



Commentaries on the Conflict of Laws, Foreign and Domestic, in Regard to Contracts, Rights, and Remedies; And Especially in Regard to Marriages, Divor

Joseph Story

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This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1883 edition. Excerpt: ...it must be completely undone, and the party is to be restored to the situation in which he was at the time the act to be undone took place. Upon that principle therefore undoubtedly the French government, by restoring assignats at the end of thirteen months, did not put the party in the same situation in which he was when they took from him assignats that were of a very different value. We have said that, as this point is not directly or immediately before us, it can make no part of our decree. At the same time it may not perhaps have been without some utility to have given an opinion upon it, inasmuch as it was argued and discussed at the bar. And we think therefore the commissioners have proceeded on a perfectly right principle in those cases in which we understand they have made an allowance for the depreciation of paper-money; and, considering that this case does not differ from those in which they have made that allowance, we are of opinion that the claimants ought to have the same equity administered to them in remunerating them for the loss they have sustained.'1 313 b. Foreign Jurists.--The opinions of Vinnius and Pothier, alluded to in the opinion of Sir William Grant, fully confirm his statements. Vinnius is of opinion that the value of the money at the time when it ought to be paid is the value which is to be allowed to the creditor. Of the same opinion, he adds, are Bartolus and Baldus and De Castro, and indeed jurists generally, with the exception of Dumoulin and Hotomannus and Donellus, who think the value at the time of making the contract ought to govern. Hence, after having discussed the principle, Vinnius says, in conformity with the opinions of the former jurists: 'Hoc autem fundamento posito, siquidem neutri...

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