

REVUE CRITIQUE

DE

Législation et de Jurisprudence.

CONFLICT OF PRESCRIPTIONS.

Is extinctive prescription or limitation of personal actions governed by the law of the country where the suit is brought, the lex fori, or by the lex loci contractûs ?

An important question of private international law, which for many years has been, and still continues to be, discussed by legal writers and in courts of justice, is, whether the limitation of personal actions is governed by the *lex fori* or by the *lex loci contractûs*. It is true that in England and the United States the point may be considered as settled in favour of the *lex fori*, although even in those countries we see jurists of such high standing as Westlake and Bateman, strongly defending the claim of the *lex loci contractûs*. In a late case of *Harris v. Quine*, the learned Lord Chief Justice Cockburn inclined towards the latter view, although he admitted the *lex fori* to be the rule. And if to these considerations be added the fact that the question remains as yet undecided on the continent of Europe and in this Province, a review of the law on the question may not be found without interest and practical utility.

True it is that the legal profession in every country is familiar with the reasonings *pro* and *con*. At the same time it must be admitted that there exists no complete review of the different systems advocated throughout the commercial world. The English and American writers do not fail to produce every English and American authority, but they rarely pay to the French and continental jurists the attention and consideration which their learning