

*The International*  
*and*  
*Comparative Law Quarterly*

**VOLUME 2**

**1953**

**William S. Hein & Co., Inc.**  
**Buffalo, New York**  
**2003**

© British Institute of International and Comparative Law 1953.  
Published by Oxford University Press.  
All rights reserved

This book has been digitally archived,  
to maintain the quality of the original work  
for future generations of legal researchers,  
by *William S. Hein & Co., Inc.*



This volume is printed on acid-free paper by  
William S. Hein & Co., Inc.

# *Society of Comparative Legislation*

PRESIDENT: PROFESSOR H. C. GUTTERIDGE, *q.c.*, LL.D.

CHAIRMAN OF THE EXECUTIVE COMMITTEE:

THE RT. HON. LORD JUSTICE DENNING

## COUNCIL:

The Rt. Hon. Sir Sidney Abrahams.

Dr. B. R. Ambedkar.

The Rt. Hon. L. C. M. S. Amery, *c.H.*,  
formerly Secretary of State for the  
Dominions and for the Colonies.

M. Marc Ancel, Secrétaire Général de  
la Société de Législation Comparée.

Sir Eric Beckett, *k.c.m.g.*, *q.c.*, Legal  
Adviser to the Foreign Office.

Sir W. Bernard Blatch, Solicitor to  
the Inland Revenue.

The Rt. Hon. Viscount Bruce, *c.H.*, *M.C.*

Sir John A. Calder, *k.c.m.g.*, Senior  
Crown Agent for the Colonies.

Sir Cecil T. Carr, *k.c.b.*, *q.c.*, LL.D.

The Hon. Mr. Justice A. d. V. S.  
Centlivres, Chief Justice of South  
Africa.

Dr. Futting Tien-Hsi Cheng, LL.D.

Professor G. C. Cheshire, *D.C.L.*

J. Christie, Esq., *c.m.g.*, LL.M.

The Rt. Hon. Sir Winston S. Churchill,  
*k.g.*, *O.M.*, *c.H.*, *M.P.*

The Rt. Hon. Lord Cohen.

The Rt. Hon. Lord Cooper, Lord  
Justice General.

Professor René David, Faculté de  
Droit de l'Université de Paris.

Clement Davies, Esq., *q.c.*, *M.P.*

Neville Dixey, Esq., formerly Chair-  
man of Lloyd's.

The Rt. Hon. Sir Owen Dixon, Chief  
Justice of Australia.

Sir Oscar Dowson, *c.B.E.*, formerly  
Legal Adviser to the Home Office.

Sir Harold Duncan, *k.c.m.g.*, *q.c.*, for-  
merly Legal Adviser to the Colonial  
Office and the Dominions Office.

The Rt. Hon. Lord Justice Denning.

The Rt. Hon. H. V. Evatt, *D.LITT.*, LL.D.

Phanor J. Eder, Esq.

The Hon. R. Feetham, *c.m.g.*, for-  
merly Judge of the Appellate Divi-  
sion of the Supreme Court of South  
Africa.

E. G. M. Fletcher, Esq., LL.D., *M.P.*

Sir R. R. Garran, *k.c.m.g.*, *q.c.*, for-  
merly Solicitor-General of the  
Commonwealth of Australia.

Professor Gerbrandy, formerly Prime  
Minister of the Netherlands.

Sir Lancelot Graham, *k.c.s.i.*, *k.c.i.e.*,  
formerly Secretary to the Govern-  
ment of India in the Legislative  
Department.

F. N. Keen, Esq.

The Hon. Mr. Justice Korsah, *c.B.E.*

The Hon. Ricardo de Labougle, LL.D.  
Judge Learned Hand.

Sir Stephen P. Low, formerly Solici-  
tor to the Board of Trade.

Sir Lynden Macassey, *k.B.E.*, *q.c.*

Sir Henry MacGeagh, *q.c.v.o.*, *k.C.B.*,  
*k.B.E.*, *q.c.*, Judge Advocate General.

The Rt. Hon. Vincent Massey,  
Governor-General of Canada.

The Hon. Mr. Justice Northcroft,  
Judge of the Supreme Court, New  
Zealand.

The Rt. Hon. Lord Reid of Drem.

The Hon. L. A. Rajapaksa.

The Rt. Hon. T. Rinfret, Chief Justice  
of Canada.

Sir J. S. Risley, *k.c.m.g.*, *c.B.*, *q.c.*,  
formerly Legal Adviser to the  
Colonial Office and Dominions  
Office.



