

the expression of novel views. Of this he takes advantage, in the regal period, in connection with the origin of *sponsio*, the nature of *nexum*, etc., and concludes the chapter by criticising the statement "that the earliest known contracts were couched in a particular form of words." In the period of the XII Tables one may notice particularly his distinction between *nuncupatio* and *dictum*, his novel view as to the origin of *vadimonium* and the *actio ex causa depositi*. He curiously seems to regard the XII Tables as mainly the creation of new law.

In treating of the contracts of the later republic, Mr. Buckler deals first with the formal ones, then with those of the *jus gentium*, and lastly with certain contracts not classified as such by the jurists. In the first, which affords most opportunity for original speculation, he is least successful. In the second, he finds the origin of *emptio* in the necessary sales and purchases by the state, and a similar origin of *locatio*. All other contractual relations of this period arose later under the edict *Pacta conventa*, and were protected at first by an *actio in factum*, and only later, in most cases, by an *actio in jus*. It may be questioned whether too much importance has not been attributed, in fixing the dates of the legal recognition of the several contracts, to the allusions to, or silence concerning the same, on the part of non-legal writers such as Cicero and Plautus. Still, where authorities are scant, the most must be made of those existing, and the author has certainly been guided by this maxim in treating of this subject full of vexed questions.

Bishop Westcott of Durham has gathered into a little volume certain *Historical Essays* by his predecessor, the late Bishop Lightfoot (London and New York, Macmillan, pp. xiii, 245). The essays are so various as to give a quite miscellaneous character to the volume. The three essays on Christian life in the second and third centuries were read as lectures in St. Paul's Cathedral, and have a homiletic tone. The rehearsal of heroic days was to kindle resolve and ennoble thought. At the same time a scientific purpose chose the period intervening between the supernatural assistance of apostolic inspiration and the secular assistance of alliance with the state to explain the success of Christianity by the vital energy of its own ideas. The facts are all familiar, and the interest lies in the author's evaluation of them, and in the solid merits of his style. A stronger and more adequate exposition of the thesis was perhaps prevented by the restraints of ecclesiasticism. That Christianity won by satisfying the best moral and religious insights of men is an argument only weakened by leaning to Augustine's unhistorical view that Christianity was the only life in a decrepit and dying world. The second and third essays, dealing with the motives of persecution and the superiority of Christian worship, contain just appreciations, but the first, on the moral transformation of society, is most unsatisfactory. The illustrations are the least telling. The absence of infanticide among Christians is unfortunately made an indictment of the moral standards of paganism. Surely many pagan protests could have been

quoted, and the more perfect correspondence of precept and conduct in the Church is linked with the fact that a religion exposed to persecution attracts only the most earnestly moral elements of society. Another instance, opposition to the institution of slavery, is purely imaginary. Christian ideas can be used in behalf of emancipation, but they were not. It is not true that the Church "fearlessly carried this principle" of the equality of all men in Christ, and the institution of slavery was more endangered by Ulpian's dictum, "*jure naturali omnes liberi nascuntur . . . quod ad jus naturale attinet, omnes homines æquales sunt*," than by an assertion of religious equality before God. Had Lightfoot indulged in quotations, only two were possible: the Apostolic Constitutions, IV. 9, which probably means the redemption of Christians who have been reduced to slavery under pagan masters; and Ignatius to Polycarp, IV., which vetoes a wish for emancipation! That Pius, bishop of Rome, had a slave brother is far from certain, and the original servitude of Callistus proves nothing for Church liberality; we only know it as told to his discredit by Hippolytus. Yet, granting the case, the Church did not keep to this standard. Jerome and the bishop of Jerusalem taunt each other with the ordination of slaves, and Leo I. (Ep. IV.) describes such ordination as a pollution of the sacred ministry, and an infringement of the rights of masters.

Of the remaining essays the longest consists of two lectures, delivered at Edinburgh, on England during the latter half of the thirteenth century. The first deals with the political and constitutional history of the period, the second with the history of architecture and of the universities. They are learned, sound, and agreeable discourses, but contain nothing of importance that is either original or profound.

We have received from the University of Minnesota a useful pamphlet of fifty-four pages entitled *Outlines and Documents of English Constitutional History during the Middle Ages*, edited by Professor Charles L. Wells and Mr. F. M. Anderson. The syllabus is one which may with profit be used in other universities. A large number of the documents in Stubbs's *Charters* are here presented in translation. In the bibliographies, it is a misfortune that an alphabetical order is preserved. The pamphlet contains not a few misprints.

*The Development of the French Monarchy under Louis VI., Le Gros, 1108-1137.* A Dissertation presented to . . . the University of Chicago, in Candidacy for the Degree of Doctor of Philosophy, by James Westfall Thompson, A.B. (Chicago, The University, 1895, pp. xii, 114).—American history undoubtedly offers the easiest and most fruitful field of original investigation for American students. The library facilities that our country affords are so comparatively inadequate to the elucidation of the minuter problems of European history, and our want of manuscript sources is so entire, that the American investigator who cannot transfer the scene of his labors, for a time at least, across the ocean, works at a decided disad-