

Sec. 2—Powers, Duties of the President Cl. 2—Treaties and Appointment of Officers

War, the Virginia legislature provided that the Commonwealth's paper money, which was depreciating rapidly, was to be legal currency for the payment of debts and to confound creditors who would not accept the currency provided that Virginia citizens could pay into the state treasury debts owed by them to subjects of Great Britain, which money was to be used to prosecute the war, and that the auditor would give the debtor a certificate of payment which would discharge the debtor of all future obligations to the creditor.³⁰¹ The Virginia scheme directly contradicted the assurances in the peace treaty that no bars to collection by British creditors would be raised, and in *Ware v. Hylton*³⁰² the Court struck down the state law as violating the treaty that Article VI, paragraph 2, made superior. Justice Chase wrote: "A treaty cannot be the supreme law of the land, that is, of all the United States, if any act of a state legislature can stand in its way. If the constitution of a state . . . must give way to a treaty, and fall before it; can it be questioned, whether the less power, an act of the state legislature, must not be prostrate? It is the declared will of the people of the United States, that every treaty made by the authority of the United States, shall be superior to the constitution and laws of any individual state; and their will alone is to decide."³⁰³

In *Hopkirk v. Bell*,³⁰⁴ the Court further held that this same treaty provision prevented the operation of a Virginia statute of limitations to bar collection of antecedent debts. In numerous subsequent cases, the Court invariably ruled that treaty provisions superseded inconsistent state laws governing the right of aliens to inherit real estate.³⁰⁵ An example is *Hauenstein v. Lynham*,³⁰⁶ in which the Court upheld the right of a citizen of the Swiss Republic, under

³⁰¹ 9 W. HENING, STATUTES OF VIRGINIA 377–380 (1821).

³⁰² 3 U.S. (3 Dall.) 199 (1796).

³⁰³ 3 U.S. at 236–37.

³⁰⁴ 7 U.S. (3 Cr.) 454 (1806).

³⁰⁵ See the discussion and cases cited in *Hauenstein v. Lynham*, 100 U.S. 483, 489–90 (1880).

³⁰⁶ 100 U.S. 483 (1880). In *Kolovrat v. Oregon*, 366 U.S. 187, 197–98 (1961), the International Monetary Fund (Bretton Woods) Agreement of 1945, to which the United States and Yugoslavia were parties, and an Agreement of 1948 between these two nations, coupled with continued American observance of an 1881 treaty granting reciprocal rights of inheritance to Yugoslavian and American nations, were held to preclude Oregon from denying Yugoslavian aliens their treaty rights because of a fear that Yugoslavian currency laws implementing such Agreements prevented American nationals from withdrawing the proceeds from the sale of property inherited in the latter country.