COUNCIL—*continued*

- |   |   |
|---|---|
| The Rt. Hon. Louis J. St. Laurent,<br>Prime Minister of Canada.   | The Hon. Mr. Justice Fabre-Surveyer, Judge of the Supreme Court, Quebec.  |
| The Hon. Mr. Justice Sandström.   | The Rt. Hon. Lord Thomson.  |
| Sir John Houldsworth Shaw, formerly Solicitor to the Inland Revenue.  | Sir Geoffrey Vickers, v.c.  |
| The Rt. Hon. the Viscount Simon, G.C.S.I., G.C.V.O., D.C.L., LL.D., formerly Lord High Chancellor of Great Britain. | Professor E. C. S. Wade, LL.D., Downing Professor of the Laws of England. |
|   | Professor B. A. Wortley.  |

## EXECUTIVE COMMITTEE:

- |   |   |
|---|---|
| *Sir Eric Beckett, K.C.M.G., Q.C.<br>Sir W. Bernard Blatch.   | *Professor H. Lauterpacht, Q.C., LL.D.  |
| *Sir Cecil T. Carr, K.C.B., Q.C., LL.D.   | *Professor F. H. Lawson, D.C.L., <i>Joint Editor</i> .                            |
| *Professor G. C. Cheshire, D.C.L., F.B.A.<br>The Rt. Hon. Lord Cohen.<br>J. Cohen, Esq., <i>Hon. Treasurer</i> .      | Sir Stephen Low.<br>R. A. Lynex, Esq.<br>Sir Lynden Macassey, K.B.E., Q.C.        |
| *Dr. C. J. Colombos, Q.C.   | *N. S. Marsh, Esq.  |
| *The Rt. Hon. Lord Justice Denning, <i>Chairman</i> .   | Richard O'Sullivan, Esq., Q.C.<br>Professor Sir David Hughes Parry, D.C.L., LL.D. |
| *Sir Harold Duncan, K.C.M.G., Q.C.  | Sir Kenneth Roberts-Wray, K.C.M.G.<br>Sir George Seel, K.C.M.G.                   |
| *J. E. S. Fawcett, Esq., D.S.C., <i>Joint Editor</i> .<br>G. G. Fitzmaurice, Esq., C.M.G.<br>C. W. W. Greenidge, Esq. | *Dr. G. Schwarzenberger.<br>*Dr. C. Sluzewski.                                    |
| *Professor R. H. Graveson, LL.D., PH.D.   | Professor E. C. S. Wade, LL.D.  |
| *Professor H. C. Gutteridge, Q.C., LL.D., <i>President</i> .  | *Professor C. H. M. Waldock.  |
| *C. J. Hamson, Esq.   | *E. H. Wall, Esq., <i>Hon. Secretary</i> .  |
| *V. R. Idelson, Esq., Q.C.<br>F. N. Keen, Esq.  | *R. O. Wilberforce, Esq.<br>*Professor B. A. Wortley, O.B.E., LL.D.               |

Those marked \* are Members of the Editorial Sub-Committee.

*The Editors and the Members of the Editorial Sub-Committee do not hold themselves in any way responsible for the views expressed by contributors.*

## INDEX 1953

### CONTRIBUTORS OF ARTICLES AND NOTES

	<i>page</i>		<i>page</i>
ADDIS, Robina	387	KAHN FREUND, O.	611
ASHLEY, Anne	274	KOCH, F. E.	896
BACHOF, Otto	368	LEITCH, W. A.	120
BOUSQUET, G. H.	596	LUND, T. G.	107
BRANDON, M.	258, 818, 480, 644		
BROWN, L. N.	60	MACDONALD, A. Bell	415
BRUEGEL, J. W.	542	MANN, F. A.	97
CARTER, P. B.	378	MATSON, J. N.	47
CHENG, Bin	354, 595	MOORE, W. Harvey	386
COHN, E. J.	169, 427	MOSHEIM, B.	430
DIWAN, Paras	333, 459, 639	RAMPHAL, S. S.	192
DRUCKER, Alfred	391	SARKAR, V. C.	410
ELVEN, J. W.	288	SHERIDAN, L. A.	397
EMILIANIDES, A. C.	621	SLATTERY, D.	288
FARBAN, C. d'O.	388	SMITH, S. A., de	263
FITZMAURICE, G. G.	1	SMITH, J. A. Clarence	510
FRIEDMANN, W.	112	SMITH, T. B.	452
GOODRICH, H. F.	287	SOLA CANIZARES, F., de	564
GRAVESON, R. H.	605	SUBSMANN, J.	614
GUTTERIDGE, J. A. C.	207	SYKES, E. J.	78
HAMSON, C. J.	112	SZIRMAI, Z.	72
HERLITZ, Nils	224	SZULDRZYNSKI, J.	579
HONIG, F.	88	TÖTTERMAN, R. E. B.	27
		WALL, E. H.	610
		WILBERFORCE, R. O.	90



