

LA
REVUE LÉGALE

ANCIENT LAW IN MODERN LIFE.

In turning over the Reports of cases decided by the Privy Council, are now and then startled by the strangely unfamiliar paths into which that illustrious tribunal is liable to be led. A case as to the powers of an electric-light company may stand cheek by jowl with a case as to the reason and extent of a primitive Hindu custom the origin of which is buried in the fathomless depths of an unrecorded antiquity. It is only the other day that this committee of English judges had to consider in all seriousness arguments which would have sounded vastly more familiar to the lawyer-priests of India three thousand years ago. The question raised was "Is it lawful by the Hindu law for a father to give his only son to another in adoption?"¹ The argument against this was that it would sanction the voluntary extinction of a family. This happens every day with us, and no one is a penny the worse. In fact, I suppose, that if families were immortal our charitable foundations would hardly manage to exist. But among the Hindus of to-day, as among the ancient Greeks and Romans, the extinction of a family is a much more serious affair. It affects the dead as well as the living. Take the case already referred to. It was argued that if a man were

¹ Radhamohon *v.* Hardai Bibi ; L. R. 26, Ind. App.