

BOOK REVIEWS.

THE HISTORY OF ENGLISH LAW BEFORE THE TIME OF EDWARD I.

By SIR FREDERICK POLLOCK, Bart., M.A., LL.D., and
FREDERIC WILLIAM MAITLAND, LL.D. Two Volumes.
Cambridge: The University Press. Boston: Little, Brown
& Co. 1895.

The work before us deals with the period of English history down to the reign of Edward I. It was during this period that the law of England was formed and that the lines along which it was to develop were marked out. It is this fact, strongly brought out by our authors, which makes their work of great value to the legal profession. Learning and research are here made use of to explain the origin of principles and institutions with which the lawyer has to deal every day.

The first volume opens with a sketch of the history of the law from Anglo-Saxon times to the age of Bracton. The Anglo-Saxon system of compensation for injuries and their primitive methods of investigation are clearly portrayed. The Norman Conquest, by strengthening the power of the crown, led to a rapid increase of the royal jurisdiction. The law administered in the King's courts became the common law of the realm and so prevented local custom from hardening into law. The growth of the jurisdiction of the King's court is seen in the increasing number of new writs issued out of chancery. These writs were all the more in demand, because they gave the suitor the benefit of the new method of investigating facts, which the Norman kings had begun to make use of in asserting their own rights. The Frankish inquest, introduced into England by the Norman kings, is the origin of trial by jury. The jury in its widest sense was a body of neighbors summoned by some public officer to give upon oath a true answer to some question.

The general view of the development of English law prepares the way for its more detailed study under the three heads of law tenure, personal condition, and the law of jurisdiction. In

its treatment of these subjects the work displays broad learning, patient research, and discriminating judgment. In nearly every subject touched upon an addition is made to the stock of knowledge. Legal facts are brought into relation with social and economic facts and legal history is studied in connection with other phases of development without which it can never be understood. The chapter on the origin of corporations will prove of special interest to lawyers. It is the best thing that has been written on the subject.

In the first volume the kinds of tenure, the sorts and conditions of persons, and rights of jurisdiction, whether belonging to persons or communities, are studied in their relation to the state and as part of its political order. The second volume, however, deals with private rights and relations. Ownership and possession are studied under the following headings: rights in land, seisin, conveyance, the term of years, the gage of land, incorporeal things, movable goods. Then follow chapters on contract, on inheritance, on family law, on crime and tort, and on procedure.

This monumental work, which is mainly from the pen of Professor MAITLAND, must prove invaluable to all who have a scholarly interest, either in English law or English history. "Those few men," so runs its closing sentence, "who were gathered at Westminster, round Pateshull and Raleigh and Bracton, were penning writs that would run in the name of kingless commonwealths on the other shore of the Atlantic; they were making right and wrong for us and for our children."

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OUTLINE OF THE INFRINGEMENT OF PATENTS FOR INVENTIONS,
NOT DESIGNS. Based solely on the Opinions of the Supreme
Court of the United States. By THOS. B. HALL, of the
Cleveland Bar. New York and Albany: Banks & Brothers.
1895.

The purpose of this admirable little treatise of fifty-three pages is set forth by Mr. Hall in his preface, as follows: