regulate the fees taken by the officers of the Exchequer,[1] and to restrain the illegal acts of such officials as escheators and purveyors.[2] Some of these statutes were perhaps too general to be very effectual. They became more particular and detailed in the fifteenth century. Whether they were on that account more effectual may, as we have seen, be doubted. What was more effectual was the growth of the common law principle that executive officers who act beyond their powers are personally liable to an action at law. This principle was not applied to all royal officers in the thirteenth century;[3] but the Year Books show us that it was consistently and constantly applied to such officials as sheriffs, holders of franchises, and collectors of subsidies. Its application was due partly to these statutes,[4] and partly to the growth of the idea that, as wrongs should not be imputed to the king, they must be imputed to the servant who did them. But the latter idea is as yet in its infancy;[5] and the principle is therefore applied chiefly to officials of a humbler type, and not to the more exalted servants of the crown. When it is applied to all officials, high and low alike, we shall get the doctrine—famous in constitutional law—of ministerial responsibility. For the present, if we except the rare cases of impeachment, which are apt to be grounded rather on political resentment than upon legal wrongdoing, the doctrine is as yet limited in its scope.

(2) The Criminal law and the law of Tort.

By far the most important statute dealing with the criminal law is Edward III.'s statute of treasons.[6] It clearly distinguished treason from felony. It specified seven offences which were for the future to be high treason.[7] It gave, as we have seen, a somewhat obscurely worded power to declare other offences treason, of which not much use was made.[8] It distinguished high treason from petit treason.[9] High treason it declared to be

[1] 5 Richard II. cc. 12-16; 33 Henry VI. c. 3.

[2] E.g. 36 Edward III. st. 1 cc. 2, 13; 23 Henry VI. c. 1; Reeves, H.E.L. 251, 252, 254-256.

[3] Ehrlich, Vinogradoff, Oxford Studies vi 25, 50-51, 129, 141-142, 200.

[4] Ibid 50-51, 111. [5] Vol. iii 465-466. [6] 25 Edward III. st. 5 c. 2.

[7] Vol. iii 287-291. The offences may be shortly summarized as follows: (1) To compass or imagine the death of the king, queen, or his eldest son. (2) To violate the queen, or the king's eldest daughter unmarried, or the wife of the king's eldest son. (3) To levy war against the king. (4) To be adherent to the king's enemies. (5) To counterfeit the king's seal or money. (6) Knowingly to bring false money into the realm. (7) To slay the chancellor or any of the judges while performing their duties.

[8] Vol. i 377-378.

[9] Petit treason, as defined by the statute, was "when a servant slayeth his master, or a wife her husband, or when a man secular or religious slayeth his prelate to whom he oweth faith and obedience." It was abolished in 1828 (9 George IV. c. 31 § 2) and such offences were reduced to the rank of murder.

the offence against the king; petit treason the offence against a lord—thus preserving an interesting survival of the old Anglo-Saxon idea that treason is a form of treachery.[1]

During the remainder of this period there were a few statutes passed which temporarily extended the offence of treason. They were passed, as many similar statutes at later periods of our history have been passed, either to meet the political necessities of the day or to repress a particularly prevalent offence. In 1381, after the insurrection of the villeins, it was made treason to begin a riot.[2] In 1397 the packed Parliament of Richard II. enacted that it should be treason to compass not only the king's death, but also his deposition or the rendering up by anyone of his liege homage; and that any who procured or counselled the repeal of the statutes passed in that Parliament should be guilty of treason.[3] This statute was of course repealed by the first Parliament of Henry IV.'s reign.[4] Under the Lancastrians there are a few miscellaneous extensions of the law. In 1415 clipping, washing, and filing money was declared to be treason.[5] In 1423 those who allowed prisoners charged with treason to escape were declared guilty of treason.[6] In 1429 extorting money by threats to burn houses was made treason.[7] The need for taking adequate measures for the enforcement of international obligations had been the cause of a declaration under Edward III.'s statute that killing an ambassador was treason;[8] and for similar reasons the offence was extended in 1414 to breakers of truces and violators of safe conducts.[9] Occasionally we met with a petition that a crime, such as murder, committed under circumstances of great aggravation, shall be treated as treason.[10]

We see as yet but few signs of that doctrine of constructive treason which, in the future, was destined to convert a statute, designed to protect the king, into an efficient protector of the state.[11] Some of the provisions of the statute of 1397 sufficiently illustrate this. In the seventeenth cen-

[1] Above 48.
[2] 5 Richard II. c. 6.
[3] 21 Richard II. cc. 3 and 4.
[4] 1 Henry IV. c. 10.
[5] 4 Henry V. c. 6.
[6] 2 Henry VI. c. 21.
[7] 8 Henry VI. c. 6.
[8] The case of John Imperial, the Genoese ambassador, R.P. iii 75 (3 Rich. II. no. 18); see Hale, P.C. i 263; Stephen, H.C.L. ii 252; vol. i. 377-378.
[9] 2 Henry V. c. 6.
[10] R.P. iv 447 (11, 12 Hy. VI. no. 43). In this case the guilty person was going on a pilgrimage; the idea of the petition was to evade ecclesiastical claims by making out the offence to be treason and not merely felony.
[11] See vol. iii 292-293, and for the growth of this body of law see vol. viii 307-322; there is one somewhat extravagant dictum in Y.B. 19 Hy VI. Mich. pl. 103 to the effect that a mere imagination of the king's death without any overt act would suffice to make a man guilty of treason; for an explanation of this see vol. iii 373 and n. 4.

tury no statute was needed to make it treason to conspire to depose the king. In the fourteenth and the fifteenth centuries, as we shall see, the judges were averse to interfering with politics;[1] and indeed to that age the rougher weapon of attainder was more congenial. It was a speedier mode of dealing with political opponents than the formal trial of later days, and the inevitable sentence for committing the treasons constructed by the judges on the slender foundation of a statute which invited a wide construction because it had become inadequate.

To the list of felonies known to the common law several additions were made by statute. Some were connected with the laws as to the coinage.[2] Others were connected with the laws as to trade.[3] Others were connected with that abuse and perversion of legal process which was rampant all through this period.[4] Of other new felonies not falling under any distinct categories we may mention the following:—stealing a hawk,[5] cutting out the tongue and blinding,[6] embezzling the records of the king's courts,[7] desertion of soldiers,[8] non-appearance of a servant in answer to a summons for the embezzlement of his deceased employer's goods.[9] In the felony of multiplying gold and silver we get an allusion to the trade of the alchemist.[10] Heresy is an offence which stands by itself. As we have seen, a statute of 1401 gave the ratification of the legislature to the adoption by the common law of the canonist's treatment of that offence.[11]

Looking at the conception of felony as a whole we shall see that the common law is gradually evolving doctrines of criminal liability. The abolition of the presentment of Englishry destroyed the old meaning of the term "murdrum;"[12] and "murder" becomes gradually the name for the worst kind of felonious homicide, to be distinguished from homicide which is se defendendo, or accidental, or justifiable.[13] The mental element in larceny had been prominent since Bracton's day;[14] but, as we

[1] Below 558-559.
[2] E.g. 3 Henry V. st. 1 c. 1.
[3] E.g. 11 Edward III. c. 1; 27 Edward III. st. 2 c. 3, modified by 38 Edward III. st. 1 c. 6.
[4] Below 457-459. E.g. 28 Henry VI. c. 3; by this statute taking goods under colour of distress in Wales and Lancashire was made felony.
[5] 37 Edward III. c. 19.
[6] 5 Henry IV. c. 5.
[7] 8 Henry VI. c. 12.
[8] 18 Henry VI. c. 19.
[9] 33 Henry VI. c. 1.
[10] 5 Henry IV. c. 4; Reeves, H.E.L. ii 504; cp. Select Cases in Chancery (S.S.) 127-128 for a bill of 1422-1426 in which an alchemist complains that he has been arrested for non-payment of bonds got by duress, and that his elixir and other instruments of his art have been detained.
[11] 2 Henry IV. c. 15; vol. i 616-617.
[12] 14 Edward III. st. 1 c. 4; vol. i 11, 15; vol. iii 314-315.
[13] Reeves, H.E.L. ii 416, 417; vol. iii 312-315.
[14] Above 259 n. 3.

