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HINDU LAW REFORM*

BY

SIR P. S. SIVASWAMI AIYAR, K.C.S.I., C.I.E.

I do not propose on this occasion to make any observations upon the subject of social reform. Though it is intimately connected with the subject of reform of Hindu Law, it is quite possible and practicable to draw a distinction between social institutions which have no legal force and legal institutions which have an obligatory operation upon the members of the community. Nor do I propose to go on this occasion into the details of any of the various measures for the reform of Hindu Law which are now before the public and are engaging the attention of both the authorities and the public. I think it more appropriate and practicable within the limits of time allowed to me to make a few general remarks upon the methods by which the reform of Hindu legal institutions may be carried out and to find out if there are any general principles which we should bear in mind.

The subject of Hindu Law does not cover all the legal relations between individuals in our society. It governs only certain limited relations. The three main subjects in regard to which we are governed by the Hindu Law are marriage, inheritance and the joint family system. It may be admitted that our Hindu system is not free from defects. But how are we to bring about reforms in these matters?

One method of reform is by means of judicial interpretation or indirect legislation. I have heard it said that my friend

*An Address delivered at the Gokhale Hall on Sir T. Sadasiva Aiyar's Commemoration Day.

Sir T. Sadasiva Aiyar was rather prone to rely upon this method of reforming Hindu Law. I have no particular objection to this method of indirect legislation. Where the process of reform is slow and attended with difficulty I am not one of those who would reject any available agency for bringing about a desirable reform. If it is possible to accomplish the desired object by means of judicial interpretation or indirect legislation, let us avail ourselves of it. But this method is not always applicable. Where the sources of law are texts which are open to the charge of ambiguity or obscurity, the judge is within his province in seeking to reconcile or interpret the texts and evolving some rule of decision which would be in accordance with the exigencies of the times. But it is not always that you find that there is a discordance between the texts or that they are open to the charge of ambiguity or obscurity. In those circumstances where the evil is clear but the door for interference is not open, it is not possible to rely upon the method of judicial interpretation, unless one is prepared to go to the length of distorting the texts, wrenching them out of their proper context and putting upon them a forced construction. But that process of distortion of our texts cannot altogether commend itself to a delicate conscience and I, for one, am not disposed to approve of a too ready resort to this indirect method of legislation where the matter is free from doubt and can only be remedied, if at all, by more straightforward and direct methods.

There is another method which has found favour with those who seek to reform our institutions by exploring and investigating the old texts. They seek to explain the present defects in the law by pointing out that they are departures from the wisdom of the ancients. They seek to show that if you only go back to the pristine purity of the old authorities you will be restoring the law not merely to a purer form but also to one more in accord with the needs of the present. That method proceeds upon the assumption that the ancient texts foresaw all the needs of the future and that they contained every possible provision for the requirements of the future age. This process requires very often a considerable exercise of imagination and is open to criticism on that account. But a more serious objection to this process is that those who place reliance upon it have too great a faith in the reasonableness of the people. They think that it has only to be shown to the people

that their present practices and usages are not in accordance with the old Vedic texts or with the 'smritis' and that they would at once revert to the ancient usages and abandon the present. I think it betrays a want of knowledge of the popular mind and its working. The cake of custom has grown so thick that it is not possible to break through it merely by resorting to the process of interpretation of the old texts and by successful criticism and research. Something more direct and some more open attack upon the present usages is required. When I am speaking of attack, I do not mean an attempt to carry anything against the wishes of the people or against public opinion. What I am thinking of is, rather, propaganda for the purpose of educating the public and converting them to your views by making them see the injustice and the anomaly and the defects of the existing institutions. That is the process which I should recommend.

Another method which of course is the most direct and straightforward is the method of direct legislation; and since the reform of our Legislative Councils there has been a plentiful crop of bills introduced in the various legislatures for the purpose of dealing with the defects in the Hindu law and in the Hindu social system. Whatever may be the motive which inspires those various bills, I welcome them all as evidence of an awakening to our defects and of a desire to remedy them as far as may be possible.

Is it possible to suggest any general principle in this regard as to the attitude which we should observe towards bills or legislative measures for the reform of Hindu institutions? There is one point which I may perhaps refer to, at the very outset. There are some who advocate a wholesale codification of the Hindu Law, a codification not merely of the rules of Hindu Law as they are at present, but a codification in the sense of amendment and codification. There are others who consider that the system of Hindu law is one entire structure and that it ought not to be impiously touched here and there but that the whole structure should be thoroughly examined and every part of it tested and that we should produce a perfect Hindu system. I am afraid that attempts of this sort are foredoomed to failure. In the first place it is an exceedingly ambitious attempt. It will take an enormous length of time. It will rouse very considerable agitation and opposition. There is no system of personal law in this world which can be said

to be perfect in all its parts and details. To my mind the surest and the most practicable way of dealing with these defects in our system is to make alterations as the necessity becomes felt, to alter a room here, to repair a room there and to go on carrying out alterations while we continue to occupy the house. The proper method is not to quit the house or leave it vacant or pull down the whole structure and seek to rebuild it with reference to *a priori* principles. "Sufficient unto the day is the evil thereof" is a maxim of very considerable worldly wisdom and I would follow that maxim in dealing with the demands of the reformers who wish to remedy the defects in our system of Hindu Law.

Passing on from this question of the desirability of a wholesale recasting of the Hindu Law or a piecemeal adjustment of the law, let us turn to another question. Supposing any measure is brought for the reform of some particular feature of the Hindu Law, and we feel convinced of the desirability of a change, should we seek to carry it out in the face of popular opposition. Is it right and is it possible to carry any measure in the face of popular opposition or popular sentiment? The second question whether it is possible can hardly arise if the legislature becomes fully responsible to the people and if there is a strong and active public opinion. In any country, where a system of responsible Government prevails, it would be unthinkable to attempt to carry any measure against public opinion, however wise the measure may be and however senseless the objections to it. We have only to look at the history of English social legislation. How many years did it take to pass the Deceased Wife's Sister's Bill? Suppose some legislator wants to introduce a bill in England for the cremation of corpses, what an amount of opposition would be aroused in spite of the fact that it is the most hygienic method of disposal and in spite of the fact that it prevails so largely in other countries? No Government would be able to last for a day which dared to defy public opinion in a matter of this kind. When the Indian legislature becomes fully responsible the question whether it is possible or practicable to carry anything in the face of popular sentiment or opposition would hardly be entertained.

