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## BOOKS NOTED

THE LEGAL SYSTEM OF LESOTHO. BY VERNON V. PALMER AND SEBASTIAN M. POULTER. Charlottesville: The Michie Company, 1972. Pp. xxi, 574.

Most of the emerging nations of Africa have faced the problem of fashioning a legal system which encompasses both the principles of western jurisprudence and the customs of their own diverse native law. Typically, while under the domination of colonial rule, the fabric of an alien legal system has been superimposed upon a colony's indigenous law—often with anomalous results. Examination of the legal systems of these nations presents an interesting subject of study.

This book is one of several in the Legal Systems of Africa Series edited by Professor Kenneth R. Redden of the University of Virginia. The authors begin their study with an examination of the socio-economic history of Lesotho. The heart of the book focuses upon three areas: (1) the relationship between European-derived legal principles and the native law which is based on local customs, (2) the development of the Lesotho Constitution, and (3) the courts and the legal profession.

The authors are especially resourceful in their treatment of the derivation and administration of Lesotho law—describing in great detail the roles presently assumed by Dutch-Roman law, English common law, the common law of the Cape Province of South Africa, and the indigenous law. This section of the book is especially rich with illustrations which show the manifold problems of administering overlapping and often conflicting legal principles.

The appeal of this book obviously lies with those who wish to study the law and government of Lesotho. However, its value transcends this narrow scope, for it is also an excellent study of the legal history of other countries of southern Africa. Moreover, numerous decisions of the English Privy Council are considered which are, of course, pertinent to the many Commonwealth countries for whom the Privy Council remains the court of last resort. The authors also draw upon the principles of other nations, primarily countries formerly belonging to the British empire, to compare or criticize the administration of Lesotho law.

The value of the section which deals with the 1966 Lesotho Con-

stitution, however, has been diminished somewhat by the suspension of that Constitution after a coup d'état in 1970—a casualty common to many recent works on African law. Nevertheless, as a general framework of historical development, political, and social theory, this section of the book is germane.

The book is thoroughly researched, and the treatment is interesting, readable, and informative throughout.

THE LIBER AUGUSTALIS OR CONSTITUTIONS OF MELFI PROMULGATED BY THE EMPEROR FREDERICK II FOR THE KINGDOM OF SICILY IN 1231. TRANSLATED WITH AN INTRODUCTION AND NOTES BY JAMES M. POWELL. Syracuse: Syracuse University Press, 1971. Pp. xxxviii, 163. \$8.00.

As the author notes in his introduction, the Constitution of Melfi is more than just a body of law. It is also a medieval social and political document that illustrates the changes and growth in Western Europe during this important historical era. The thirteenth century lawyer, drawing from the body of Frankish, Lombard, Norman, and Roman law, established legal procedures and remedies for the redress of grievances that previously resulted in private feuds and wars. The constitutions were also an attempt to establish firmly the power of the monarchy against the aristocracy, the church and the towns.

The *Liber Augustalis* is divided into three books. The first is concerned with public law, the second with civil and criminal procedure, and the third with feudal and private law and the punishment of crimes. This last book contains both laws that seem quite modern—laws against air pollution—and laws and penalties that seem archaic—cutting out the tongue of one who blasphemes God.

In addition to preparing this first translation from Latin, Professor Powell has written a scholarly introduction outlining the historical events and social trends that culminated in the *Liber Augustalis*.