statutory restraint on alienation did not become perpetual until the 1420s. Common recoveries begin to appear on the plea rolls in the 1440s. Thus, the process by which the entail became perpetual was a slow one, and it was not long after the restraint extended to all generations that lawyers invented a mechanism to destroy it.

Chapters 3 and 4 discuss the use of entails and the methods, other than the collusive common recovery, that could be used to bar the enforcement of them. In Chapter 3, Biancalana explains how the typical marriage settlement changed over the period 1200–1320 from a grant in maritagium from the bride's family to a payment of a marriage portion in money by the bride's father in exchange for a joint settlement of land in fee tail on the couple by the groom or his father. Biancalana then examines the use of final concords to record conveyances and the types of fee tail mentioned in these sources. In Chapter 4, Biancalana discusses other methods of barring entails besides the collusive common recovery and explains the various drawbacks of these methods.

Chapters 5 and 6 consider the collusive common recovery, a clever legal fiction devised by lawyers in the fifteenth century to bar enforcement of entails. The standard recovery involved a lawsuit brought against the tenant-in-tail by his grantee; the tenant vouched a warrantor who defended the action but then defaulted, leading to a default judgment for the grantee against the tenant-in-tail. Biancalana shows how this type of action became increasingly popular in the fifteenth century, and plaintiffs began to vouch the same warrantor in every case, known as the "common vouchee" (285). Lawyers eventually developed the theory that the fee tail was barred because the grantor theoretically received equal lands in exchange from the warrantor. But this "recompense theory" was not the basis for a more complicated form of recovery known as the "double voucher recovery" (300), which could be used not only to bar the entail but to effect simultaneous transfers of land or extinguish multiple claims. Biancalana concludes by arguing that it is difficult to discern societal attitudes toward recoveries outside of particular cases, but there is no evidence of general disapproval.

Parts of Biancalana's argument are difficult to follow, especially his discussion of the doctrine of assets by descent in Chapter 4. But this is understandable given the complexity of the subject and does not detract from the overall importance of the book, which is now essential reading for anyone who wishes to understand the development of the common law of property prior to the sixteenth century. Biancalana's achievement deserves high praise.

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Emily Steiner, *Documentary Culture and the Making of Medieval English Literature,* Cambridge: Cambridge University Press, 2003. Pp. xvi + 266. $60 (ISBN 0-521-82484-2).

A miniature from 1331 illustrated in this book encapsulates what the author means by "documentary culture." A woman holding a sealed writ confronts a roughian brandishing a club. She is the allegorical figure of Reason and he is "Rude Under-

standing" by which is meant no true understanding. The writ, which is addressed by God himself to Lady Reason, is an injunction naming Rude Understanding, who is to be given a day "at the assizes of judgement" if he fails to listen to Reason. Legal documents had become so famililar in England by the fourteenth century that authors used them as representations of Christian salvation. A Franciscan preachers' manual from the 1320s likens the Creed to a charter of feofment: if anyone holds a charter from a lord for some piece of land, the lord will protect him and warrant him as long as he serves his lord faithfully. Charters issued in Christ's name, replete with legal terminology, develop as a literary genre and are illustrated in books as letters patent complete with seals. They open with the familiar address Sciant presentes et futuri and they conclude with: "Written, read, confirmed and given to mankind on Good Friday on Mount Calvary in perpetuity."

Such uses of legal documentary forms in literature addressed to the general lay public are certainly of interest to historians of English law, as they demonstrate a respect for due legal process as well the pervasiveness of documentary culture. Lady Reason expects her injunction against Rude Understanding to be effective because it is enforceable at the next justices' assizes. Similarly Christ's charter to mankind will be honored, just as a lord (according to the Franciscan preacher) duly warrants his tenant. But would the general public have really been so familiar with the forms of charters? The answer is "Yes," if my *From Memory to Written Record* is correct. By 1300 many peasants possessed documents entitling them to property and those that did not heard charters being read aloud at the frequent meetings of manorial and other local courts. A difficulty with this is that before the fifteenth century charters were written in French or Latin and not in English. Authors writing in English, who use legal documents as metaphors, often make play with translating or explaining the text to their non-clerical audience.

As a professor of English literature, Emily Steiner is concerned with the significance of these documentary allegories at a much deeper level than simply demonstrating the existence of a legalistic documentary culture. The most important and problematic text is Langland's Piers Plowman, which uses a profusion of documentary metaphors and allusions. Steiner devotes nearly half her book to "Langland's documents" and especially to the significance of Piers tearing apart the letter of pardon which Truth has given him. This is a crux in the poem that has never been adequately explained; possibly Langland intended it to remain a mystery. By approaching this question from the forms of legal documents, Steiner has come up with a solution, though it is a contentious one. She suggests that the letter of pardon was in the form of a bipartite chirograph. Piers's tearing of the letter was constructive not destructive: "by tearing his chirograph, Piers simultaneously declares his faith in its terms and awards to each his or her portion." The practical objection to this is that a chirograph had to be cut with care, so that the two parts could be rejoined if required, whereas Piers is described angrily tearing or pulling his document asunder. Steiner does have good theological evidence, however, for Christ's redemption of mankind being interpreted as a compact that both sides enter into, as in the making of a chirograph.

Steiner carries her study beyond Langland into the fifteenth century, when Lollardy made devotional documents in English highly contentious. Charters issued

in Christ's name became potentially subversive, once they began to be contrasted with the legalistic forms of papal indulgences. One accused Lollard, Margery Baxter, purportedly claimed that she had a charter of salvation in her womb. William Thorpe in 1407 used English to powerful effect in his Testimony as a counter to the official version of his trial for heresy. The Testimony is addressed like a letter patent "to all men that read or hear this writing." Those suspected of subverting the Scripture, like Margery Kempe, needed legal documents to protect them. When the arresting officer read the archbishop of Canterbury's letter, he became more polite and asked: "Why did you not show me this before?" This encounter, like that between Lady Reason and Rude Entendement, suggests a respect for due legal process.

The significance of all this for the understanding of English literature is complex and controversial. For historians of law, on the other hand, Steiner's evidence unequivocally suggests that legal documents were widely understood and respected. This contrasts with the disrespect for the law documented in court records and chronicles. The historical records deal with remarkable events and particular cases and they will therefore tend to emphasize lawlessness. The evidence from literature of a deeply imbedded legalistic documentary culture is a useful counterpoint to historians' generalizations about medieval lawlessness. The set forms of documents laid down pathways for obtaining justice and this was well understood.

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Chantal Stebbings, *The Private Trustee in Victorian England,* Cambridge: Cambridge University Press, 2002. Pp. xxvii + 201. $65 (ISBN 0-521-78185-X).

According to one of the central arguments of this book, the nineteenth century saw a transformation in the kinds of use to which private trusts were put. Where in the eighteenth century, the archetypal trust aimed to preserve and secure the fortunes of landed families over many generations, in the nineteenth century, trusts were increasingly adopted by the middle classes to provide for the more immediate well being for their families. In the event, as Chantal Stebbings shows, the trust proved hard to adapt to their needs, for the fundamental assumptions of the law continued largely to reflect the "static" eighteenth-century world of landed trusts. Victorians who wanted to maximize the capital and income of the trust were hampered firstly by the restrictive views taken by courts of equity regarding the kinds of investments trustees should be authorized to make. Judges continued to regard the preservation of the trust fund as paramount and disapproved of any investments that might jeopardize it. Secondly, the potential liabilities of trustees remained very great, the law paying more regard to their duties than their rights. Trustees were held to account for any breaches of the trust, including those made from erroneous interpretations of the trust deed, or from transgressions made at