

TABLE OF CONTENTS

	PAGE
INTRODUCTION.	
Agency, and the right of ratification	11
Essentials of the validity of treaties	13
Reality of consent	14
Form	15
Sanction	16

PART I

THE UNITED STATES

I. PRIOR TO THE ARTICLES OF CONFEDERATION.	
Independence, union, and treaty-making	19
First project of a treaty	21
Instructions and commissions	23
Ratification—Subsequent alterations recommended	24
Unsuccessful missions	25
Organs of correspondence	26
II. UNDER THE ARTICLES OF CONFEDERATION.	
1. The negotiation	26
Central control	27
Department of foreign affairs	28
Power of seven States to instruct.	29
2. The ratification	33
Principle observed	33
Action withheld, and alterations advised	33
Power of seven States	34
3. The execution	37
Powers of the States involved	37
Resort to recommendations	38
A national idea	39
Resolutions of March 21, 1787—A new expedient	40
III. THE FEDERAL CONVENTION AND THE PERIOD IMMEDIATELY FOLLOWING.	
Hamilton's sketch	43
Report of the Committee of Detail	44

	PAGE
Proportion of the Senate to be required	45
The House excluded	46
Central control over the execution	47
Amendments proposed in State conventions	51
Contemporary literature	52
 IV. UNDER THE CONSTITUTION.	
1. The negotiation	54
The Senate as an executive council	54
Its advice sought through special messages	59
The initiative	61
Confirmation of negotiators and approval of instructions.	63
Special agents	65
2. The ratification	67
(a) The Senate	67
The consular convention with France, and the	
principle involved	67
The Jay treaty, and the two courses proposed . . .	68
Subsequent practice	70
Treaties rejected—reconsidered	71
Secrecy	74
Explanation of Senate amendments	75
(b) The President	82
The final act	82
Refusals to ratify	83
3. Agreements concluded by the Executive independently of	
the Senate	85
4. Agreements reached by virtue of an act of Congress, rela-	
tive to:	
(a) Commerce and navigation	88
(b) International copyright	91
(c) International postal and money-order regulations. . .	92
(d) Relations with the Indian tribes	93
(e) Acquisition of territory	95
5. Agreements entered into by individual States of the Union.	99
6. The execution of treaties.	
(a) Affecting the residuary powers of the States.	106
Opinions and court decisions	106
Cession of territory	111
(b) Involving Congressional legislation	115
Treaties and statutes	116
Appropriations	118
Modifications of the revenue laws	135
Treaties of extradition and other conventions . . .	147

PART II

FOREIGN STATES

GREAT BRITAIN.

The treaty-making prerogative of the Crown	151
The execution of treaties involving an expenditure	152
The execution of treaties involving a change in the laws	153
General legislation for the execution of treaties	155
Private rights and personal liberties	158
Cession of territory	160
Proposed limitations on the treaty-making prerogative	167

FRANCE.

1. Prior to 1875	168
The States-General and the Parlement of Paris	168
The Constituent Assembly	170
Constitutional provisions (1791-1871)	171
Execution of treaties involving the finances or a modification of the revenue laws	172
Amendments proposed in the chambers	174
The National Assembly	176
2. The Constitutional Law of July, 1876	178
Peace	178
Commerce and international intercourse	179
Financial obligations	182
The person and property of French citizens in foreign countries	183
Modifications of territory	184
Conventions ratified on executive authority	186

BELGIUM	187
THE NETHERLANDS	190
ITALY	192
GERMANY	196
AUSTRIA-HUNGARY	199
SWEDEN AND NORWAY	201
DENMARK	204
SPAIN	205
PORTUGAL	206
SWITZERLAND	206
GREECE	208
MEXICO	209
SOUTH AND CENTRAL AMERICAN STATES	209
DEPENDENCIES—EGYPT AND BULGARIA	210

PART III

PAGE

THE OPERATION OF TREATIES

I. DATE OF TAKING EFFECT.

Individual rights	213
National character	214
Cessation of hostilities	215

II. INTERPRETATION.

(a) International tribunals	217
(b) Judicial and political questions in the United States	221
(c) General intent	224
Derived from the treaty	224
Derived from extrinsic evidence	225
(d) The language	227
Conflict between the two texts	227
Conflict between clauses	230

III. TERMINATION.

(a) Effect of changes in the form of government	231
(b) Effect of changes in the identity of the state	233
(c) Effect of war	239
(d) Effect of infractions	248
(e) By agreement	251
Pursuant to notice in the United States	251
(f) Function of Congress in the United States	253