The other question whether it is right may still be considered. There are many things which are not practicable but which nevertheless are perfectly right. The question is even

assuming that a certain measure of reform is opposed by the people, would it be right for you to use your power to carry it through? There are certain conditions of Government under which it may be possible and it has happened in India. For instance, the Government has passed Acts for the abolition of *Sati*, legalisation of widow marriages and the abolition of the disabilities of converts and they have introduced other measures like the Special Marriage (Amendment) Act in the interests of individual freedom for the purpose of protecting individuals and minorities from the oppression of the majority. There have been several cases of this sort and I think it was perfectly right on the part of Government to have passed those Acts. Cases of this kind can easily be imagined in the future also. With regard to all these cases, while I should very much like legislation in accordance with rational ideas of individual liberty and social progress, it would be impossible to carry out our ideas in opposition to popular sentiment. What then is the remedy available in cases of that sort? The only remedy which is open is, to educate public opinion, to persuade the public to come round to your views and then go to the legislature with the support of popular opinion behind you. That is the only method which will be feasible hereafter.

I might give point to my remark by giving illustrations from recent legislative proposals, but I do not wish to enter into any discussion of the details of this measure or that, because to explain and justify any particular position I may take, with reference to any bill, must take much greater time than I should be justified in occupying. I would only say this. I would ask you not to go away with the impression that I am opposed to the reform of legal or social institutions or that I wish to shelve them to an indefinite future. I am merely pointing out what appears to me to be the right course of action. If, however, during the present transition stage, which may perhaps last for a considerable time, it is possible for us to carry anything in accordance with advanced and liberal ideas, even though it may differ from the views of the people at large, I should not hesitate to have recourse to legislation. But the question which a practical legislator has to consider is this : Is it likely to cause such a measure of discontent in the country as would make it dangerous or unsafe for a legislature or Government to embark upon it? The balance of advantage requires considerable discrimination and tact to judge and it is

not easy to lay down off-hand that the legislature ought to do this or that regardless of popular opposition.

I may here refer to Sir V. Bhashyam Iyengar's Bill in regard to the gains of Hindus by learning. This bill provided that the wealth acquired by education even if imparted at the cost of the joint family should not be liable to partition. The measure was an eminently sound one and the result of its rejection was that educated men who acquire wealth by learning seek methods of circumventing the claims of their coparceners as, for instance, by early partition. Though the bill was passed by the Madras Legislative Council, it was vetoed by the Governor in deference to popular agitation. This is an illustration of the duty of the authorities to judge on which side the balance of advantage lay. It was a difficult process but one which could not be helped. Under certain conditions, a Government may be justified in carrying through the legislature a measure endorsed by enlightened public opinion though it may run counter to the sentiments of an ignorant public.

What I wish to lay stress upon is that as conditions change, as the constitution approaches more and more to the responsible type and the legislature becomes more and more sensitive to public opinion, it would not be possible to carry things with a high hand and in defiance of public opinion. But let us also remember this—that because the opinion of certain sections of the public or even of the majority of the public may differ from your convictions it does not follow that you are absolved from the duty of speaking out your convictions and of trying to convert others to your views. Every man has a duty to his fellowmen and if his sense of citizenship is sufficiently keen and active, he should endeavour to convert others to the view which he considers right. But the vast majority of us take things too easily and are inclined to let things drift. If it is possible for us to carry things without opposition we like to do it, but if we meet with opposition we do often succumb and quietly accept our defeat. The right course for a citizen is not to be afraid of opposition, but to press his own views and seek to persuade others to adopt that course which he thinks best for the removal of those defects in our legal system which seem to require amendment.

SUMMARY OF ENGLISH CASES.

ENGELKE *v.* MUSMANN, (1928) A.C. 433.

International Law—Diplomatic privilege—Consular Secretary on the staff of German Embassy—Immunity from civil proceedings—Method of proving the status of the person claiming privilege—Statement by Attorney-General on instructions of Foreign Office—If conclusive.

In an action by the plaintiff for recovery of rent from the defendant in respect of a lease, the defendant, having entered a conditional appearance, applied to have the writ and all subsequent proceedings set aside on the ground that he was a Consular Secretary on the staff of German Embassy and, therefore, entitled to immunity from civil proceedings. In support of the application the defendant filed affidavits stating the nature of employment. Shearman, J., ordered the defendant to attend for cross-examination. In an appeal against this order, the Attorney-General under instructions from the Foreign Office informed the Court that the defendant was appointed a member of the staff of German Embassy. The Court of Appeal confirmed the order of Shearman, J.

Held (on appeal) that the information given by the Attorney-General as to the diplomatic status of a person claiming immunity from civil process was conclusive as to the fact of such status and the defendant was entitled to diplomatic privilege.

ESHUGBAYI ELEKO *v.* GOVERNMENT OF NIGERIA (OFFICER ADMINISTERING), (1928) A.C. 459.

Habeas Corpus—Successive applications of the writ to different Judges—Maintainability.

Although, by the Judicature Act of 1873, all the Courts have been combined in the one High Court of Justice, each Judge of that Court has jurisdiction to entertain an application for a writ of Habeas Corpus in term time or in vacation, and is bound to hear and determine such an application on its merits notwithstanding that some other Judge has already refused a similar application.

MANCHESTER CORPORATION *v.* AUDENSHAW URBAN DISTRICT COUNCIL AND DENTON URBAN DISTRICT COUNCIL, (1928) 1 Ch. 763.

Highway—Road constituted under a local Act—Increase in traffic—Deterioration of road—Repair—Liability.

The Manchester Corporation were by a local Act of 1875 authorised to construct a certain road in a particular manner and also to maintain it at their expense. The road was completed in 1878 and was for a considerable period maintained by the Corporation. About 1922, however, owing to very heavy traffic, the road had fallen into a state of disrepair and a controversy arose between the Corporation and the Local Boards as to the exact liability of the former to maintain the road.

Held, that the Corporation was only liable to maintain the road in the condition in which it was completed in 1878 and not in such a condition as to bear the ordinary traffic at the present day.

HOOD'S TRUSTEES *v.* SOUTHERN UNION GENERAL INSURANCE COMPANY OF AUSTRALASIA, LTD., (1928) 1 Ch. 793.

Bankruptcy—Chose in action—Insurance policy—Right of bankrupt to be indemnified by the Insurance Company—Benefit of, if vests in the trustees in Bankruptcy—Release by bankrupt of the claim—Effect.

