

position assumed by the Polish Government was not in accordance with its international obligations. Decision No. 7 concerning German interests in the Polish Upper Silesia involves, among other legal questions, a case of responsibility for acts of the legislative body. The issue to be decided was whether the Polish law of July 14, 1920, which was made applicable to Upper Silesia by the law of June 6, 1922, contained provisions contrary to the Geneva Treaty.¹

(c) Treaty authorities have usually cited in cases of legislative responsibility the claim of Canevero against the Peruvian Government. In this case the parties discussed the legal status of alien subjects in relation to that of native citizens. The question was raised by a Peruvian law ordering the payment of a debt to alien subjects with bonds of a domestic issue, while the claimants demanded payment in cash. The Court did not pass upon the validity of the municipal law. Among the cases involving legislative responsibility, there is also usually cited the decision of The Hague Permanent Court of Arbitration in the Dreyfus matter. The question arose out of the decrees of a *de facto* Government, which had controlled all the proceedings in the litigation between Dreyfus Hermanos y Compañía and the Peruvian Government. A Peruvian law had declared null and void all the acts of the *de facto* Government. The Court ruled that that law could not apply to *bona fide* transactions of alien nationals. This decision deals with the question of supremacy of the international over the municipal law, and the international consequences of the acts of *de facto* Governments.²

"Another sort of case is the one which arose out of Article 61, Section 2, of the Constitution of the German Republic of August 11, 1919, which provided for the representation of Austria in the Reichstag on account of her 'having been allied with the German Empire', and at the same time, gave the representatives of Austria voice in an advisory capacity. The Allied and Associated Powers protested against this provision and demanded its repeal, maintaining that it was contrary to Article 80 of the Treaty of Versailles, which stipulates: 'Germany recognizes and will faithfully respect the independence of Austria within the boundaries to be fixed by treaty between this State and the principal Allied and Associated Powers; she further recognizes that such independence will be inalienable, unless otherwise determined by the Council of the League of Nations'. Without disputing in the least the principle in question, the German Government contended at first that the law was not inconsistent with the Treaty; however, afterwards it consented to sign a statement which renders the admission of Austrian representatives to the Reichstag subject to a change in the international juridical status of Austria, to be approved by the Council of the League of Nations."³

¹ Bernard de Francqueville. *L'œuvre de la Cour Permanente de Justice International*. Tome II, Avis et Arrêts.

² Federico Elguera. *Reseña Histórica de los Arbitrajes del Perú*.

³ D. Anzilotti. *Op. cit.*