

Another important decision worthy of consideration is the one of the Claims Commission, United States and Mexico, rendered in 1926. In one of its most interesting rulings dealing with the responsibility arising out of a homicide that may have been justified by the military regulations of the United States in force, the Commission declared that the principles of the Law of Nations in reference to the protection of human life prevailed over the provisions of the municipal law.¹ This is probably the clearest and most specific case in which this principle of natural justice has been adopted as a practical rule of international conduct. The Commission upheld this principle as against the municipal law and established in a practical way the manner in which the State incurs responsibility through imperfect legislation.²

¹ Claims Commission, United States and Mexico—Opinions of Commissioners—February 4, 1926—July 23, 1927—Washington, 1927.

² In this issue of legislative responsibility, there are many other relevant cases among which the following may be cited: 1. The cases arising out of the Italian law of 1912 in connection with the State monopoly of the life insurance business and the Uruguayan legislative sanction in re the same subject. 2. The Montiji case (Moore 1440), in which the Arbitrator upheld the treaty as against the Constitution. (The laws of the Republic should conform to the provisions of the Treaty, and not the Treaty to the provisions of the law.) 3. The Baldwin case (Ralston 102), in which the Arbitrator upheld the municipal laws in so far as they were not in conflict with the general established principles of the Law of Nations. 4. The Massiani case of the Claims Commission, France and Venezuela (Ralston 103), wherein the Arbitrator upheld the laws of Venezuela, which did not embody any particular offence but, on the contrary, were, in general, in full accord with the Law of Nations. 5. The Creole case (Ralston 104).