By a policy of insurance, the insurance company undertook, in consideration of an annual premium, to indemnify *H* against any liability for compensation for accidental bodily injury, or for damage to property caused by any motor car driven by the accused. During the currency of the policy, *H* was involved in a motor accident whereby *C* was seriously injured by his car. *H* gave notice of the same to the company. *C* and the company could not agree as to the amount of damages and thereupon *C* sued *H* for damages. Subsequently *H* became insolvent and the Official Receiver was appointed trustee. Later on, *H* received a certain amount from the company and released his claim for indemnity. Subsequent to this, *C* obtained judgment in his suit against *H*. The trustee in bankruptcy sued the company on the indemnity.

Held, that the right of indemnity was a chose in action which vested in the trustee in bankruptcy and that neither the fact that *C*'s claim was not provable in bankruptcy nor the release by *H* would affect the right of the trustee to recover as against the defendant company.

In re ATLANTIC AND PACIFIC FIBRE IMPORTING AND MANUFACTURING COMPANY, LIMITED.

VISCOUNT BURNHAM *v.* ATLANTIC AND PACIFIC FIBRE IMPORTING AND MANUFACTURING COMPANY, LIMITED, (1928) 1 Ch. 836.

Limitation—Acknowledgment—Balance sheet of company referring to the amount due to debenture holders but addressed to shareholders—Civil Procedure Act (1833), *Ss.* 3 *and* 5.

An acknowledgment in order to be valid under section 5 of the Civil Procedure Act of 1833, need not be given to the claiming creditor.

Where the annual balance sheet of a company which was sent to the shareholders represented the aggregate amount of interest accrued and unpaid on all the issued debentures,

Held, that the publication of this balance sheet was a sufficient acknowledgment of the company's indebtedness to the debenture-holders, although the balance sheet was not sent to the debenture-holders.

M. WHEELER AND COMPANY, LIMITED *v.* WARREN, (1928) 1 Ch. 840.

Company—Receiver—Appointment of, by debenture-holder—Power conferred to act as agent and get in property—If implies power to sue in name of company.

A company which was formed for the purpose of building and selling houses issued a debenture. The debenture-holder appointed a receiver in exercise of the power reserved in the debenture deed. A receiver so appointed was expressly empowered by the deed to "be the agent of the company and to have power to take possession of and get in the property charged."

Held, that power to the receiver to sue in the Company's name without obtaining special leave to that effect was implied by the deed.

In re ETIC, LIMITED, (1928) 1 Ch. 861.

Company—Liquidation—Claim by liquidator against secretary in respect of sums overdrawn—Procedure—Companies Act (Consolidation Act of 1908), *S.* 215.

Section 215 of the Companies (Consolidation) Act of 1908 is not applicable to all cases in which the Company has a right of action against an officer of the Company, but is limited to cases where there has been something in the nature of a breach of

duty by an officer of the Company. A claim by the liquidator against the secretary of the Company in respect of sums overdrawn by him on account of his salary and expenses does not fall under the section.

In re VISSER, H.M. THE QUEEN OF HOLLAND (MARRIED WOMAN) *v.* DRUKKER AND OTHERS, (1928) 1 Ch. 877.

International Law—Revenue laws of foreign State—Cognisance by British Courts—Suit to recover taxes payable under foreign law—Maintainability.

The English Courts do not take notice of the revenue laws of a foreign State and consequently a foreign State cannot sue in England for the recovery of taxes falling to be paid under the foreign law.

SMITH, *In re.* PUBLIC TRUSTEE *v.* ASPINALL, (1928) 1 Ch. 915.

Will—Trust—Direction to trustees to apply income to two persons—Mortgage by both the persons—Right of trustees to dispute.

Where the trustees under a will have a discretion to apply the whole or only a portion of a fund for the benefit of one person, but are obliged to apply the rest of the fund, so far as not applied for the benefit of the first named person, to or for the benefit of a second named person, the two persons together are the sole objects of the discretionary trust and are entitled, as between them, to have the whole fund applied to them or for their benefit. The trustees cannot dispute the right of the mortgagee to the income of the estate, where the mortgage is effected by both these persons.

JOHNS, *In re;* WORRELL AND ANOTHER *v.* JOHNS AND ANOTHER, 97 L.J. Ch. 346.

Bankruptcy—Mortgage—Stipulation for payment of greater amount to mortgagee in the event of the mortgagor's bankruptcy—Validity.

Where the scheme of a mortgage document is to secure that something more shall come to the mortgagee, if the mortgagor becomes bankrupt, than will come to him if he does not, the stipulation is void, being a direct device to circumvent the bankruptcy law; but the mortgagee will be entitled to hold his security for the moneys actually advanced and the security will be good to that extent.

JAMES FINLAY AND COMPANY, LIMITED *v.* N. V. KWIK HOO TONG HANDEL MAATSCHAPPIJ, (1928) 2 K.B. 604.

Sale of goods—C.I.F. contract—Bill of Lading stating date of shipment incorrectly—Right of buyer to damages—Measure of damages.

The seller under a C.I.F. contract is bound to procure and tender to the buyer a bill of lading correctly stating the date of shipment. Where the date of shipment is incorrectly stated in the bill of lading, the buyer is entitled to damages, the measure of which is the difference between the market price and the contract price of the goods where the latter is higher than the former.

MORELLI *v.* FITCH AND GIBBONS, (1928) 2 K.B. 636.

Sale of goods—Sale by description—Bottle of ginger wine—Bottle found defective—Right to damages—Sale of Goods Act (1893), *S.* 14 (2).

The plaintiff purchased a bottle of "Stone's Ginger Wine" at the licensed premises of the defendant and, while he tried to open the bottle by a corkscrew, the neck of the bottle came away from the bottle owing to some defect in it and the bottle fell to the ground and the plaintiff's left hand was cut.

Held (in an action for damages for the personal injuries caused) that the sale was one by description and, therefore, there was an implied condition that the bottle was of merchantable quality and the plaintiff was therefore entitled to damages for breach of this condition.

BENYON *v.* THORPE, 97 L.J.K.B. 705.

Income-tax—Retired Managing Director of a Company—Voluntary annual allowance—Subsequent gift of lump sum in lieu thereof—Amount, if assessable—Income-tax Act (1918), *Sch. E.*

It was the custom of a company to give members of its staff a voluntary pension or allowance on retirement, but there was no contract to do so nor were there any contributions from either side to any superannuation fund. Allowances thus paid were taxed as the income of the company. A retired managing director of the company was paid a certain sum on retirement as voluntary pension but subsequently the company passed a resolution to pay him a lump sum as a personal gift to him in lieu thereof.