shall see, the common law doctrine of possession, and the differences between the law of real and personal property, are the causes of its peculiarly restricted definition in English law.[1] The other typical felonies, such as rape, burglary, arson, or robbery, are all obviously intentional acts of the kind which excite moral indignation.[2] No doubt the list of felonies is added to, and no doubt the old felonies are extended upon technical and political as well as upon moral grounds. Then, as now, it is not only the "mens rea," but also legal logic and public policy which is at the bottom of our doctrines of criminal liability.[3] The law has left far behind the old rules which look merely at the act and neglect the intent;[4] but it has not therefore swallowed whole the canonist's theory that moral guilt should be chiefly regarded.[5] A formed intent not manifested by any overt act, even a frustrated attempt, will not amount to a felony.[6] The speculations of Bracton drawn from the canon law have not borne much fruit. "Native rationalism without a formula"—to borrow a phrase from Lord Morley—working through the agency of statutes and decided cases, is the force which is laying the foundations of our criminal law.

Under the degree of felony many offences were created or more firmly prohibited. Here again we meet with many offences against the existing laws as to trade, such as forestalling,[7] regrating,[8] unlawful combinations,[9] and the unlawful disturbance of bargains.[10] Here again the perversion of legal process and the growing lawlessness of the times are illustrated by the number and elaboration of the statutes dealing with such subjects as maintenance,[11] champerty,[11] the forgery of deeds,[12] the

[1] Vol. iii 362-363, 367-368.

[2] See e.g. Y.B. 6 Ed. IV. Mich. pl. 18, *Fairfax* says, "Felony est de malice prepence et quant il suit encountre son volunte ceo ne suit animo felonico, etc., mes si un coupe ses herbes et les bowes chient sur un home et luy ledent en ceo cas il avera action de trespas."

[3] Holmes, Common Law 38, "While the terminology of morals is still retained, and while the law does still and always, in a certain sense, measure legal liability by moral standards, it nevertheless, by the very necessity of its nature, is continually transmuting those moral standards into external or objective ones, from which the actual guilt of the party concerned is wholly eliminated."

[4] Above 51-52.

[5] Above 258-259.

[6] In Y.B. 13 Hy. IV. Mich. pl. 20 a mere intent to rob was said to be felonious, and cp. above 450 n. 11 as to a similar dictum in the case of treason; but cp. Y.B. 9 Ed. IV. Trin. pl. 24, and vol. iii 373.

[7] 25 Edward III. st. 3 c. 3; 2 Richard II. st. 1 c. 2.

[8] 27 Edward III. st. 1 c. 3.

[9] 3 Henry VI. c. 11 (confederacies by masons).

[10] 35 Edward III. 1 c. 1 (as to the herring trade).

[11] Above 300; 1 Edward III. st. 2 c. 14; 4 Edward III. c. 11; 20 Edward III. c. 4; 1 Richard II. c. 4; 7 Richard II. c. 15; vol. iii 394-400.

[12] 1 Henry V. c. 3.

giving of liveries,[1] coming armed before the justices,[2] riding armed,[3] forcible entries,[4] riots,[5] usurpations of jurisdiction by the councils of lords and ladies.[6] Class distinctions were preserved by the enforcement of the law as to "scandalum magnatum"—an offence which had been created in 1275.[7] From Edward III.'s reign onwards the Statutes of Labourers provided a plentiful crop of new offences.[8]

These statutes show us that the boundary line between criminal and civil liability is as yet uncertain. The judges, it is true, can lay down certain differences between civil and criminal proceedings—a private person cannot sue civilly unless he can show a special grievance, whereas the king can lay the charge generally;[9] a suit by a private person sounds in damages, whereas a suit by the king ends in the punishment of the guilty party.[10] But we see that many offences the commission of which would in our times be repressed by a criminal prosecution were then remedied by either civil or criminal proceedings, and sometimes only by civil proceedings. Thus a favourite expedient was to give an action of debt for double or treble damages, or an action of trespass.[11] The reason for this it is not difficult to find. There was, as we have seen, no organized police force in those days, nor were there armies of inspectors of different kinds. Except in the central courts, the administration of justice was in the hands of amateurs whose purity and impartiality were in many cases justly open to suspicion. Seeing that the criminal appeals were falling into disuse,[12] it was necessary to enlist the injured man in the cause of law and order by holding out the prospect of obtaining heavy damages, or of using the speedy process available in the action of trespass. The extensive use which the legislature made of the action of trespass is probably one of the causes of its rapid growth at the expense of other forms of action during this period. It has become the favourite

[1] 1 Edward III. st. 2 c. 14; 1 Richard II. c. 7; 16 Richard II. c. 4; 20 Richard II. c. 2; 1 Henry IV. c. 7; 7 Henry IV. c. 14; 13 Henry IV. c. 3; 8 Henry VI. c. 4; 8 Edward IV. c. 2; for a good summary see Plummer, Fortescue 27, 28.

