thereof, unless with the consent of the contracting Powers, by means of an amicable arrangement."⁵ To apply such an absolute doctrine to Treaty concessions respecting trade and commerce, coast fisheries, transit of persons or goods, residential, or other privileges in certain natural rights of the home-subjects of a conceding nation, to the alien-subjects of another nation, would involve the unconditional surrender of an inherent and inalienable prerogative of territorial sovereignty; in other words a perpetual national servitude to the alien-subjects of another nation, which would be an international degradation of its amour propre as a nation,—not sovereign independence and international equality.

³ Phillimore's International Law (3rd ed.), vol. 2, p. 76.

⁴ Vattel's Law of Nations, p. 194.

⁵ Wheaton's International Law (1878), p. 712.