Held, that the amounts paid to him cannot be regarded as a supplementary salary for services as they were rendered, nor can they be said to be "profits or gains arising from an employment," but that they were, in reality, nothing more than gifts moved by remembrance of past services already sufficiently remunerated and therefore not assessable.

JOTTINGS AND CUTTINGS.

Appreciations of Lord Haldane.—Four interesting and fitting appreciations of Lord Haldane have been reprinted from *Public Administration* for October, and issued as a pamphlet by Mr. Humphrey Milford, of the Oxford University Press (1*s.*), under the title "Viscount Haldane of Cloan, O.M., The Man and His Work". They are "Lord Haldane," by Viscount Grey; "Lord Haldane at the War Office." by Sir Charles Harris; "Lord Haldane : His Influence on Higher Education and on Administration," by Sir H. Frank Heath; and "Lord Haldane as Lord Chancellor," by Sir Claud Schuster. We have been fortunate in this age to have had two pre-eminent statesmen whose interest was in philosophy as well as in politics. One is still living, and if he has lived in "Philosophic Doubt," he has always been clear and direct in affairs. Lord Haldane combined, perhaps, in an even higher degree profound thought with practical administration. "Haldane at the War Office," says Lord Grey, "was an example of Statesmanship in action". As for his philosophy, "he found it a real support in the trials and storms of life." On his work at the War Office, and of his interest in Education, we need not write here. The folly of the ignorant clamour that drove him into retirement at the beginning of the War has been fully recognised. Of his work during his two Chancellorships, Sir Claud Schuster knows more than any one else, and he gives an interesting account of his efforts to improve the organisation of the Lord Chancellor's Department, and to increase the efficiency and maintain the prestige of the Judicial Committee. As to the re-distribution of the Lord Chancellor's multifarious duties, his aim was a Ministry of Justice. That proposal met with strong opposition, and has not so far made any progress. Nor has his ideal of a single Court of Final Appeal, combining the House of Lords and the Judicial Committee. But his career was full of achievement, and of his personal characteristics of a Minister, Sir Claud Schuster says:

"He was an ideal chief. Always courteous, always considerate, he seemed to command affection, and in its enjoyment he expanded. But he knew his own mind, he pressed on to his own goal, indeflected by clamour, undepressed by solitude, unfaltering in the face of death."

—*L.J.*, 1928, p. 316.

Lord Parmoor, in the course of his reference to the death of Lord Haldane, said:—He passed from the War Office to the great office of Lord Chancellor, in succession to Lord Loreburn. Those who practised before him knew that not only did he possess a great knowledge of legal principles, but that he had the power to detach his mind so as to give an impartial consideration to the arguments addressed to him—a power which, in my experience at least, has only been possessed by our greater Judges. From the beginning of 1914 I was again brought into contact with Lord Haldane as a colleague in your Lordships' House, as a Lord of Appeal and a member of the Judicial Committee of the Privy Council. I think that his great work as a Judge was done in the Privy Council. There he turned his mind not only to the great constitutional questions which came before him, but to a better organisation of our whole judicial system. He had not time to complete his work in this direction, but his influence is still seen in the proposal contained in His Majesty's gracious Speech where we are invited to pass a Bill authorising the appointment of two additional members of the Judicial Committee of the Privy Council and one additional Lord of Appeal in Ordinary.

And the Marquis of Salisbury: I have said he was a friend, and so he was—a personal friend ; but from a Parliamentary point of view he possessed that great spirit of comradeship which enabled him, quite independently of any Party consideration, to help any man, or any body of men who were responsible for affairs, in seeing that the business of the country was properly carried through. Personally, I can speak with great knowledge, for I received the utmost consideration at his hands. In many departments of public life he was altogether free from any Party feeling. He was a great Party man, of course, but, beyond his Party feelings, there was a large area of public life which he looked upon from an entirely impartial standpoint, and in which he was of the greatest assistance to any Government, whatever its political complexion. These were very great qualities, and I am sure all of us on this side of your Lordships' House will miss him from the Benches opposite.—*L.J.*, 1928, p. 327.

At the Hardwicke Society Annual Dinner the Marquess of Reading, G.C.B., G.C.V.O., in the course of his speech on the toast of the guests submitted the toast of "The Guests." He said it gave the Benchers of the Middle Temple great pleasure in having the society as their guests at the room in which they held their meetings. The Society was a great society. One had only to look at the names of the men who had passed through it to be convinced of that. Many of them had attained to the higher offices. He had always considered the Society a very real thing. It taught its members to think standing on their legs. Very often a speech was valueless because thought was obscured. It taught the whole value of discussion and of replying to the arguments of an adversary, and this was invaluable to the young members of the Bar. There was no profession which offered so many inducements, so many glittering prizes to those who were successful, there was no profession in which jealousy played so small a part, none in which the members were more ready to recognise merit. But it needed that its members should work hard. He was reminded of what that great veteran who had recently died once said to him : "Now, young man, young Rufus," as he called him, "when you are called to the Bar, don't look upon yourself as a man who is his own master who can come when he likes and go when he likes, but rather regard yourself as a clerk, who has to be at his place at a particular time in the morning and must not leave until a particular time at night. And if you only follow that advice I have no doubt as to what the future will have in store for you." He believed that to be the best advice to give to a young man, and he gave it to his friends, and he gave it to all members of the Society. He wished to impress upon the younger men present that they should concentrate upon their work, that they should give constant attention to it. This would be a very great asset for the future. The young man was apt to be carried away by his enthusiasm, his thoughts taking him into the romantic regions of the Profession, and he already saw himself as a learned occupant of the Bench; but in the end he would have achieved something, and he (the speaker) believed that in order to achieve that something there was no better profession than that of the Bar. If they could not all become Judges of the High Court, or even of the County Court, there was the world before them, and he would say to the young men at the Bar, "Go forward, don't be discouraged, make up your mind that you will succeed But in order to do that never fail to concentrate on that purpose, and then you will be certain of some success."—*L.J.*, 1928, p. 329.

Irish Language in Free State Courts.—*The Times* Correspondent at Dublin in a message of November 7 says:—"In Dail Eireann to-night the Bill compelling future barristers and solicitors in the Free State to have a knowledge of the Irish language passed its second reading by 110 votes to 15."—*L.J.*, 1928, p. 330.