[2] 2 Edward III. c. 3.

[3] 7 Richard II. c. 13.

[4] 5 Richard II. st. 1 c. 7; 15 Richard II. c. 2; 4 Henry IV. c. 8; 8 Henry VI. c. 9.

[5] 17 Richard II. c. 8.

[6] 15 Richard II. c. 12; 16 Richard II. c. 2.

[7] 3 Edward I. c. 34; 2 Richard II. st. 1 c. 5; 12 Richard II. c. 11; for these statutes see vol. iii 409-410.

[8] Below 459-464.

[9] Y.B. 2, 3 Ed. II. (S.S.) 120.

[10] Y.B. 13, 14 Ed. III. (R.S.) 64.

[11] E.g. 9 Edward III. c. 1 (merchant strangers); 1 Richard II. c. 3 (purveyors); 7 Richard II. c. 4 (forests); 2 Henry IV. c. 11 (those wrongly sued in the court of Admiralty); 8 Henry VI. c. 9 (forcible entries); 27 Henry VI. c. 2 (offences against the staple); 28 Henry VI. c. 4 (offences of custom house officers).

[12] Above 360-361.

remedy provided by the legislature for those whose cause of action is on the borderland between crime and tort.[1]

When we look at these personal actions of the later mediæval period the familiar distinctions between crime, tort, and contract seem to be obliterated; and the law seems hopelessly confused. There is neither a strict adherence to the scope of the old forms of action, and to the principles involved therein, nor have the principles of the substantive law freed themselves from all dependence upon these forms of action. In fact, we can trace two tendencies. (i) The scope of the older personal actions is being enlarged, and in many cases they can be used convertibly. (ii) Such actions as trespass and deceit are being so expanded that they are covering the ground formerly occupied by the older actions. Both these changes led to considerable modifications in the law.

(i) We shall see that expansions of the action of Detinue sur bailement, and the rise of Detinue sur trover led to considerable modifications in the law as to the ownership and possession of chattels.[2] The action of Debt was not only used by the legislator to repress wrongdoing;[3] it was also used to enforce executed contracts, certain contracts under seal where the defendant was obliged to pay a sum certain, and duties of very various kinds which in later law were classified as quasi-contractual.[4] The extensive use made of it shows the need for some general form of action to enforce the contractual and other duties to which a more complex ordering of society was giving rise. In the action of Account we see little expansion; and the inadequate remedy given by this action was the chief reason why the common law lost jurisdiction over such matters.[5] The expansions of the other personal actions caused them in many cases to overlap. The plaintiff was not compelled to choose at his peril the right kind of action. The facts of his case were

[1] See e.g. R.P. ii 16 (2 Ed. III. no. 10), a special writ of trespass is ordered to be formed to meet a case of imprisonment and banishment from the city by the chancellor of the University of Oxford.

[2] Vol. iii 324-328, 347-350.

[3] Above 366-367.

[4] Fitz., Ab. *Dette*, illustrates the variety of cases in which debt was brought—pl. 4 on a sealed tally; pl. 8, 131, 159 on a promise to pay a sum if the plaintiff married the defendant's daughter; pl. 10 for rent due on a lease; pl. 28, 155 for a penalty; pl. 34 hire of an archer; pl. 48 contract of sale; pl. 124 for damages recovered in a writ of waste; pl. 86 for a corody; pl. 87 on a covenant for a sum promised if a bell is not properly repaired; pl. 156 for the reasonable part of wife and children; the growing connection of debt with contract is illustrated by Y.B. 43 Ed. III. Hil. pl. 5—Belknappe argued unsuccessfully that the action did not lie because, "per le matter monstre il n'ad nul contract ou covenant entre eux;" cp. Y.B. 7 Hy. VI. Mich. pl. 7 for a similar statement by an apprentice; as we have seen (above 368) debt was never regarded as founded on a contract.

