DIARY FOR JULY.

1. Frid. Dominion Day. Long Vacation begins. Last day for County Treasurer finally to examine assessment rolls, &c.
3. SUN. *3rd Sunday after Trinity.*
4. Mon. County Court (except York) Term begins. Heir and Devisee sittings commence. Last day for notice of trial for County Court York.
9. Sat.. County Court Term ends.
10. SUN. *4th Sunday after Trinity.*
12. Tues. General Sess. and County Court sittings York.
17. SUN. *5th Sunday after Trinity.*
19. Tues. Heir and Devisee sittings end.
22. Frid. *St. Mary Magdalene.*
24. SUN. *6th Sunday after Trinity.*
25. Mon. *St. James.*
31. SUN. *7th Sunday after Trinity.*

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LEX LOCI CONTRACTUS—LEX FORI.

By D. Girouard, Esq., *Advocate, Montreal.*

(*Continued from page* 144.)

And now on what grounds are based the objections to the *lex fori?*

Bateman (*Commercial Law*, p. 105, s. 143, *et seq.*) after admitting it to be well settled that that the plea of limitations is a plea to the remedy, and consequently is governed by the *lex fori*, makes this argument: "What is the essential or necessary difference between a discharge of the obligation of the contract, and a bar of the remedy upon it? In what manner are they related to each other? It is of the essence of the obligation that it shall be enforced; of moral obligation that it shall be enforced by moral means; of legal or civil obligation that it shall be enforced by such means as are given to courts of justice for that purpose. The exact relation of the obligation and the remedy to enforce it, then is that of an end to be attained and the means of attaining it; not that of an end to be attained, and the means of preventing its attainment."

Granting this to be so, as to the country where the contract is made; is it hence to be inferred that every other country is bound to do likewise, even in opposition to its laws of public order and policy?

The maxim of the Roman Law was *Interest reipublicæ ut sit finis litium*, and it has been recognized by the jurisprudence of modern nations.

"Les prescriptions," observes Domat, liv. 1, tit. 7, sect. 4, § 2 (Rémy's ed., p. 211), "ont été établies pour le bien public," and elsewhere he says, "afin de mettre en repos ceux qu'on voudrait inquiéter."—See also Pothier, *Obligations*, Nos. 676, 678; Broom's Legal Maxims, Am. ed. 1864, p. 600 *et seq.*

Blackstone, vol. 3, p. 307, says: "The use of these statutes of limitation is to preserve the peace of the kingdom." "They go," says Story (*Conflict of Laws*, ch. 14, § 576), "*ad litis ordinationem*, and not *ad litis decisionem*, in a just juridical sense. The object of them is to fix certain periods within which all suits shall be brought in the Courts of a State, whether they are brought by or against subjects, or by or against foreigners. And there can be no just reason and no sound policy in allowing higher or more extensive privileges to foreigners than are allowed to subjects Laws, thus limiting suits, are founded in the noblest policy. They are statutes of repose to quiet titles, to suppress frauds, and to supply the deficiency of proofs, arising from the ambiguity and obscurity, or the antiquity of transactions. They proceed upon the presumption that claims are extinguished, or ought to be held extinguished whenever they are not litigated in the proper forum within the prescribed period. They take away all solid grounds of complaint; because they rest upon the negligence or *laches* of the party himself. They quicken diligence by making it in some measure equivalent to right. They discourage litigation, by burying in one common receptacle all the accumulations of past times, which are unexplained, and have now from lapse of time become inexplicable. It has been said by John Voet, with singular felicity, that controversies are limited to a fixed period of time, lest they should be immortal, while men are mortal: *Ne autem lites immortales essent, dum litigantes mortales sunt.*"

Again (§ 578): "but if the question were entirely new, it would be difficult upon principles of international justice or policy to establish a different rule. Every nation must have a right to settle for itself the times, modes and circumstances, within and under which suits shall be litigated in its own Courts. There can be no pretence to say that foreigners are entitled to crowd the tribunals of any nation with suits of their own, which are stale and antiquated, to the exclusion of the common administration of justice between its own subjects. As little right can foreigners have to insist, that the times and modes of proceeding in suits, provided by the laws of their own country, shall supersede those of the nation in which they have chosen to litigate their