Ex-Lord Chancellors' Pensions.—It has been generally supposed that an ex-Lord Chancellor is available, so far as age and health permit, for appeal work. An ex-Lord Chancellor is entitled to a pension of 5,000*l.* a year. How far these matters are related, and whether the pension can be properly regarded as a *quid pro quo* for the judicial service, is the subject of an interesting controversy contained in observations by Sir Henry Slesser in the House of Commons on Tuesday, in a statement by the Attorney-General that Lord Birkenhead will draw his pension "during the period of transition from his old duties to his new duties," and a lengthy reply to Sir Henry by Lord Birkenhead in a letter to *The Times* of Thursday. The letter shows that Lord Birkenhead's style has lost none of the force which characterised his utterances during his early and rapid rise to forensic and political fame. But remembering that he stood sponsor in Parliament for those provisions of the Law of Property Act which were designed to bridge the gap between the Old and the New Conveyancing, "transitional" seems as blessed a word to him as "Mesopotamia" has been supposed to be in another connection. And why, with all those glittering prizes in the "City" which the Press has said are already in Lord Birkenhead's grasp, should there be this reluctance to part with the final instalment of the "bird in the hand"? That is a question we have no intention of answering, but we are not surprised that the passage from the Woolsack to the City—the opposite, as Lord Hailsham has said, of his own passage from the City to the Woolsack—raises a little dust. We may add that Sir Henry Slesser's observations, as reported in *Hansard*, do not appear to bear quite the interpretation which Lord Birkenhead, quoting from *The Times* report, gives them.—*L.J.*, 1928, p. 335.

Etiquette of the Bar.—It is but seldom that, at the close of a plaintiff's evidence, his counsel finds it necessary to withdraw from the case and submit to judgment by reason of matters which have appeared during cross-examination. And it is

certainly remarkable that such a result should have occurred in an action,—*Hopkins* v. *Scott* (*Times*, November 16 and 17),—in which a member of the Bar sued a solicitor for an alleged libel accusing the barrister of unprofessional conduct. The suggestion was that the plaintiff had appeared in various Courts in cases in which he had not been instructed by a solicitor, and that he had engaged in conveyancing work on behalf of lay clients without the intervention of a solicitor. The latter charge does not seem to have been gone into, and, indeed, there is some doubt as to how far now-a-days counsel is entitled to prepare conveyancing documents for reward without being instructed by a solicitor. Unless it can be said that the ancient rule has been abrogated in some way, it would seem that he is so entitled; though considerations of practical convenience result in its being so rarely taken advantage of that many members of the Bar are quite ignorant of it. But the admissions of the plaintiff as to the methods by which he obtained instructions to appear in various cases on behalf of clients who never saw or communicated with the solicitor who purported to instruct him, made it plain that the allegations of unprofessional conduct made by the defendant to the secretary of the Law Society were so far justified that the action must fail.—*L.J.*, 1928, p. 337.

Arranging the Lists.—During the present Sittings two Judges at least have been moved to comment on the perennial difficulties which occur in arranging the day to day business of the Courts. On an application being made for a case to stand out of the list on the ground that the parties were not ready, Mr. Justice Rowlatt observed with much justice that the practice of asking for the postponement of cases shortly—often immediately—before they are due to come into the paper for hearing not only makes the arrangement of the daily lists very difficult, but leads directly to further applications for cases to stand out from parties who find their actions are likely to come on for trial much earlier than they had reason to expect. This is a matter which should be capable of remedy; as the work becomes more up-to-date, practitioners will have to take more care to see that they do not set down cases for hearing until they are practically ready for trial. The other point was raised by the Lord Chief Justice, who recently complained of the frequent inaccuracy of estimates given to the Court as to the length of time which a trial will take. Lord Hewart's

threat that he would visit an inaccurate estimate with a penalty in costs is the subject of a light-hearted comment in another column. Whilst it is, of course, impossible to estimate with complete precision the length of time which a case will take in trial, an approximate estimate can nearly always be made; the experience of the past twelve months of the new system in the Chancery Division, under which witness actions are divided into those likely to take more than two days or less than that time, shows that. It is but very rarely that a case in the list of shorter cases occupies more than two days; and it is rarer still that a case in the other list, unless, of course, it is settled, takes less than that time in trial.—*L.J.*, 1928, p. 337.

"Waiting at the Bar."—"Women," says the headline of one of those chatty little articles on the position of women lawyers, which constantly appear in the lay press, "Women wait at the Bar in vain," and the article itself takes the form of an interview with a woman barrister who suggests that "prejudice" is preventing the ladies now at the Bar from being as successful in that profession as they would wish. This prejudice, which is alleged even against the women solicitors, is, of course, entirely imaginary. It is, no doubt, difficult for the barrister, of whichever sex, who has not long been called, and who is conscious of his or her ability, to realise that the solicitor who has to select counsel to represent a client cannot, except in rare instances, instruct a member of the Bar of whom he knows little or nothing. He is bound, in his client's interest, to choose someone of whose capacity he has some knowledge, either direct or indirect. This is, of course, the reason why, except in special cases which are such obvious exceptions that they establish the rule, no one who is called to the Bar can expect to make a living by practice for several years; and failure to attain an established position by any member of the Bar is no evidence either of want of ability on his or her part, or of prejudice on the part of solicitors or the public. As a matter of fact, the ladies who have appeared in Court during the last few years have had a very considerable advantage over their contemporaries of the other sex ; for they have received a great amount of publicity from the lay press ; and publicity is what the beginner at the Bar most needs.—*L.J.*, 1928, p. 337.

The end of the Gallows.—Apparently the death penalty for murder is gradually dying in Europe. Austria, Belgium,

Holland, Finland, Denmark, Norway, Sweden, Italy, Roumania, Portugal and Lithuania are countries where, by express abrogation or by desuetude, executions are no more. There is an impression abroad in the country, an impression for which such mild authorities as Lord Darling and Lord Birkenhead are in part responsible, that dire results would follow the abolition of the gallows. I must confess that I was not free from an apprehension that following such a change the many who suffer from an inhibited desire to murder their undesirable relatives would have a riotous feast of terrible fulfilment; or to put it mildly, that the number of homicides would increase. After reading some statistics on the subject, and particularly after a careful study of Lord Birkenhead's article in "Britannia," I begin to entertain serious doubts. Italy, for example, is a country inhabited mainly by people of Latin race, and quick to strike in moments of anger. Yet I am credibly informed that between the abolition of capital punishment in 1889 and the year 1920 the number of homicides declined steadily and remarkably. 9·23 per 100,000 of the population in 1889—that was the homicidal rate. In 1920 it was 3·48, at the end of a steady and persistent decline. And so with others.—*L.J.*, 1928, p. 348.

