

*Select Cases in Chancery, A. D. 1364 to 1471.* Edited by WILLIAM PALEY BAILDON. [Selden Society.] (London: Bernard Quaritch. 1896. Pp. xiv, 195.)

THE Court of Chancery has this special interest for Americans, that we ought never to have had it. The court arose in England from accidental causes which at first had no existence with us. There it was the result of the "hardening" of common-law process, in the thirteenth century, into forms of action, and of the great inequality which existed between the king's subjects. The "fathers" of the republic did not know that; they supposed that the system of common law and equity was the consummate flower of civilization. Had they known what, thanks to such books as the Selden Society and the newer historians are giving us, we in our day know, the Court of Chancery would probably have run its course, and become a thing of the past, in England alone.

The present volume is a continuous commentary upon the need in England of the court in question. It contains 147 petitions in chancery, from the year 1364 to the year 1471, illustrating about equally the two causes (above mentioned) for the existence of the court.

The second of these causes (we pass over the first for want of space) never involved any principle of equity jurisprudence; it was only a matter of persons; common law as distinguished from equity was administered in chancery for the poor and the weak. This common-law side of the chancery, though already destined to disappear, is constantly in evidence in the present volume and in not a few interesting cases. Most of the cases of the kind, as in the calendars of chancery, are complaints of assault, maiming, threats, and such-like violence, for which redress could not be had in the common-law courts only because the defendants were strong, and the plaintiffs were weak; the defendants overawed the courts, or in some way avoided them, and the plaintiffs had none to help unless the chancellor, "for God's sake and in work of charity," raised his arm. His arm was the king's. We are afraid that Mr. Baildon has made some of these cases more difficult to understand than they really are. To No. 36 there is a note that "no reason appears why the chancellor should be asked to interfere in this case." But the case, we venture to think, was only the familiar one of power and oppression, on the common-law side of the court. The ground of jurisdiction, that the suppliant could not obtain justice at common law because of the power of the defendant, is not in terms alleged, but the allegation is often omitted in cases in which it is fairly to be inferred as it is here. "Beseecheth one Thomas de Bridesall," runs the complaint, "that . . . there came one John de Bulmer, by the order, scheme and advice of Robert Bulmer, his father, and William, his brother . . . with *thirty people* of their covin, arrayed in manner of war," and entered the suppliant's tenements and ousted him, etc. Cases 43, 49, 60, 62, 64, 66, and others, are of the same category. Case 60 is a highly realistic example. John Lyndewode, merchant, complains that while on his way to London to pay his custom

at the Exchequer, various persons named and many others unknown, "some of them arrayed in female clothes, with swords, bows, clubs and other harness" seized him and beat his servant, so that he lost his servant's service. Formal allegation of jurisdiction was unnecessary.

On the whole Mr. Baildon's volume contains little that can be called new, but much that is highly interesting and valuable. Every case deserved to be printed. Mr. Baildon's own work is excellently done; his introduction is a first-rate piece of work and will be found of great help both to the lay reader and to the student and teacher of English institutions. The Selden Society has given us no more acceptable volume than this.

MELVILLE M. BIGELOW.

*A History of the Administration of the Royal Navy and of Merchant Shipping in connection therewith from MDIX to MDCLX.*

With an Introduction treating of the Preceding Period. By M. OPPENHEIM. (London and New York: John Lane. 1896. Pp. xiii, 411.)

THE word administration, to whatever subject applied, is a large term, embracing very numerous and often divergent details. This is no less true of naval affairs than of others, and a History of Naval Administration, extending as this does over several centuries preceding the definite and limited period named on the title-page, necessarily includes the mention of so many different matters as to produce at first sight the impression of a set of statistics and of miscellaneous information to which unity of idea is scarcely to be imparted. Nevertheless, naval administration lies at the bottom of naval efficiency. Due credit can scarcely be given to the warriors upon the sea, or due allowance for their shortcomings made, unless there be some previous understanding of the difficulties under which they have labored, owing to the faulty administration of the governments behind them.

To a naval officer this will be perhaps the most instructive feature of Mr. Oppenheim's comprehensive and meritorious work, the production of which, he tells us in the introduction, has required five years, for the accumulation and digestion of the material. The subject itself, it is to be feared, is only incidentally of much interest, except to a limited class of readers. Nevertheless, independent of its own importance, there are scattered profusely throughout the work indications of historical insight, suggestions of the reasons and bearings of things, and not a few incidents of an anecdotal character, which will repay any one who reads, either for a particular purpose or for general knowledge of the subject.

Of the four hundred pages the author has taken for his treatment, forty-four, one-tenth, are allotted to an outline sketch of naval administration prior to 1509, when the main subject begins with the accession of Henry VIII. This monarch first gave to the royal navy the place in the statesman's scheme, required by the insular position of Great Britain, and by the contemporary conditions, which he clearly recognized; and he also,