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Thompson: MAGNA CARTA, Its Role in the Making of the English Constitution, 1300-1629.

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MAGNA CARTA, Its Role in the Making of the English Constitution, 1300-1629. By *Faith Thompson*. Minneapolis: The University of Minnesota Press. 1948. Pp. v, 410. \$6.50.

The author, an associate professor of history at the University of Minnesota, continues in this volume a tradition of scholarly exposition begun with her first volume on the subject of Magna Carta, *The First Century of Magna Carta: Why It Persisted as a Document* (Minneapolis, 1925). From an overwhelming plethora of material, Miss Thompson has carefully culled the major sources that serve to illustrate the status and use by lawyers and lawmakers of the Great Charter of King John. In view of the current exclusive interest in the Charter of John, it is interesting to note that it was not that text but an altered version, 9 Henry III (1225), which was known and cited throughout the period covered by this volume; the original text was uncovered and re-established by Coke and Selden in the Parliamentary debates of 1628. The author indicates the tentativeness with which the Great Charter was first approached, noting carefully each step in its development, interpretation and exposition at the hands of various interest groups, their lawyers and the few great jurists of the period. In addition to providing statements of legal principles and feudal rights, inviolable even by the sovereign, which were the remote ancestors of the concept of public law in the Anglo-American legal system, the Charter occupied a significant place in private law and was constantly invoked by lawyers in private lawsuits in which the King had no interest. Indeed, there were special "actions on the charter" both for the benefit of those asserting private rights against the King (for instance, in his capacity as large landowner or landlord) and against less august defendants. But the Charter as the initial expression of liberty of the subject is the aspect which modern historians have stressed and which the interested but non-historian reader will find most stirs his interest. Despite transitory neglect and disuse, Magna Carta was developed into the philosophical framework and illustrious legal progenitor of our Bill of Rights. It may be hoped that in succeeding studies Miss Thompson will complement her admirably begun sequence by showing the impacts of the Commonwealth and the philosophy of the "Rights of Man" upon the Charter.