A Lord Chancellor's Pension.—The dust, as we described it last week, of Lord Birkenhead's passage from Westminster to the City has, perhaps, been temporarily alayed, but not without some further commotion caused by his resentment of legitimate criticism, and his "incredibly inept"—to use his own words with regard to the Attorney-General—reply to the intervention of Mr. Grant, K.C. Lord Birkenhead's short letter in *The Times* of November 24, associating Mr. Grant with Sir Henry Slesser—who has maintained a dignified silence—in the future legal appointments of the Labour Party, had, of course, no foundation in fact, and was unworthy of a controversy which, after all, does raise an important question of principle, namely, how far an ex-Lord Chancellor's "pension" is, by unwritten practice, dependent on the performance of the judicial duties suitable to his position. Why Sir Thomas Inskip's reply was inept is not apparent. It was made in the debate on the Appellate Jurisdiction Bill on November 23 (*Hansard*, p. 2134).—*L.J.*, 1928, p. 356.

Law and Practice.—Mr. Grant has referred to a statement of the practice by the late Lord Haldane: "It is a popular superstition that because the payment to an ex-Lord Chancellor is called a pension it is money which is not earned by continuous hard work. This is an error. The ex-Lord Chancellors sit just as regularly and do as much work as the six salaried Law Lords. . . . They are bound constitutionally and morally to discharge these judicial duties, although for historical reasons the payment to them has been called a pension." This originally occurred in an article by Lord Haldane on "The Judicial Committee of the Privy Council" in the *Empire Review* for July, 1927. Mr. Grant quotes it from "The Selected Addresses and Essays," 1928, p. 229. Lord Birkenhead rejects it as being unsound in practice, and Sir Malcolm Macnaghten, referring to the Judicature Act, 1925, section 13, and the Lord Chancellor's Pension Act, 1832, (2 and 3 Will. IV., c. 111), rejects it as being unsound in law. On the legal point that may be so, though Sir Malcolm does not seem to state the Act quite correctly. Letters Patent may be issued granting the pension, and they may impose a condition of suspension on return to the Woolsack or the holding of any other office of profit. The pension is not, as Sir Malcolm says, necessarily suspended. What is the usual form of the Letters Patent we do not know; probably the effect is to suspend the pension. The Pension Act, oddly enough, recites that it was a recompense for the Lord Chancellor's loss of patronage when superfluous offices in the Court of Chancery were abolished. The inference is that he made pecuniary advantage of this patronage, which brings him near to Lord Bacon's lamentable case. However that may be, the Act shows the legal basis for the pension. As to the constitutional practice, we prefer Lord Haldane's authority in this matter to Lord Birkenhead's, and, as we have already intimated, the great Chancellors of the recent past—Lord Cairns and Lord Selborne—would have regarded the present controversy with—shall we say—pained surprise.—*L.J.*, 1928, p. 356.

Origin of the Ex-Chancellor's Five Thousand.—One fact clearly emerges from the current tumult concerning the ex-Chancellor's pension—Lord Birkenhead can defend himself; and his letter in *The Times* of November 27 is of its kind a masterpiece. After complying with the request of Grant, K.C., and delivering an "opinion" not wholly free from legal blemish, he thus proceeds: "The characteristically foolish speech of

Mr. Benn in the House of Commons, and the incredibly inept reply by the Attorney-General, have given me greatly to doubt whether I must not trust to myself alone, and not to the head of the Bar, to expound and enforce a position which he, of all others, ought to have understood, but in relation to which he has made so feeble and pompous a reaction."

It is a strange and curious thing that apparently neither he, nor the A.-G., nor any of the other principals took the trouble to refer to 2 and 3 Wm. IV, c. III, and to observe the impregnable quality of Lord Birkenhead's position, until Sir Malcolm Macnaghten, whose letter, like a happy supplement, appears under that of Lord Birkenhead, drew attention to the pension's legal history. He shows not only that the ex-Chancellor has a legal right to it, but that it was acquired in exchange for a very valuable consideration.—*L.J.*, 1928, p. 369.

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2 and 3 Wm. IV, c. III.—By that Act a number of offices, all in the Lord Chancellor's gift and patronage, utterly ceased and determined, and "Whereas by reason of the Abolition of the said Offices the Lord High Chancellor or Lord Keeper of the Great Seal for the time being would be deprived of the Patronage and Gift of the said Offices, which does of Right belong to and has been exercised by him ; and it is therefore just and equitable that more ample Provision should be made for the Lord High Chancellor or Lord Keeper of the Great Seal on his retirement from Office," that Act authorises His Majesty by Letters Patent to give and grant to the retiring Chancellor or Keeper an Annuity or Yearly Sum of Money not exceeding Five Thousand Pounds for and during the natural Life of the Person so retiring. For the purposes of the present discussion, Lord Birkenhead is obviously that Person.

But the main point of the "characteristically foolish speech of Mr Benn" remains unanswered, namely, whether it was desirable that a Judge of the highest Court, judging *inter alia* commercial causes, move to and fro, without prejudice or harm, between the judge's seat and the directors' armchair. But that is an entirely different question from that of the pension.—*L.J.*, 1928, p. 369.

Insisting on a Right.—It is a question which has not yet arisen and may in fact never do so ; for Lord Birkenhead, who

has not discharged judicial functions since 1924, "went into the City" from the India Office, and may never again return to the Privy Council or take any part in House of Lords' Appeals, commercial or other.

I cannot help thinking that his declared object in retaining the pension "for a few weeks," namely, to assert and insist upon the rights of his successors, is partially defeated by this declared intention of his wholly to transfer the pension to trustees for charitable uses. A successor who may be in grater financial need than Lord Birkenhead may be greatly embarrassed by this precedent. A sensitive ex-Lord Chancellor (if such there be) may feel that he is a robbing the hospitals by insisting on his rights. I wish Lord Birkenhead had not taken this foolish, generous course ; or that he would bestow the money in aid of a more transient cause.—*L J.*, 1928., p. 369.

Family Provision for the Lord Chancellor.—What were the offices the gift and patronage whereof were shorn from the Lord Chancellor by that Act of 1832, and what was their value?

These were the offices : Keeper or Clerk of His Majesty's Hanaper (Hamper or Picnic Basket), the Patentee of the Subpœna Office, the Registrar of Affidavits, the Clerk of the Crown in chancery, the Clerk of the Patents, the Clerk of the Custodies of Lunatics and Idiots, the Prothonotary of the Court of Chancery, the Chaff Wax, the Sealer, the Clerk of the Presentations, the Clerk of Enrolments in Bankruptcy, the Clerk of Dispensations and Faculties, and the Patentee for the Execution of the Laws and Statutes concerning Bankrupts.

