

REVIEWS—CORRESPONDENCE.

defendant. In the principal case the question is presented in a somewhat different aspect. And the cases do not seem altogether consonant with each other, as to how far one travelling the highway in violation of some statute is thereby barred of all remedy for injury through defects in the road. It has been held that the violation of the statutes directing which side of the road one must take, as that in passing another team one must turn to the right, or a statute directing the rate of speed, as that one must not drive faster than six miles an hour, where the violation of the statute does not injure another person, or contribute to the injury received by the plaintiff, will not preclude his recovery for an injury through defect of the highway: *Baker v. City of Portland*, 10 Am. Law Reg. N. S., 559, 563, where this general question is considerably discussed: *Gale v. Lisbon*, 52 N. H. 174. We have already mentioned that it has been decided in New Hampshire that the Sunday law is of this character. But the Massachusetts courts have decided that a violation of the Sunday law is such a breach of faith towards the state, that the offender cannot come to her courts to obtain reparation for the injury received during the time he was committing the offence: *Bosworth v. Swansey*, 10 Metc. 363. The statute prohibiting travelling on Sunday in Massachusetts is identical with the one in Vermont, and is made more sweeping than in other states, and will bear the construction which the Massachusetts courts have put upon it. And the decision in this case follows their construction. But as the Massachusetts courts have in *Hall v. Corcoran*, 107 Mass. 251, receded from the ground taken in *Way v. Foster*, 1 Allen 408, and in *Gregg v. Wyman*, 4 Cush. 322, that no action will lie for an injury to a horse from immoderate driving if he has been intrusted to the defendant to be driven in violation of the Sunday law, it is possible that they may modify still farther the effect of this statute. But, at present, the effect of the extreme view taken of the Sunday law by the Massachusetts courts, and others following in their wake, seems to be, to render all violators of that law, for the time being, virtual outlaws, as to all injuries they may happen to suffer, through the illegal conduct of others, whether by way of omission or commission. It seems to be applying the rules of equity to those who complain of the illegal conduct of others, that he who would have equity must first do equity, or that he would thrive by the law must first be sure to live by it.

REVIEWS.

DE LAUDIBUS LEGUM AGNIE. A treatise in commendation of the laws of England, by Chancellor Sir John Fortescue. Cincinnati: Robert Clarke & Co., 1874.

The edition of this fine old work of Sir John Fortescue now before us is a reproduction of the translation by Francis Gregor, as edited by Andrew Amos in 1825, together with a life of Sir John Fortescue by his descendant, Lord Clermont. Lord Clermont's edition was printed for private circulation and some important public libraries only; but hearing that these publishers were reproducing this well-known "legal classic," he kindly placed his edition at their service. The result is the most perfect and complete edition that has yet appeared. It is a very interesting book now, even to the general reader. As to the matter of the work itself, we cannot do better than quote what is said about it in *Kent's Commentaries*:

"It displays sentiments of liberty and a sense of limited monarchy, remarkable in the fierce and barbarous period of the Lancastrian civil wars, and an air of probity and piety runs through the work. This interesting work of Fortescue has been translated from the Latin into English, and illustrated with the notes of the learned Selden; and it was strongly recommended in a subsequent age by such writers as Sir Walter Raleigh and Saint Germain. And while upon this author, we cannot but pause and admire a system of jurisprudence which, in so uncultivated a period of society, contained such singular and invaluable provisions in favour of life, liberty and property, as those to which Fortescue referred. They were unprecedented in all Greek and Roman antiquity, and being preserved in some tolerable degree of freshness and vigour amidst the profound ignorance and licentious spirit of the feudal ages, they justly entitle the common law to a share of that constant and vivid eulogy which the English lawyers have always liberally bestowed upon their municipal institutions."

The publishers have done their duty in presenting a volume which is most creditable in its typographical appearance and arrangement.

DIGEST OF ONTARIO REPORTS, by C. Robinson, Q.C., and F. J. Joseph, barrister-at-law; Rowsell & Hutchison.

Part V. concludes the title "County Courts," and brings us aptly to "Demurrage." One of the most important