

be divided equally between A, who survived him, and B, who predeceased him, is there not something to be said for the view that the estate is not insolvent for all purposes? In circumstances like those in the example posed, might it not be put that the estate is to be considered as insolvent *qua* creditors and as solvent *qua* beneficiaries *inter se*? This problem, a very important one, passes unnoticed by Mr. Woodman.

Again, Mr. Woodman's chapter on Locke King's Act fails to consider the sort of questions which have much troubled English courts in recent years in cases like *Re Biss*,⁴ *Re Cole*,⁵ *Re Cohen*⁶ and *Re Neild*.⁷

Finally, Mr. Woodman has disregarded the two immensely valuable and illuminating articles on administration problems of Mr. G. Boughen Graham⁸ and of Professor Ryder⁹.

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Magna Carta: Text and Commentary, by A. E. Dick Howard, Associate Professor of Law, University of Virginia, Charlottesville, Virginia, University Press of Virginia, 1964. 55 pp.

June 15th, 1965, was the 750th anniversary of King John's confrontation with the barons at Runnymede, which was to lead a few days later (on June 19th) to the affixing of the King's Great Seal to what we now know as Magna Carta. To commemorate the occasion, the Magna Carta Commission of Virginia has projected a series of about fifteen essays, each to be published separately in inexpensive pamphlet form, with the generic title of "Magna Carta Essays", under the editorship of A. E. Dick Howard, Associate Professor and lecturer in constitutional law and currently in legal philosophy at the University of Virginia Law School.

The present pamphlet is the first fruit of this project. It is valuable mainly for its clear, attractive, and convenient presentation of the 63 chapters of the Great Charter itself. This is preceded (after a short Preface by Lord Denning, M.R.) by a Commentary written by Howard, the core of which is a useful attempt at thematic organization of the rather diffuse contents of the Charter. The three main groups of chapters which emerge are those regulating the incidents of feudal tenure ("a kind of road map of English feudalism in the reign of King John"); those relating to courts and the administration of justice; and, very interestingly, those which in fact (though not, of course, by the barons' design) served to facilitate the English transition from the self-contained, relationally-organised structure of feudal society, to that of an expanding commercial community. This last group of chapters includes the affirmation of the "ancient liberties and free customs" of the cities, boroughs, towns and ports (c. 13); the guarantee to merchants of "safe conduct . . . free of illegal tolls" (c. 41); the grant of freedom to leave and re-enter the kingdom to all except prisoners, outlaws and enemy aliens (c. 42); the removal of fishweirs (c. 33); and the establishment of standard weights and measures (c. 35). There remain a miscellany of other matters not susceptible of easy grouping; but the sorting-out of the above three principal

⁴ (1956) Ch. 243.

⁵ (1958) Ch. 877.

⁶ (1960) Ch. 179.

⁷ (1962) Ch. 643. (As to which see O. M. Stone in (1963) 26 *M.L.R.* 652.)

⁸ (1952) 16 *Conveyance and Property Lawyer (N.S.)* at 257 and 322.

⁹ (1956) *Cambridge Law Journal* at 80.

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groups yields a handy framework through which to approach the main significance of the Charter.

This thematic organization is sandwiched, in Howard's commentary, between brief historical accounts of the events leading up to John's capitulation to the barons, and of the later influence of the Charter in the Middle Ages, in 17th century England, and in 17th and 18th century America. The historical account, which thus covers four distinct periods, is here done only in very summary form. Later in the series, however, there will be separate detailed studies of each of these four periods. The American narrative will be taken up by Howard himself, and the three English phases by noted English historians—J. C. Holt, Lady Doris Stenton, and Maurice Ashley, editor of *The Listener* and author *inter alia* of the delightful work *The Stuarts in Love*. The present summary is obviously intended only to whet the appetite, and provide the overall context, for these later studies in depth.

The bulk of the projected essays will contribute in various ways to the borderland area between law, legal history and jurisprudence. Each will be keyed to a specific chapter or chapters of the Charter—sometimes by way of thematic exploration, sometimes taking the words of the Charter merely as a keynote for the study of related bodies of legal ideas and legal experience, as is appropriate for a document whose influence as an ideological symbol has reached so far beyond its specific words. Thus, Sir Arthur Goodhart, now a Scholar in Residence at the University of Virginia, will write on the words "law of the land" in the famous chapter 39. Under the title "'Law of the Land' in Asia", Professor Gyan Sharma of Jaipur, currently Director of the Indian Law Institute, whose stay at the University of Sydney Law School many of us will recall with affection, will discuss the problems of the reception and adaptation of English law in India. And H. R. Hahlo and I. A. Maisels will deal similarly with "'Law of the Land' in Africa". For the rest, the chapters on property rights and local government will be discussed by American political scientists, John Bebout and Gottfried Dietze; and a distinguished array of American legal scholars—A. E. Sutherland, Yale Kamisar, D. J. Meador, and Thurman Arnold—will discuss national, and sometimes (as in Arnold's case) personal, experience with particular aspects of the Anglo-American "rule of law" ideology stemming from Magna Carta. (These four writers will deal respectively with the separation of Church and State, the guarantee of "equal justice", the right to habeas corpus, and procedural guarantees in criminal law.) Finally, with a collection of subsidiary documents relevant to the Charter, the series will end on the documentative note on which it has so pleasingly begun.

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Grundlagen und Grundfragen des Rechts. By Giorgio Del Vecchio. Göttingen: Vandenhoeck & Ruprecht, 1963. 306 pp.

This book contains a collection in the German language of seventeen essays published between 1923 and 1963 by one of the most distinguished and influential jurisprudential thinkers of today. Giorgio Del Vecchio, Professor Emeritus in Jurisprudence, and Dean Emeritus of the Faculty of Law of the University of Rome, is still, in his eighties, a productive writer. The

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