The total annual emoluments of which offices, whereby the L.C. was enabled to make provision for his family, amounted to nearly £25,000 ; and it is perhaps interesting to note that the Waxchafer or Chaff Wax received for his slight services 1,300*l.* a year; and his deputy 400*l.*—*L.J.*, 1928, p. 369.

The Civil Judicial Statistics.—The Civil Judicial Statistics for the year 1927, which have just been published (Cmd. 3174, 1*s.* net) show a decline of business in the Courts of Appeal and in each Division of the High Court—except in Divorce—but a very substantial increase of 16 per cent. in the number of cases commenced in the County Courts, as compared with 1926.

Fluctuations in the number of appeals may be due to a variety of causes, and from the point of view of the litigant, a decline is not to be deplored. The decline of business in the High Court is not very great—4·9 per cent. in the Chancery Division, 2·9 per cent. in the King's Bench, whilst the increase of 12·6 per cent. in the Probate, Divorce and Admiralty Division makes the total percentage reduction for the High Court 2·3 per cent. 1927 was the first year in which the Judicial Proceedings (Regulation of Reports) Act of 1926 was in operation, and the increase in the Divorce figures—from 3,782 to 4,444—will, no doubt, be attributed in some quarters to the effect of the Act. As we have several times pointed out, there are three other factors which tend to cause an increase in the number of petitions for divorce—the Matrimonial Causes Act of 1923, which enables a wife to petition on the ground of simple adultery, the new Poor Persons system, which was in full working order for the first complete year in 1927, and the extended power to try Divorce cases at Assizes. We observe that the officials responsible for the preparation of the Judicial Statistics share our view that these causes are responsible for the continued increase of Divorce business, and the more prefacing the Tables of figures says explicitly that there is little ground for the view that the Act of 1926 has as yet resulted in any large addition to the number of Divorce cases. As a matter of fact, two-thirds of the increase in Divorce cases in 1927 were Poor Persons' cases, which are hardly likely to be affected by the suppression of detailed reports.—*L.J.*, 1928, p. 380.

The Working of the Adoption Act.—One of the most interesting sections of the Report deals with the adoption of children under the Act of 1926, and gives, we believe, the first available information as to the working of that Act. The most remarkable point which emerges is that the vast majority of these applications are made to the Juvenile Court; for the first fifteen months during which the Act was in force—from January 1, 1927, to March 31, 1928—there were 234 applications to the High Court, 311 to the County Court, and 3,841 to the Juvenile Court. So that the applications to the Juvenile Court exceed by more than seven times the number made to the High Court and the County Court together. It is of interest to note that about two-thirds of the children adopted are illegitimate, and that in a number of cases such children are adopted by their own parents. The vast majority of children adopted are, natu-

rally enough, under age of fourteen years at the time of adoption; this proportion is, we imagine, likely to increase, as there must have been a good many cases in the period under consideration in which *de facto* adoptions, some of which have been in existence for several years, have been legalised. One point is mentioned which will, no doubt soon come up for judicial decision by a Divisional Court; indeed, it is a little remarkable that this has not already happened. Several Courts, says the Report, have decided that an adoption order does not have the effect of terminating an affiliation order, and when consulted on the point, the Home Office has given similar advice. Having regard to the language of section 5 (1) of the Act—which appears to be the relevant provision—we are a little surprised at this—

5. (1) Upon an adoption order being made, all rights, duties, obligations and liabilities of the parent or parents . . . . of the adopted child, in relation to the future . . . . maintenance . . . . . of the adopted child . . . . shall be extinguished and all such rights . . . . and liabilities shall vest in and be exercisable by and enforceable against the adopter as though the adopted child was a child born to the adopter in lawful wedlock. . . .

The point is, at any rate, doubtful, and the sooner a decision on the point is obtained and reported, the better.—*L.J.*, 1928, p. 380.

Defined at Last: First, Second and Third Degree.—"The third degree, whatever that means," is an expression to which Hyde Park matters and their Parliamentary sequel have accustomed us. Vaguely we have felt that it was a dastardly attempt to reintroduce the torture, the "question," the verbal rack applied to the mind of a frightened person for the extraction of such truth as for the time being might be required by the police.

Now, at last, we know. The trans-Atlantic term has too long been at large amongst us; and to the tireless industry of Lord Lee of Fareham, ostensibly, we owe this overdue meeting of the term and definition, and a happy escape from this terror of the undefined. From Wigmore, of the U.S.A., on evidence, he quoted in this wise:

"In criminal law and practice the officer of the law administers the first degree when he makes the arrest. When the

person is taken to a place of confinement that is the second degree. When the person is taken to private quarters and there interrogated as to his comings and goings, that is called the third degree." So now as hereinbefore declared, we know.—*L.J.*, 1928, p. 392.

BOOK REVIEWS.

TOWARDS SWARAJ, by S. K. Sarma. Published by M. K. Srinivasa Aiyangar, Triplicane. Price Rs. 5.

The times we are living in mark a transitional period in the constitutional advance towards Self-Government for India. In the intensity of our aspirations we are liable to forget some of the basic principles regarding the best form of Government founded on democratic ideals and answering the peculiar circumstances of a country like India with its unwieldy millions of diverse races and different tongues. Books on the constitutional problems of India dealing with the chief obstacles to the smooth working out of a scheme of Responsible Government may not be unwelcome to many who are yet untutored in political thought and unfamiliar with the real disadvantages that beset our path. Hence our due thanks to Mr. Sarma for his new book entitled "Towards Swaraj."

This book touches upon all the various topics which would generally invite the careful attention of a student of Indian politics. But still we hesitate to think, it will secure a favourable opinion from him, considering the incompleteness of many a subject that has been discussed here. The opening pages contain a good survey of the period of Reforms and after, with an inevitable demand for further more. A clever comparison of our political development in recent years with that of some of the other countries who have worked out their own evolution while equally bad conditions prevailed, brings home to us, how we are not too early in our demand for Freedom. The diatribe against the party system only shows the one side of the picture, leaving room for us to doubt the maturity of the author's political thought. For no student of Modern Democracy can say without demur that a Responsible Government will be an easy success without political parties. On the other hand, it should have been pointed out, that the evil arises only out of the existence

of numerous parties instead of two. Sober opinion and maturer wisdom would persuade us to the belief that an increasing collective responsibility of the Cabinet will certainly, one day, tend to the reduction of parties. The question of the preponderance of the Central Government over those of the provincial has been discussed here half-heartedly. A type of Government, as in Canada with a Central Legislature as a repository of residuary powers or as in the latest German constitution, with a central legislature having a normative jurisdiction over the provincial legislative bodies, may be a God-send to us. But we have to pause here in order to express our surprise at the conspicuous absence of a timely discussion of the recommendations of the Nehru Report. We cannot resist remembering the significance of the words of one of our own writers who characteristically criticised the obsession by the Central Government thus, "the head-gear, if a grace and a necessity, has now become a load, which fatigues the pilgrim on his way to the hill-god." The function of the Central Government, in a scheme of a Responsible Government, with certain powers exercisable on rare occasions, as enumerated by Sir P. S. Sivaswami Aiyar in his recent book "The Indian Constitutional Problems" appeals to us to be necessary for our own safety. The proposal for an itinerant batch of the Judicial Committee of the Privy Council to be visiting India is unconvincing in view of the enormous drain that may be caused by it on the finances of the State. It is not too prematurely expressed when the author points out how the Secretary of State's Council has outlived its usefulness.

