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“rebranded” with the bold and clear name of “The Supreme Court of the United Kingdom”, the actual “supremacy” of the court was being further undermined by the European Union.

The twelve contributions in this volume are diverse in their themes and opinions but uniformly the contributions are stimulating and interesting and are alike in the high quality of their analysis. This book will be of great value to anyone interested in the workings of the old Lords and the new Supreme Court.

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MIXED JURISDICTIONS COMPARED: PRIVATE LAW IN LOUISIANA AND SCOTLAND. Ed by Vernon Valentine Palmer and Elspeth Christie Reid

Edinburgh: Edinburgh University Press, Edinburgh Studies in Law vol 6, 2009. xxxvii + 424 pp. ISBN 9780748638864. £60.

The relationship between Scotland and Louisiana may not be obvious. But the links are deep. They immediately focus on Law – not the system, but the person: John Law of Lauriston, a character with whose biography (which James Buchan has written) the course of history itself changes course. Louisiana’s break with France can be traced to the actions of this remarkable Scotsman when, in his capacity as *surintendant des finances* of France, he stoked fevered speculation in the *Compagnie d’Occident* (merged in 1719 with the *Compagnie des Indes Orientales et de la Chine* into the *Compagnie perpétuelle des Indes*) which had obtained from Louis XIV, in 1717, the exclusive 25 year concession to Louisiana. One might have thought that the fever that gripped Parisian investors might have stalled when Law, struggling to find settlers, resorted to rounding up from the streets of Paris for transportation to Louisiana vagrants, abandoned children, prostitutes, and – for good measure – the occasional unsuspecting respectable citizen. As it happens, the public did notice, but by then it was too late. The unsustainable bubble burst, the country was ruined and Law was forced to slip out of Paris incognito, and financial history, dressed as a woman. But thus did Louisiana acquire some of its original European settlers.

This collection of essays, however, celebrates two other shared traditions – that of the mixed legal system and, ever important for law, a shared language. The law of Louisiana is, in principle, easily accessible to Scots lawyers. No particular foreign language skills are required. Many of the issues with which the courts of Louisiana have had to deal have been taken in the context of a political system which successive British governments tell us is closer to our own than anywhere else. If there is a difficulty in locating the law of Louisiana, it is because of the neglect of law libraries in Scotland (the Old College library in Edinburgh University is the honourable exception). Some law librarians consider foreign material in the same way as Mary Ann Glendon compared the general attitude of American lawyers to comparative law: “similar to a taste for fine wine – some familiarity with them is a sign of good taste and refinement, but to specialize in them is apt to be considered wasteful or extravagant or worse”.

But, as these essays show, not only is there a rich and cosmopolitan civilian tradition within Louisiana; much, but not all, of it is embodied in the Louisiana Civil Code. As it happens, the first law code Louisiana inherited from the French was not the *Code Civil* but the *Code Noir* needed to regulate slave ownership as a result of the unsuitability of the settlers for agricultural labour. It is a sad indictment of many Scottish law libraries that they hold not even up to

date copies of this most interesting of codes. Glasgow University Library has a useful modern edition, with commentary, of the *Code noir* but no modern edition of the Louisiana Civil Code.

Codes are important for Scots lawyers because it is almost impossible to believe that the law of Louisiana could have survived, as a single mixed jurisdiction in a Common Law federation, without a code. If its resilience is then attributable to the code, Scots law may have much to learn from it: a peripheral, non-codified mixed jurisdiction among an ever increasing Europe that will become, if it is not already, a federation in all but name.

The essays under review range across the fundamentals of private law: persons, property and obligations. The authors, in the pages of this review, need little introduction. Arbitrarily reflecting my own interests, I would particularly recommend the property law papers, the one area of private law, perhaps, where comparative collaboration continues to be most fruitful. Particularly memorable is Kenneth Reid's brilliant demonstration of the profound French connection between Scotland and Louisiana in the law of servitudes; a connection which, in the case of Scots law, we owe, in this area as in so many others, to Bell. John Lovett's paper on "Title Conditions in Restraint of Trade" contains an illuminating analysis of a question of considerable practical importance. I look forward to Louisiana cases on this subject appearing in the Court of Session, as Roman Dutch law has been used in the case of servitudes: see, for instance, *Computergraphics International Ltd v Nikolic* [2011] CSIH 34. The scholar whose influence on the analysis of the Roman-Dutch material in *Computergraphics* is unmistakable, Roddy Paisley, returns in this volume with a learned paper on extinction of servitudes for non-use. The footnotes, as ever, contain many nuggets which are delight to read.

Two other papers are particularly worth mentioning, namely that on "Contracts for Intellectual Gratification" by Vernon Palmer (dealing with solatium for breach of contract) and "Personality Rights: a Study in Difference" by Elspeth Reid. Both seek to explore the boundaries of existing legal doctrine in responding to modern challenges. In so doing they highlight the benefits and challenges of comparative law. Sometimes one can learn much about one's own system from its similarities with another. But, as Palmer points out, beware the refrain that the law is the same – particularly where the comparison is between a Common Law and Civil Law system, for the refrain is normally an excuse for lazy assimilation. I also read with increasing credulity a claim I initially considered improbable: that *Diesen v Samson* 1971 SLT (Sh Ct) 49 has been the most influential Scottish contract case abroad.

This volume is the sixth in a series that has developed from one worthwhile in inception to one not only indispensable but assured of its place in the legal literature. We are right to be proud of it. The series has easily overtaken this reviewer's lackadaisical reading habits and two further volumes have since appeared. I hope it is no overstatement to say that the success of the series is a measure of the success of Scots law. With that in mind, let us hope the profession provide it with the support it deserves.

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TOWARDS AN EU DIRECTIVE ON PROTECTIVE FUNDS. Ed by S C J J Kortmann, D J Hayton, N E D Faber, K G C Reid, and J W A Biemans

Deventer: Kluwer, Law and Business Finance vol 10, 2009. xxiv + 358 pp. ISBN 9789013065893. £120.

Whilst it would be unnecessarily dramatic to think of the trust as a frightful hobgoblin, it may be plausible to claim that it currently stalks through Europe. To change metaphors, the confluence