

## BOOKS AND PERIODICALS.

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*Gaelic Law. The Berla Laws; or The Ancient Irish Common Law.* By M. J. Macauliffe, Barrister-at-law, Dublin; Hodges, Figgis & Co., Publishers to the University, 1925.

This little book contains a translation of the "Book of Aicill," which is contained in the third volume of the Ancient Brehon Laws of Ireland, published in 1873, and one of the six volumes of these laws prepared by the Irish Government Commissioners between the years 1865 and 1901. In 1894 Mr. Lawrence Ginnell, a Barrister of the Middle Temple, published a small volume dealing with the first four books, and in 1923 Dr. Sophie Bryant published a more elaborate work, covering the contents of the six volumes. This latter book was critically reviewed in "Studies," an Irish Magazine, in March, 1924, and also in "The Month," an English Magazine, of the same date. The burden of the criticism was mainly directed against the defective translations made by the Commissioners, and a demand was made for the completion by the Government of a new translation, which had been commenced by Professor Thurneysen.

While the Book of Aicill is probably the most ancient portion of the Brehon Laws, it is not the most extensive, as that title justly belongs to the "Senchus Mor." The latter was a code compiled between the years 438 and 441, by a body of experts composed of three Kings, three Brehons and three Bishops, one of the latter being St. Patrick. The Book of Aicill consisted originally of fourteen "Articles," to which ten "Chapters," were subsequently added. In Mr. Macauliffe's "Introduction," he says:—"It contains the ancient Irish Common Law altered and amended in many respects, not only by the "new knowledge," which introduced many new rulings and new judgments, but more especially by the codes which had from time to time been promulgated, the most important of which was the code or Cain Law of St. Patrick, also known as the Senchus Mor." It may be argued by some very practical persons that a knowledge of these laws is no longer of any advantage to us moderns, but the same objection might be raised to many of the most interesting questions dealt with by learned men of the present day. It is therefore, refreshing to find scholars who have both the ability and the leisure to furnish us with an intimate glimpse of the legal and social conditions of a past age.

M. J. G.

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*A Concise Treatise on Private International Law Based on the Decisions in the English Courts.* By John Alderson Foote, K.C. Fifth edition by Hugh H. L. Bellot, M.A., D.C.L. London: Sweet & Maxwell, Ltd. Toronto: The Carswell Company, Limited, 1925.

The title of this book serves to remind us that the term "private international law" persists notwithstanding that it has been criticised.

as a misnomer by the late Professor Dicey, by Dr. Holland and other 'jurists of repute.' Indeed up to the present no one has discovered a satisfactory title in English for the body of law in question. Dicey sums up the wisdom of the matter when he says that we should not be tied down to any set form of words, and that the "admittedly inaccurate terms, *conflict of laws*, or *private international law*," may either of them be used when convenient. Clearly, then, so long as we remember that we are dealing with the rules followed by the domestic courts in applying foreign law, when occasion arises, to the decision of cases before them, we need not concern ourselves with niceties of nomenclature.

While the late Mr. Foote's work from its inception has never reached the place in the estimation of the profession occupied by Professor Dicey's familiar treatise, there is no doubt that the present edition by Dr. Bellot makes a strong appeal for consideration by the brief-maker because of its many improvements on the earlier editions. Take one instance, Dr. Bellot has omitted the summaries which formerly appeared at the end of the work—they were of little or no assistance to the practitioner; and while they undoubtedly did serve a useful purpose to the student the latter may now have the benefit of the *Analysis* of the book which the editor publishes in a small companion volume.

When we point out that Mr. Foote's lengthy observations on the lack of international private law in the legal systems of Greece and Rome have, in view of their inaccuracy as established by more recent research, been dropped from the book, the owners of earlier editions will recognize that it is time to scrap them. Canadian practitioners will find Chapter I. (on *Nationality*) of service to them; and in Chapter VIII. (on *Contracts*) an instructive survey is made of the recent case-law touching the bearing of domicile as an element of capacity in the contract of marriage.

Dr. Bellot's *Analysis* of Mr. Foote's work supplies for the student a most useful introduction to the study of international private law. He will there learn that an international law of sorts is as old as civilisation, —which after all ought not to surprise him. C.M.

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*An Analytical Digest of Cases Decided in the Supreme Courts of Scotland and on Appeal in the House of Lords, 1868 to 1922.* Prepared for the Faculty of Advocates by Members of the Bar. Edinburgh and Glasgow: William Hodge & Company, Limited, 1924-1925.

The five volumes of what is popularly known as "The Faculty Digest" is an indispensable work to those who have occasion to resort to Scots Law. Scotland, in adapting the Roman law to her requirements, modified its principles of necessity and perhaps to a greater extent than other countries possessing that system of law. However there is so much of the old deposit of doctrine functioning there that the reports of the courts well repay examination on any moot point in modern Civil Law. In addition to this consideration of value the practitioner will find many points of contact between Scots Law and the Common Law, and on this head little need be said to demonstrate the general utility of the work

to the profession at large. In every volume of the set interesting points of doctrine are to be found having a more or less intimate relation to Common Law principles. In Volume I., column 44, we learn that it is a contempt of court for a jurymen to enter the box in a state of inebriety: *Wilson v. John Angus & Sons*, (1921) 2 S.L.J. 139. One is tempted to ask if this is the augury of prohibition in Scotland? Volume II. contains many decisions of importance in the fields of Evidence and the Domestic Relations. Volumes III., IV. and V. deal, inter alia, with Negligence, Shipping and Workmen's Compensation, all of them subjects of moment to lawyers the world over.

C. M.

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*Parliamentary Divorce Practice in Canada.* By F. D. Hogg. Canada Law Book Company, Limited. Price \$5.00.

This treatise on the practice of Parliamentary Divorce in Canada cannot fail to prove useful to members of the profession engaged in this branch of work. It should be particularly welcome to members of the profession outside of Ottawa, containing as it does, the complete rules of the Senate and also all the forms necessary for use in a divorce application, with full notes thereon.

An introductory chapter outlines briefly the laws of the Dominion and Provinces in relation to divorce. This is followed by an illuminating chapter on the law of Domicile and an extremely valuable chapter on Practice which sets out regulations and details with great particularity. Of use, also, will be found the chapter on "The hearing and inquiry before the Committee on Divorce of the Senate."

The grounds upon which a parliamentary divorce can be obtained are set out fully and lucidly and these grounds are illustrated by the citation of actual cases which have been before the Committee. There is also a short chapter on the proceedings in Parliament after the hearing describing the usual routine procedure in the House of Commons and in the Private Bills Committee of the House.

The book contains the complete rules of the Senate in relation to Divorce Practice, fully indexed, as are also, the forms. In addition is set out a table of cases with page reference. An excellent index to the whole work makes its contents readily accessible.

A. S. B.

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*The Philosophy of Law.* By Roland R. Foulke, Philadelphia: The John C. Winston Co. 1925.

The publisher's jacket avers that this little work of 102 pages constitutes "A short plain statement of the Essential Nature of Law." Now that is a consummation devoutly to be wished for every author who deals with the first principles of the law. We are sorry Mr. Foulke has not achieved what his publisher claims for him. His book does not add anything to what has been said by the great masters of the subject.

C. M.