Chantal Stebbings, *Legal Foundations of Tribunals in Nineteenth Century England,* Cambridge: Cambridge University Press, 2007. Pp. 344. $106.00 (ISBN 978-0-521-86907-2).

In the twentieth century, as the adjudicative and administrative aspects of governmental institutions became more clearly demarcated, tribunals have come to be seen as essentially adjudicatory bodies, albeit ones which fit uncomfortably into the legal system. Chantal Stebbings's new book seeks to shed new light on their status by tracing the history of their nineteenth-century antecedents. As she shows, modern tribunals (which can be roughly dated from the pre-1914 Liberal social legislation) were not the product of a planned development of an alternative system of dispute resolution, but were modeled on a particular set of nineteenth-century administrative bodies with adjudicative functions. These bodies developed out of governmental responses in the 1830s to the social problems generated by industrialisation and urbanisation, and were part of the early nineteenth-century "revolution in government." This book is not concerned with those parts of the regulatory state which have most interested historians in the past—such as the factory inspectors—but rather concentrates on four areas where administrative bodies exercised significant adjudicative powers: income tax assessment and collection; the tithe, copyhold and inclosure commissioners; rate assessment under the New Poor Law; and railway regulation.

Following in the tradition of Oliver MacDonagh, Stebbings argues that they were the result of administrative pragmatism rather than ideological motivations. These non-judicial bodies were given powers of adjudication largely because the alternatives were too unattractive. The common law courts were too slow and costly to deal with the minor matters likely to come before commissioners. Justices of the peace were regarded as inappropriate for this kind of work, since their social position might make them enemies of the reforms which were to be implemented, and because they (like the judges) lacked the requisite knowledge for this kind of administration. Finally, arbitration was often rejected as it lacked the element of compulsion which it was felt was requisite. In their adjudicative work, the new tribunals were intended to be as simple and cheap as possible. They were largely left to themselves to devise their own rules of procedure. The participation of lawyers was discouraged, since their presence was the greatest contributor of cost. The model tribunals were the land rights ones, which gained much popular support and had few appeals. By contrast, the railway commission (set up in 1873) retained a highly judicialized procedure (thanks to the pressure of the deep-pocketed railway companies), which made the tribunal so expensive that it was ineffective for the ordinary trader.

Stebbings's careful research shows that there were many tensions in the workings of the new system which combined judicial and administrative aspects. For instance, the desire for simplicity and cheapness ran against the need for sufficient formality to secure confidence in the decision, and sufficient legality to avoid the appearance of "palm tree justice." Similarly, there were obvious tensions in an adjudicative system which was an arm of the executive, staffed by men paid (for the most part) out of the consolidated fund. Stebbings shows that in many areas,

reformers sought to inspire local confidence in the system by appointing commissioners with local ties, and by setting a high property qualification for commissioners and requiring them to take oaths. But confidence could not be guaranteed. General commissioners of income tax, who were often unduly influenced by the local government official in the district, the surveyor, often inspired little confidence. By contrast, the special commissioners, who were paid public officials, were regarded as independent and were respected.

This is in essence an administrative history of the four kinds of tribunals covered in the work, though not a history of the particular bodies discussed. The book is structured thematically, with material from each kind of tribunal discussed in separate chapters on topics such as "composition and personnel" and "procedure and practice." It does not discuss the political pressures which led to the creation of particular bodies. Nor is she concerned with writing a history of the practical working of these institutions and their effect. Indeed, the reader must wait for the fifth chapter for a description of how these bodies executed their core functions. But Stebbings has mastered a vast amount of detail, for the tribunals were varied in their nature and composition, and were regulated by a large amount of statute law. This book is almost encyclopaedic in its coverage, and contains a great fund of information on these bodies which will be of great use to future scholars. It also includes a particularly useful chapter on the relationship between the tribunals and the superior courts, showing how the courts developed and exercised a power of judicial review of errors of law in the tribunals. It promises to be an essential reference point for future historians working on nineteenth century tribunals.

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Jamie L. Bronstein, *Caught in the Machinery: Workplace Accidents and Injured Workers in Nineteenth-Century Britain,* Stanford: Stanford University Press, 2007. Pp. 240. $55.00 (ISBN 978-0-804-70008-5).

It is a convention of histories of British and American workplace accidents that during the nineteenth century such accidents were treated differently in law and understood differently in society than they had been in the eighteenth century and than they would be in the twentieth century. An eighteenth-century regime of paternalism, in which injured workers could look to their masters or to a generous poor law for support, gave way in the nineteenth century to a harsh and restrictive poor law and to a tort regime which left many injured workers without legal recourse against their employers. By the twentieth century, this regime had itself been displaced by one that imposed legal responsibility for workplace accidents on employers; in the United States this change was most often implemented through the establishment of workers' compensation systems.

Although she makes clear that evidence from the eighteenth century is not definitive, the logic of Bronstein's argument requires her to adopt this basic narrative structure. The nineteenth-century regime governing workplace accidents is portrayed, by and large, as the outgrowth of a particular set of ideas about individual