## SUBJECT MATTER

Administrative law,		Domicile	808, 638
questionnaire	217	Double nationality	311
Bordeaux	238		
Sweden	224	East Africa, federation in	157, 320
Germany	368	Exchange control, and IMF	
Adoption law	387	Agreement	97, 309
Affiliation order,		Exchange rate	315
jurisdiction to make	147, 898	Expropriation	391
Aggression, definition of	320		
Aircraft, surface damage con-		Falkland Islands Dependencies	490
vention	90, 672	Family provision, in Channel	
AIOOC	628	Islands and Man	274
Algeria, French citizenship in	596	Federation, East Africa	157, 320
Anti-trust, law in U.S.A.	143, 645	West Indies	192, 671
Arbitration, in Gold Coast	157	Foreign Compensation Commis-	
Australia,		sion	671
common law marriage	458	Foreign company, local branch of	148
divorce and domicile	308	Foreign securities, requisition of	478
recognition of nullity	453	France, notary in	60
Austria, sovereign immunity in	308	succession law in	415
		Freedom of information	320
Bastardy, jurisdiction in	147, 398		
British West Indies, federation		Germany, external assets	671
in	192	legal science in	169
		rights of married	
Channel Islands, family provision		women	480
in	274	external debts	320
China, representation in UN	488	matrimonial property	611
Collisions at sea	672	Gold Coast, judicial process in	47
Commercial code, in U.S.A.	287	customary law of arbitration	157
Comparative law,		Volta River Scheme	466
international committee	112	Governments in exile	647
centre at Toronto	112		
Copyright, Committee report	157	Hague Conference, on private	
Convention	88, 672	international law	605
Council of Europe,			
proceedings	159	ICJ, burden of proof before	595
immunities	492, 672	IMF Agreement, exchange con-	
Custodian, liability to income		trol and	97, 309
tax	145	Income tax, liability of custodian	145
Cyprus, marriage and nationality		agreements	396, 671
in	621	India, trial by ordeal	410
		Hindu Code	412
Death duties, abroad	290	public international law	
Declarations of death, in Israel	614	in	459, 639
Defamation	183	International criminal jurisdic-	
Diplomatic immunities	183, 258, 644	tion	158, 320
Divorce,		Ireland, private law in	288, 397
declaration on foreign decree	444	Isle of Man, family provision in	274
and domicile	303	Israel, declarations of death in	614
by consent	72	nationality law of	492
forum conveniens	45		

Kashmir	333	Recognition, retroactivity of	136
Korea, war in	316, 650	Rouen Conference	610
		Royal titles	263
Law Society, and law reform			
<i>Locus regit actum</i> , bases of rule	27	Self-government, status of	159
authentication of deeds	476	Shareholders, rights of	564
Locust control	492	Sovereign immunity, counterclaim	
		and	480
Marriage, at common law	458	garnishee	
formal validity of	78	order	308
Matrimonial property, in Ger-		submission	
many	611	and	150
Merchant shipping rules	135	in Austria	308
Military service, U.K. and		In U.S.A.	480
France	157	Succession, in France	415
Morocco, U.S. nationals	354	Sudan, self-government of	672
		Sweden, administrative law in	224
Nationality, double	811	Switzerland, nationality in	427
Algeria	596		
Cyprus	621	Technical Assistance	158
Israel	492	Treaties, reservations in	1
Switzerland	427	Peace Treaty claims	158,
NATO, headquarters status	158		458
Netherlands, A.1 decree	647	Whaling	158
<i>locus regit actum</i>		Trading with the Enemy, orders	135
in	476	in U.S.A.	152
Notary, in France	60		
Nullity, recognition of	453	UN, revision of Charter	888
		Chinese representation in	488
OEEC, legal aspects of	579	immunity of employees	482
		immunity of observers	644
Peace Treaty claims	158, 488	U.S.A., anti-trust law	645
Personal jurisdiction	148, 510	commercial code	287
Petition, international right of	542	sovereign immunity	480
Pound, meaning of	300		
Prisoners of war, repatriation of		Visas, abolition of	671
	207, 386		
Prize jurisdiction	452	War, nature of: see Korea.	



## STATUTES AND ORDERS

Defamation Act, 1952	120
Diplomatic Immunities, etc., Act, 1952	133
Merchant Shipping Rules, 1952	135
Trading with the Enemy Orders, 1952	135

## ENGLISH DECISIONS

Bank voor Handel, etc. v. Slatford (No. 2)	145
British Nylon Spinners v. I.C.I.	143
C.A.T. Inc. v. C.A.T.C.	136
Goetze, <i>Re</i>	290
Harrison v. Harrison	688
Har Shefi v. Har Shefi	444
National Bank of Australasia v. Scottish Union and National Insurance Co.	800
Regina v. Wilson, <i>ex p.</i> Pereira	147
Sealey (or <i>se.</i> Callan) v. Callan	451

