

pany and works ordered in invitum by the Board, and it has been suggested that the distinction may extend to questions of liability as well. But see *Parkdale v. West*.⁹ Then again, it has been argued that as the judgment does not rest upon the use to be made of the Boland land, the logical result of it is that the company has no powers of expropriation, for such a work (not being part of its "undertaking") under either the Expropriation Act or the Railway Act, and a landowner affected by this very subway has been given a stay of arbitration proceedings in order to give him an opportunity to attack the whole proceeding in an action if so advised: *Re Hancock and C.N.R.*¹⁰

J. D. S.

BOOKS AND PERIODICALS.

¹¹ Publishers desiring reviews or notices of Books and Periodicals must send copies of the same to the Editor, care of THE CARSWELL COMPANY, LIMITED, 145 Adelaide Street West, Toronto, Canada.

History of England. By George Macaulay Trevelyan. Toronto: Longmans, Green & Co. 1926. Pp. 703+xx. Price \$4.25.

One is not permitted to read far in this most absorbing *sommaire* of the history of England without realizing that it is not for nothing that the author is a grand-nephew of the famous Lord Macaulay. Mr. Trevelyan has been so happy as to escape the defects that marred the work of his great kinsman while possessing in no small measure his lucidity, epigrammatic power, and general readableness. In proof of this, let us cull one or two specimen pieces. In the opening chapter (p. 2) he says:—"The era of Celt, Saxon and Dane is like Macbeth's battle on the blasted heath. Prophecy hovers around." Of the passing of Henry VIII we get this picture and comment (p. 300):—"The brutal and self-willed King was to die murmuring of his faith in God, his hand lying trustfully in that of the gentle and perplexed founder of Anglicanism. If one could rightly interpret the inner meaning of that scene one would know much of the curiosities of human nature." Speaking of Elizabeth's declaration that she owed nothing to Philip of Spain for her life and liberty in Mary's reign, but all to the English people, Mr. Trevelyan observes (p. 326). "It was one of those lightning flashes of sincerity that so often burst from the cloud of vain and deceitful words in which Elizabeth loved to hide her real thought and purpose. Sometimes, indeed, she lied for amusement rather than in the hope of deceiving." Parenthetically let us say here that in not mincing his words concerning the faults of good Queen Bess, Mr. Trevelyan certainly does remind us of his avuncular predecessor in the business of writing English

⁹ [1887] 12 A.C. 602.

¹⁰ Grant, J., October 20, 1926.

history. Finally, and with reference to Pitt's administration after the American revolution, we quote from p. 558:—"When . . . Pitt proposed a mild measure of Parliamentary Reform, his own followers would have none of it. Burke had scotched the snake of Parliamentary corruption with his Economic Reform Bill, but neither he nor his Tory adversaries wished to kill it by reducing the number of rotten boroughs. The magnificent reptile had still a long and honoured life before it."

As explained by the author in his preface, the work "is an essay in so far as it attempts to analyze the social development of the nation in relation to economic conditions, political institutions, and overseas activities. It is a textbook in so far as it preserves the narrative form in brief, deals in dates, and gives prominence to leading events and persons." It is an expansion of the Lowell Lectures which the author delivered in Boston in 1924. The book cannot do otherwise than reveal to every candid reader that before he approached it he had much to learn of English history. Both in style and matter it is a remarkable performance. To the lawyer its appeal is a very special one.

C. M.

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Oxford Studies in Social and Legal History. Edited by Sir Paul Vinogradoff. Vol. VIII. *Studies in the Period of Baronial Reform and Rebellion, 1258-1267.* By E. F. Jacob, M.A., D. Phil. Oxford: At the Clarendon Press. Toronto: Oxford University Press, 1925. Price \$7.25.

One takes up this volume in the well-known series of historical works, begun some few years ago under the editorship of Sir Paul Vinogradoff, with sincere regret that so great a scholar as the late Corpus Professor of Jurisprudence at Oxford was not permitted to preside over the undertaking until its completion. We have spoken of several of the earlier volumes as being of great value to the student of our political institutions, and the present volume does not fall below the quality of its predecessors. We could wish for more space in this department of the REVIEW so that we might attempt an adequate survey of some of its important features. We must be content with the statement that Dr. Jacob deals with that all important period in the history of England when Simon de Montfort, the "brilliant French adventurer," as Vinogradoff styles him, set himself at the head of the baronial revolt against Henry III., and accelerated in a wonderful degree the momentum of the forces that from the beginnings of social order in the realm had made for popular liberties. But it is not with the aspects of the time as presented by Stubbs or Guizot or Pauli that Dr. Jacob busies himself. It is the social background as revealed in the mass of ancient legal records that he endeavours to open up to our view. This work cannot be overlooked when light is needed on the constitutional problems which are imbedded in the social and legal history of the years that fell between 1258 and 1267.

C.M.