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already a *de facto* new government, the sale may be valid if the insurgents are afterwards defeated and possession of the goods is regained by the old government. But if the old government never regains the goods and the *de facto* new government becomes recognised by Her Majesty's government as the *de jure* government, purchasers from the old government will not be held in Her Majesty's courts to have a good title after that recognition.

Primarily, at any rate, retroactivity of recognition operates to validate acts of a *de facto* government which has subsequently become the new *de jure* government, and not to invalidate acts of the previous *de jure* government. It is not necessary to discuss ultimate results in the hypothetical case when, before the change in recognition, both governments purport to deal with the same goods. The crucial question under this branch of the analysis in the present appeal is whether anything that happened in Hong Kong to these aeroplanes at the instigation of or on behalf of the *de facto* communist government before the change of recognition on Jan. 5/6, 1950, is retrospectively validated, so that the title conferred by the contract of Dec. 12, 1949, is extinguished. It might be too wide a proposition to say that the retroactive effect of *de jure* recognition must in all cases be limited to acts done in territory of the government so recognised, for the case of a ship of the former government taken possession of by insurgents on the high seas and brought into a port which is under the control of the *de facto* government would have to be considered: see *Banco de Bilbao* v. *Sancha* [1938] 2 K.B. 176, [1938] 2 All. E. R. 253. But the actual question now to be answered concerns chattels in the British colony of Hong Kong, which chattels at the time of the sale belonged to the nationalist government.

In view of an injunction of the Supreme Court of Hong Kong against interference with the aircraft, and a criminal statute under which they would have been punishable if deemed to act on behalf of the *de facto* Chinese Communist government, any actions in Hong Kong of former employees of C.A.T.C. who sought to take possession of the aircraft "cannot give ground for the principle of retroactivity."

States—position of Andorra

MASSIP *v.* CRUZEL. Sirey, *Jurisprudence,* 1952. II.151.

France, Tribunal de Perpignan, December 6, 1951.

When sued by an Andorran subject domiciled in Andorra, defendant interposed the objection that plaintiff should as a foreigner furnish security for costs. Rejecting this objection, the court said in part:

Andorra is not a foreign state; it is not even a sovereign state having the power to conclude diplomatic conventions.

Andorra is a principality of which the co-prince is the Chief of the French State, President of the French Republic. It is in law, as in fact, under the protectorate of France.

Judgments rendered by French courts in penal matters may be executed in Andorra without need to resort to the procedure of extradition.

> . . . The superior court of Andorra, where only French judges sit and which sits at Perpignan, renders judgments of last resort . . . in the name of the President of the French Republic, who is at the same time co-prince of Andorra, and who causes to be carried out in this latter capacity the decisions made in his name in the former capacity.

Although the French Prefect of Pyrénées-Orientales, permanent French Delegate for Andorra, informed the court that Andorran nationals came to France with passports granted by Andorran officials and visas issued by French officials, permitting them to dispense with the identity cards required of aliens in France and letting them engage in France in any sort of employment or profession, the Delegate explained that "passport" was an inaccurate term, since "only nationals of a sovereign state can have the benefit of a national passport." He pointed out that "Andorrans enjoy in foreign countries French diplomatic and consular protection"; and that in France "they cannot therefore be assimilated to aliens but ought to be considered as French *protégés.*"

The court appeared to accept these views of the Delegate, and added that even if Andorra were considered a foreign country, the principle of legislative reciprocity freed Andorrans from the requirement of giving security for costs, since this was not required of foreigners bringing cases before Andorran courts.

American Cases on Nationality and Aliens' Rights [1]

In U. S. ex rel. Jaegeler v. *Carusi,* 342 U. S. 347, 72 S. Ct. 326 (Jan. 28, 1952), the ending of the war with Germany, through the Joint Resolution approved Oct. 19, 1951, was held to terminate the right of the Attorney General to intern or cause the removal of a German national under the Alien Enemy Act of 1790 (50 U.S.C. §21). *Carlson* v. *Landon,* 342 U. S. 524, 72 S. Ct. 525 (March 10, 1952), held that aliens in custody for deportation under the Internal Security Act of 1950 were not entitled to bail. *U. S.* v. *Spector,* 343 U. S. 169, 72 S. Ct. 591 (April 7, 1952), upheld and applied the provision of that Act requiring an alien to take steps to depart when a deportation order is issued, or be criminally responsible.[2] In *U. S. ex rel. Mezei* v. *Shaughnessy,* 195 F. (2d) 964 (2d Cir., March 20, 1952), an alien was freed from custody when the states to which his deportation was attempted refused to receive him. In several cases there was involved discretionary power to suspend deportation.[3]

[1] Although such cases do not, strictly speaking, usually involve any application of international law, the interest of international lawyers in cases concerning nationality, naturalization, expatriation, exclusion and deportation of aliens, etc., and the intimate connection of these problems with international law, seems sufficient to justify some mention of them here from time to time.

[2] Sustaining a conviction for unlawful re-entry after deportation, see Lazarescu *v.* United States, 199 F. (2d) 898 (4th Cir., Nov. 10, 1952).

[3] Enjoining deportation to South Korea because evidence did not sustain the findings of the Commissioner of Immigration and Naturalization, and of the Attorney General,