

the projection of the weaker against the stronger party in the dispute.

Had the alternative remedy for the infringement of the right of property been expeditious, easily available, and effective, recaption would, no doubt, rapidly have disappeared from our legal system, and its interest would be restricted to the anthropologist and the legal antiquary. But the procedure imposed by the courts was not expeditious; it was lengthy and cumbersome. Redress was not easily available; the courts gave their best time and thought to the solution of the all-important land questions. The remedy was not effective; not only did the claimant risk life and limb in a possible wager of battle, but until the nineteenth century was well advanced he had no means of obtaining the specific return of the chattels lost; while even now exceptions have been created against him by the Bills of Exchange Act, 1882, the Factors Act, 1889, and the Sale of Goods Act, 1893. It is therefore not to be wondered at that, in spite of all prohibition, self-redress became an established remedy, forcing its presence on a reluctant legal system.

The writer does not pretend to say when the right of self-redress reached its lowest level, but it will no doubt be conceded on all sides that it was not far removed from it during late Anglo-Saxon and early Norman times, the case of the pursuit and punishment of a hand-having or back-bearing thief or cattle-lifter being really an example of an archaic court procedure (to which self-help was an inevitable concomitant) and not one of self-redress at all. However, as time went on a limited amount of self-redress seems to have been allowed, but was invariably restricted to the first few days immediately following the dispossession, though the inevitable extension of this period proved to be but a matter of time. Thus the writer of the *Mirror of Justices*: "who is a conservative and an antiquary complains "that force holds in disseisin after the third day of peaceable seisin." This, he says, is an abuse "for as much as he is not worthy of the law's help who condemns judgment and uses force."