

each year makes each volume of the work in fact an annual digest of the most valuable decisions of this kind. The manner in which the cases are stated deserves all praise. The points decided are given, wherever possible, in the language of the court—that fact being carefully noted by quotation marks. This, with the clear, succinct, official style of the French judges, enables the editor to give, in a very few pages, a more satisfactory account of the case decided, and the reasons of decision, than can often be obtained from our verbose reports. The decisions from other countries than France are arranged in some cases alphabetically, but more frequently in the order of dates of decision, and are often accompanied by valuable notes. Those of the English courts deserve careful study in comparison with the originals. It is to be regretted that the Council of Reporting could not make each of its reporters, whose work is thus condensed, study the *Journal* carefully, and thus learn to dispense with the load of trivial and unimportant facts which form as great a blemish upon recent English reports as a superabundance of ill-considered *dicta* do in the American. In the first double number (January-February) of the current year there is a "Bibliography of Private International Law," or list of books and articles relating to that subject, in its largest acceptance, published in Europe and the United States during the year 1877. The list contains fifteen titles upon international law in general, seventeen upon the public branch, and sixty-one upon the private branch, of the subject. Most of the latter, however, are only articles, of which the *Journal* itself contributes no small share. In the same number is an article on the "Execution of Foreign Judgments in England" (pp. 22-37), by J. G. Alexander, of Lincoln's Inn. In the following numbers are articles on the same subject in Russia (pp. 139-145), by Professor Martens, of St. Petersburg, and in Italy (pp. 234-247), by Professor Pasquale Fiore, of Turin. Another article, which may have a timely interest for some American readers, as well as others, is on the "Seizure in Course of Transit, or in the Exposition, of Goods belonging to Contributors to the present grand Exposition at Paris." (No. III-IV, pp. 81, 110, and No. V-VI, pp. 187-225). Our older readers will remember the litigation of this

kind which followed the unlucky New York Exhibition of 1851. A novel feature of the *Journal*, appearing for the first time in the current volume, is a collection of "Practical Questions and Answers in Private International Law." The questions are put by various correspondents, and brief answers, not extending to the length of a formal article, are furnished by a number of the most distinguished contributors, among whom we notice the name of Hon. Wm. B. Lawrence, the well-known publicist of Newport, Rhode Island.

The V-VI contains an article upon the "Theoretical Basis of Private International Law," this being the introductory lecture with which Professor Brocher, one of the editors of the *Journal*, opened the course in his department at the university at Geneva. It is a presentation of the nationality theory of private international law. It is not admitted that this law rests upon comity; its foundations lie in the very nature of law. There is an instinct which recognizes the existence of the rules which should be followed. It has, also, an historical origin and growth. In ancient times peoples were dispersed in vast nationalities, or in rival municipalities; and hatred and contempt for strangers were universal. But in the Middle Ages we find the germ of a better state of things; numerous small states were so situated and connected that it was impossible for each to consider itself as isolated. There was, in fact, a superior nationality which did not allow them to be complete strangers, though it did not compel them to submit to uniform rules.

We have, then, the law of nationality, as opposed to the law of domicile; the former derived from the strong personal ties which attach families and individuals to their country, the latter derived from the territory in which the individual happens to be. The deduction is drawn that nations should not consider their powers merely, but should rise to the higher plane of duty, and, in treaties, recognize the needs and common interests of all peoples.

In approving the nationality theory, the learned lecturer recognizes the difficulty of its application to criminal law, but suggests that the criminal should be compelled to submit either to the law of his own country or to the law of his asylum.