

BOOKS RECEIVED.

1. *Reports of Cases in the Vice-Admiralty of the Province of New York, and in the Court of Admiralty of the State of New York, 1715-1788.* With an Historical Introduction and Appendix. Edited by Charles Merrill Hough, LL.D., United States Circuit Judge. New Haven: Yale University Press, 1925. Price \$5.00.
2. *The Old Yellow Book.* (Source of Browning's "The Ring and the Book"). A New Translation with Explanatory Notes and Critical Chapters upon the Poem and its Source. By John Marshall Gest. Boston: Chipman Law Publishing Company, 1925. Price \$7.00.
3. *The History of the Temple, London.* From the Institution of the Order of the Knight of the Temple to the Close of the Stuart Period. Compiled from the Original Records of the Two Learned and Honourable Societies of the Temple, By J. Bruce Williamson. London: John Murray. Toronto: The Carswell Company Limited, 1924.
4. *Gaelic Laws; The Berla Laws or The Ancient Irish Common Law.* By M. J. Macauliffe, Barrister-at-Law. Dublin: Hodges, Figgis & Co., Publishers to the University. Toronto: The Carswell Company Limited. Price \$2.50.

CORRESPONDENCE.

~~THE~~ The Editorial Board of the Canadian Bar Association does not hold itself responsible for the opinions of Correspondents. Contributions to this department of the Review will be published only over the genuine names of the writers.

Editor of The Canadian Bar Review:

SIR:—In my letter to you which was published in your February number, I referred to the recent judgment of Mr. Justice Belleau of Quebec, in an action of *Plante v. Zannis*,¹ which dealt with the question of the binding effect of the decision of the Privy Council in the case of *Tremblay v. Despatie*. After noting the fact that his Lordship recognized the authority of the last mentioned decision, I stated that I understood that other Judges in the Province of Quebec had not considered themselves bound to follow it in similar cases. I added that I felt that if some member of the Quebec Bar would undertake to deal with the subject in your columns, the result might be the removal of a certain amount of prejudice, as well as of uninformed criticism of the Quebec Judiciary.

I have recently received a letter from Mr. Edmond Brossard, K.C., of Montreal, in which he says:—"Since my nomination, on January 1st, 1924, to the position of Editor-in-Chief of the Official Reports for the Bar of this Province, no decision bearing on this matter has come to my knowledge, and I feel confident that I am right in affirming that our

¹ (1925) 63 C. S. 155.

Judges would have felt obliged, if any such occasion occurred, to follow the decision of the Privy Council." He quotes from Mr. Justice Mignault's recent article, in which the latter declares:—"I think I may say that the decisions of the Privy Council have been accepted by the Quebec Courts as conclusive," and he adds:—"The decision rendered by Mr. Justice Belleau in the case of *Plante v. Zannis*, is a forcible example of this dictum." I might add that a Judge of the Superior Court in Montreal, to whom I appealed to throw some light on the subject, assured me that, while he knew of a number of marriages having been annulled in default cases since the Privy Council decision, he was not aware that any of them had been set aside on the ground on which the annulment had been pronounced by the Provincial Courts in the Tremblay-Despatie case.

I can only say, in explanation of my understanding to the contrary, that I have certainly heard the statement made more than once, that individual Judges in Quebec had not followed the decision of the Privy Council, though I cannot now recall the name of any particular Judge or case that was mentioned. My statement was of course made in perfect good faith, and my suggestion was offered for the sole purpose of inducing some competent person in Quebec to deal with the matter. Mr. Brossard's timely letter, as well as the statement of my judicial friend ought to remove any further misconception on this subject.

Mr. Brossard has also called attention in his letter, to the March number of "*La Revue du Droit*," published in Quebec, which contains a lengthy article by Mr. Leo Pelland, Advocate, entitled "*Nos lois sur le mariage*." In this article the writer discusses at considerable length, the decision of the Privy Council, in the light of the recent judgment of Mr. Justice Belleau, and strongly criticises the former. He concludes by appealing to the Legislature to adopt three short amendments to the Civil Code, which would render the law of that Province no longer capable of the interpretation placed upon it by the Judicial Committee.

OTTAWA.

M.J.G.
