BOOKS AND PERIODICALS.

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Oxford Studies in Social and Legal History. Edited by Sir Paul Vinogradoff, M.A., D.C.L., LL.D., Dr. Hist., Dr. Jur., F.B.A., Corpus Professor of Jurisprudence in the University of Oxford, Vol. VII. Toronto: The Oxford University Press. Price $5.50, postpaid.

The seventh volume of these studies consists of a critical study by Miss B. H. Putnam, of Mount Holyoke College, Massachusetts, of the development of the practice of self-government in England from the end of the fourteenth to the beginning of the sixteenth century as illustrated by the judicial and administrative functions discharged by the Justices of the Peace. As Sir Paul Vinogradoff points out in his preface to the work, "the institution of the Justices of the Peace is undoubtedly one of the most remarkable creations of English administrative history." The important part in securing peace and order and stable government played by those holding Commissions of the Peace in the North American Colonies is well known to students of legal history; and for them Miss Putnam's labours in reviewing the ancient records appertaining to the office of the Justice of the Peace will have especial value. At p. 194, the author shows that there was a good deal of ignorance displayed by the critics of the English Act of 1919 enabling women to hold Commissions of the Peace. It was contended when that legislation was before Parliament that women were under a common law disability to hold such commissions. Miss Putnam is able to quote from Thomas Marowe's Reading on the Peace in 1503, and other early authorities, establishing that women, whether single or married, were competent in this behalf. She frankly states, however, that "the paucity of evidence certainly proves that there were not many instances of women Justices of the Peace." And she adds: "But it is very probable that further research will show that the age of the 'Monstrous Regimen of Women' witnessed a few women on the Bench, and that their 'common law disability' was a doctrine of later years."

The volume before us is a further testimony of the fine share being taken by American scholars in the work of revealing the sources of English legal and political institutions. C. M.

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Leading Cases in Constitutional Law Briefly Stated. With Introduction and Notes. By Ernest C. Thomas. Late Scholar of Trinity College, Oxford, and Bacon Scholar of the Hon. Society of Gray's Inn. Fifth Edition by Hugh H. L. Bellot, M.A., D.C.L., London: Sweet and Maxwell, Limited, 1924. Price $3.25.

In his preface Dr. Bellot explains: "Since the fourth edition appeared in 1908, a considerable number of highly important constitutional issues has been raised in the Courts, due in a large measure to the War

of 1914. Within the limits of space and time allotted to me, I have endeavoured to bring this little book up to date by including some of the most important of these cases; by adding some pre-war cases overlooked in previous editions; by appending to both classes of cases explanatory notes; by amplifying the existing notes where necessary, and by deleting some statements which appeared incorrect. . . . The Introduction has been almost entirely re-written."

In so editing the work Dr. Bellot has greatly enhanced its value. For instance, that portion of the Introduction which distinguishes and comments upon the several functions of government, *i.e.*, the Legislative, the Executive and the Judicial, presents a great deal of information in a very small compass (pp. XVIII. to XXV.). Again, at pp. 80-82, there is an instructive note on Remedies against the Crown. I venture to quote a passage (p. 81).:—"In cases where it has been alleged that executive officers of the Crown have failed to perform their duties and have thus occasioned damage to members of the public, attempts have not unfrequently been made to induce the High Court of Justice to enforce the performance of those duties by the issue of a writ of *mandamus*. Occasionally, no doubt, such writs have been issued, but it appears now to be well settled that, although in cases where servants of the Crown have been constituted by statute agents to do particular acts a *mandamus* will lie against them as individuals designated to do those acts, yet where they are acting merely as servants of the Crown, and owe no legal duty to the applicant, he cannot ask for a *mandamus* to compel them to do their duty to the Sovereign their employer."

At p. 145, commenting on the case of *Ford* v. *Blurton* (38 T.L.R. 801), where the right of a judge to dispense with a jury in certain cases under recent legislation in England was considered, the learned editor says: "The provisions giving this arbitrary power to a judge to refuse a jury would appear to be in line with the other numerous acts of both Parliament and the Executive in overriding without any mandate from the electorate the fundamental rights of the subject. Under the American Constitution this would be impossible, and if the old principle of the English common law that even an Act of Parliament cannot deprive the subject of his fundamental rights under the Constitution were restored, it would be impossible in the United Kingdom. This principle the New England colonists carried with them across the Atlantic, and it is embodied in the Constitution of the United States. In the above case Atkin, L.J., doubted whether the rule issued under the statute was valid."

C. M.