

In all of these acts of government control or of monopoly, there is no well defined limit between the municipal and the international jurisdiction. The principles of the doctrine of vested rights are very uncertain. Moreover, it would not be known how to apply limits to retroactive provisions. The modern tendency of society is to amend the old theory which invested the law with extremely individualistic nature. The main laws are now deemed to be mere regulations for the attainment of the ends of society. The guidance of these enactments by the spirit of justice is, of course, the only motive that should be ever present, and to which every tendency of the law should be duly subjected. However, it has to be admitted that this entire issue is still in a state of evolution. It would not be possible to establish definite rules to cover all of the problems which modern society has to meet in the development of its economic life. In this case, as in other phases of responsibility, it is imperative that the task of codification should be confined to tracing the general lines within which international jurisprudence may gradually accomplish its work of compilation. The results of the inquiry of the Preparatory Committee of the Codification Conference justify this view. As regards the question of rights acquired by alien nationals, the replies of the various governments would seem to indicate that the subject is not yet quite ripe. The Government of South Africa subordinates the notion of acquired rights to the municipal law, and in this respect it does not recognize the alleged international responsibility of the State. The Government of Austria feels rather inclined to evade the solution of these "vexatious problems". The Government of Great Britain states that it is not known just precisely what status "acquired rights" should have. The Government of Switzerland believes that it would be of great interest to arrive at a satisfactory definition of acquired rights and their limitations. It maintains further that these rights are not absolute, and that the exercise of same beyond the limits established by the municipal law, is inadmissible.

There is, however, a strong tendency to construe expropriation without indemnity as being contrary to the common law of Nations, even though there should be no special convention on the subject. Among the important recent applications of this doctrine may be cited the decisions of the Permanent Court of Arbitration of September 24, 1920, and October 13, 1922, the first dealing with the confiscation of property belonging to the ecclesiastical corporations of Portugal, and the second in connection with the requisition of vessels under construction in American shipyards for account of Norwegian nationals. The law on this point is more specifically covered by Ruling No. 6 and Decision No. 7 of the Permanent World Court: the former deals with the rights acquired by German settlers in Poland, and the application of the Polish law of July 14, 1920. The Court ruled that the legal