

exclusive jurisdiction of the national laws, thereby convey a wrong impression of Latin American culture and detract from its greatness. The American Republics can fully assume their international obligations and enter the field of mutual cooperation that forms the basis of modern life. Their adherence to the international jurisdiction, sanctioned at the Washington Conference in 1929, is conclusive evidence of the fact that they have assumed their place in the new community of States.

(b) With regard to the acts of private citizens the State, as previously mentioned, does not afford any guaranties. The functions of the government constitute the enforcement of a set of constructive regulations that establish the import and limitations of the acts among the various individuals, determine whether they are licit or illicit, and provide the penalties therefor. This is the mission that the States carry out within their territory. From the fulfilment of this obligation depends the security and welfare of individuals, no matter where they may be. This is the full extent of the functions of the State in this regard. When it has fulfilled same within the minimum standards usually conceived at each stage of human civilization, nothing more can be required of the State. The State cannot become responsible as an insurer of justice or of the legality of human acts. Its obligation consists merely of adopting the most reasonable precautions to prevent wrong, consistent with individual freedom, and enforcing proper measures to curb the violators of the law. It is usually maintained that if the State does not exercise due diligence to prevent the commission of wrong, or fails to curb same, it is responsible for the injurious consequences. Some authorities base this responsibility of the State upon its failure to exercise due diligence by using the means available, while others base it upon the very fact of having failed to prevent or curb the punishable act, as it was its duty so to do. Diplomatic procedure and international jurisprudence appear rather inclined towards considering the question of guilt in matters of responsibility. The serious incidents of the Serajevo assassination, the events at Janina and the Hague conventions bear out this statement. The majority of arbitral awards and rulings of mixed claims commissions have also, more or less, followed this view.

The question of guilt or blame has come up since the rulings of the mixed claims commissions under the Jay Treaty. The claims of the *Jamaica* and the *Elizabeth* involve this problem. These cases were in connection with the responsibility of a neutral State by reason of the acts performed within its jurisdiction by either of the belligerent States in violation of its neutrality. In the first case, the decision was based upon the fact that there was no evidence to show that the defendant State had allowed or in any way connived at the alleged act, or failed to use all the means at its disposal to prevent same. In the *Elizabeth* case the significance of the phrase "all the