However much we may be in sympathy with the patriotic feelings of the author when he deals with the questions of Indian Defence and Native States, we are only inclined to judge them as lacking sufficient materials, especially, when our minds are fresh with information from the chapters bearing the same headings in the book of Sir P. S. Sivaswami Aiyar. The chapters on Franchise and Administrative Services have not been rendered quite alluring.

That this volume should have followed in quick succession the book on "The Indian Constitutional Problems" which deals with almost the same subjects is perhaps its chief handicap. Yet we conclude, that certain portions of this book containing pungent and often wholesome remarks against the existing order offer us lively reading.—K.C.

THE INDIAN CONSTITUTION, by Mr. M. C. Chagla. Bombay Book Depot, Girgaun, Bombay. Price Rs. 3.

This tiny volume is a successful attempt to present the student world with a neat and analytical exposition of the chief provisions of the Government of India Act of 1919. It is much helpful to have given in such a concise form the history of each part of the constitutional machinery with a criticism of its working. On the whole the idea underlying the publication is praiseworthy, though we cannot for a moment agree to any such notion, that a thorough grasp of the constitution of India can be gained by going through these pages. The book strikes us as more an aid to pupils studying for a question paper on the Government of India Act than as a treatise for the enlightenment of the general public upon the present constitution.

Anyhow we appreciate the author for his fair contribution to the increase of a correct knowledge of the Indian Constitution.—K.C.

THE LAW RELATING TO ACCOUNTS IN BRITISH INDIA, by N. Kasturiranga Aiyangar, B.A., B.L., Advocate. Published by Globe Publishing Co., Madras. Price Rs. 2.

The object of this small book is in the author's own words, firstly to equip the profession with a handy treatise enunciating and illustrating the various principles governing the subject of accounts, together with the up-to-date case-law thereon and secondly to place the legal profession on the track of commercial techniques and modern methods of accounting in commercial circles. The author has also dealt with the articles of the Limitation Act relating to acknowledgments, part-payments, accounts stated, and mutual open and current accounts and the case-law on them. He has besides incorporated the law relating to appropriation of payments in the Indian Contract Act and the provisions of the Indian Evidence Act relating to account books and their evidentiary value. Going through some of the pages of the book, we find it stated, on page 83, that a payment of interest by one of the heirs of a deceased debtor will not save limitation as against the other heirs and *Arjun Ram Pal* v. *Rohinia Bam*[1] and *Yagappa Chetty* v. *K. Y. Mahomed*[2] are referred to in support of the proposition.

1. (1912) 14 I.C. 128. 2. (1917) 40 I.C. 858.

We must point out that the question is by no means free from doubt, and the decision in *Arjun Ram Pal* v. *Rohima Banu*[1] is in conflict with the observations in *Sarada Charan* v. *Durgaram De Sinha*[3] and has not been followed in *Ibrahim* v. *Jagdish Prasad*[4] which reviews all the cases and in which the contrary view has been laid down. Since the publication of the book under review the Madras High Court has followed the Allahabad case and dissented from *Arjun Ram Pal* v. *Rohima Banu*.[1] The glossary of mercantile terms and the appendix relating to accounting in commercial circles will, we are sure, be found useful. The utility of the book would have been considerably enhanced if the technical expressions used by the Nattukottai Chetties in their accounts and their mode of dealings which frequently come before the Courts had also been considered.

COURT FEES AND SUITS VALUATION ACTS, by Jhanabi Charan Bhaumick, B.L., 3rd Edition, 1929. Published by Messrs. M. C. Sarkar & Sons, Calcutta. Price Rs. 4-8-0.

This is a commentary on the Indian Court-Fees Act of 1870 as amended by the various local Legislatures and of the Suits Valuation Act giving the circular orders, rules and notifications by the Local Governments and by the High Courts of Calcutta, Bombay, Madras, Patna, Allahabad and Rangoon. The learned author has brought the cases up-to-date. We however miss the reference to *Subramania Aiyar* v. *V. Rama Aiyar*[5] where the learned Judges have noticed the anomaly, of a suitor, having to pay a higher Court-fee, under Sec. 7 (5) (*d*) of the Court Fees Act, when he sues for the possession of a part of an estate than if he has to sue for the entire estate under clauses (*a*) and (*b*) of the same sub-section. The learned Judges have held that this anomaly has been rectified by a notification of the Government of India referred to by them. If the construction of the notification adopted by the learned Judges is right, many decisions referred to by the learned author, at pages 67 and 68 of his book, might require reconsideration. We hope the book will be found useful by practitioners and judges.

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1. (1912) 14 I. C. 128
3. (1910) I. L. R. 37 Cal. 461.
4. A.I.R. 1927 All. 209.
5. (1927) 54 M.L.J. 67.

POLICE REPORTS AND INVESTIGATION, by Khan Sahib M. K. A. Khan, Advocate, Lahore. Price Rs. 4.

This is the third publication of Mr. Khan's Civil and Criminal Law Series. The author has dealt in this volume with the law and practice relating to Police Reports and Investigation having reference to the relevant provisions of the enactments. The decided cases are noticed in their places. The debates in the Legislative Assembly and the Police Rules and Regulations are also given and they will be found useful.

ACCOMPLICE AND APPROVER, by Khan Sahib M. K. A. Khan, Advocate, Lahore. Price Rs. 4.

This is the fourth publication of Mr. Khan's Civil and Criminal Law Series. The author has in this book dealt with the law relating to accomplices and approvers with reference to the relevant provisions of statutes relating to the same and bringing the case-law up-to-date. There is also a special treatment of the law relating to bribery in the course of the author's treatment of the subject.
