

BOOK REVIEWS.

LEADING CASES IN CONSTITUTIONAL LAW, briefly stated, with Introduction and Notes, by Ernest C. Thomas, Esq., late Scholar of Trinity College, Oxford, and Bacon Scholar of the Hon. Society of Gray's Inn. 2nd edition. London: Stevens and Haynes, 1885.

Constitutional Law will always be an important study to a people watchful of their political rights, for within its definitions may be found the limits of the public authority of the three great departments of government—legislative, executive and judicial. In the British Constitution, according to Blackstone, "absolute despotic power, which in all governments must reside somewhere," is centred in Parliament, yet that body has ever regarded as supreme and unrepeatable those constitutional enactments of its early predecessors which declare themselves to be "the law of this realm forever," or which eloquence affirms are "enshrined in the sacred ark of the constitution." And yet, the sovereign, in whose name as the sole legislator that supreme despotic power enacts its laws, is in all the qualities of sovereignty subject to the law, as was deftly and boldly stated by Lord Coke to James I.:—Thus wrote Bracton; Rex non debet esse sub homine, sed sub Deo et Lege; and as Coleridge, J., declared in *Howard v. Gossett*, 10 Q. B. 386: "The law is supreme over the House of Commons and over the Crown itself."

But neither in jurisprudence nor text-books does English Constitutional Law take the same high stand that American Constitutional Law takes, or which Canadian Constitutional Law is rapidly taking. Very little philosophic or scientific law is to be found in the judgments of English judges. They deal with the case in hand and the dry statute or common law applicable to it. Rarely, except in Colonial or Indian appeals, do we meet with judgments dealing with the questions of a general or limited grant of sovereignty or legislation, or reviewing the varied rules applicable to the interpretation of a constitution which gives a general power or enjoins a particular duty with "implied powers of legislation," which may be resorted to for the exercise of the one or the enforcement of the other.

The work before us gives little aid in such a study. Its title, "Leading Cases," is misleading. But as a useful digest of cases on Constitutional Law it will be of value to students, and its usefulness as such has been proved by the issue of a second edition. It could be made more valuable

if it contained further cases illustrating the jurisdiction of the Courts to review executive acts of the Crown, as in *The Parlement Belge*, 4 P. D. 129; *Attorney-General v. Manchester*, L. R. 3 Eq. 436; *Long v. Bishop of Capetown*, Moo. P. C. N. S. 411, as well as cases like *Reg. v. Burah*, 3 App. Cas. 889, and *Hodge v. Reg.*, 9 App. Cas. 117, which define colonial legislative powers.

ARTICLES OF INTEREST IN CONTEMPORARY JOURNALS.

Rights in percolating water.—*Law Journal*, February 21.
 Privilege of solicitor in relation to criminal issues.—*Ib.*, March 28.
 Liabilities of municipal corporations for damage to private property caused by public works.—*Central L. J.*, April 17.
 The present law of payment for goods.—*Ib.*
 Actions for services rendered without any mention of compensation having been made—*Quantum meruit*.—*Ib.*, April 24.
 Counter-claims in actions ex delicto.—*Irish Law Times*, March 7.
 Preferences in compositions with creditors.—*Ib.*, May 15.
 The effect of taking security upon a lien.—*Ib.*, May 22.
 The ratification by corporations of the unauthorized acts of their agents.—*Ib.*
 Jurisdiction of the Court of Chancery over wills.—*Albany L. J.*, March 21.
 Rules as to the privileges of witnesses.—*Ib.*, April 4, 25; May 2, 16.
 Attorney's liens upon the cause of action.—*Ib.*, April 18.
 Lost wills.—*Ib.*, May 9, 16.
 Liability of company on forged or fraudulent share certificate.—*Irish L. T.*, March 7.
 Breach of contract when goods are sold to be delivered by instalments.—*Ib.*
 Manslaughter through negligence.—*Ib.*, March 14.
 Passengers' luggage—Liability of carriers.—*Ib.*, March 21.
 Actions for bets.—*Ib.*
 Marriage settlements induced by fraudulent misrepresentations.—*Ib.*, March 28.
 Liability of joint guaranties.—*Ib.*, April 4.
 The maintenance of infants.—*Ib.*, April 25.
 Married woman's consent to breach of trust.—*Ib.*, May 2.
 Liability of solicitor for partner's misappropriation of securities.—*Ib.*, May 9.
 On the assignment of debts and other choses in action.—*Ib.*
 Validity of contracts in restraint of trade.—*American Law Register*, April, May.
 Indictment of corporations—Law and practice of, considered.—*Criminal Law Magazine*, May.