[5] Vol. iii 426-427.

often such that he could elect between Debt, Detinue, Account, and some form of Trespass.[1]

(ii) These expansions of the old forms of action were not sufficient to meet the demands of a changing condition of society for an expanding body of substantive law and for the development of legal doctrine. Fortunately in the actions of Trespass and Deceit and their offshoots new and elastic forms of action were found, which gave large facilities for this necessary expansion and development. One or other of the branches of these actions was beginning to absorb all, and more than all, of the ground covered by the older forms of personal action. The possibility of expansion in the substantive law thus secured may perhaps be underestimated by those who consider that the restrictions even of the action of trespass and its offshoots unduly hamper the development of the law.[2] We shall be in no danger of such an underestimate if we look at the law from the point of view, not of the nineteenth, but of the fifteenth century. Just as in Roman law the Lex Aquilia seemed, by comparison with the former law, to be a very general law, and yet was but a starting-point for further expansion at the hands of the prætor;[3] so trespass and trespass on the case were general remedies compared with the older forms of action, and yet in time came to be all too narrow to give effect to the larger views of civil liability which had become coherent because of the development of legal doctrine rendered possible by their means. But the developments of the actions of trespass and case were destined to be more extensive, and more far-reaching in their effects upon the fabric of the common law, than were the developments of the Lex Aquilia upon the fabric of the civil law. The Lex Aquilia as interpreted by the prætor generalized almost exclusively the

[1] Y.B. 7 Hy. VI. Mich. pl. 7, *Paston*, J., "Briefe de Trespass gist a ce cas ergo briefe de Debte ne gist, hoc male arguitur; car d'un meme on avera briefe d'Accompte et briefe de Debte;" Y.B. 6 Hy. VII. Mich. pl. 4, in the case of goods wrongfully taken, "on poit devester le proprieté hors de luy s'il voille per proceder de action de Trespass ou demander propertie per Replevin ou briefe de detinue, et issint doncques s'il soit a son pleasure;" and a similar rule on this point had been laid down by Bereford, C.J., as early as 1312-1313, Y.B. 6 Ed. II. (S.S.) 143, 147, 149; Y.B. 20 Hy. VII. Mich. pl. 18, *Frowicke*, C.J. (dissenting) says, "Si jeo deliver argent a un a deliver oultre a mon atturney . . . et il ce deliver a mon adversary; in ce cas ce delivre est un grand damage a moy que le non delivery; et uncore Debte gist vers le bailee; mes nient obstant que Debte gist uncore Accion sur le cas gist pur le misdemeanour; . . . et ou jeo suis oblige sur condicion de paier un moindre summe, et jeo deliver le moindre summe a mon servant de ce paier, et il ne paye, in cest cas gist Det ou Accompte pur le non payment: mes pur ce que per le non paiement j'ay forfait mon obligation pur ceo j'ay grand tort pur quel j'aurai Action sur le cas;" see Core's Case (1537) Dyer 20a.

[2] Holmes, Common Law 78, "Discussions of legislative principle have been darkened by arguments on the limits between trespass and case, or on the scope of a general issue. In place of a theory of tort, we have a theory of trespass."

[3] Grueber, Lex Aquilia 1-3, 185-196.

law as to damage to property. The influence of the actions of trespass and case came to be felt in many different branches of the law, and gave an opportunity for the development of bodies of legal doctrine upon many diverse topics. (*a*) They afforded an opportunity for the growth of new ideas of delictual liability, which distinguished upon reasonable grounds of morality, expediency, or policy between cases of damnum sine and damnum cum injuria;[1] and thus through them was built up our modern law of tort, the business of which it is "to fix the dividing lines between those cases in which a man is liable for harm which he has done and those in which he is not."[2] (*b*) In one of the developments of trespass on the case—the action of assumpsit—a remedy was found which gave effect to an improved and enlarged mode of enforcing contracts; and in the end, through its working, a wholly new conception and a wholly new test of the enforceability of contracts was evolved.[3] (*c*) By their means effect could be given to the new ideas as to the distinction between ownership and possession which, as we shall see, were beginning to prevail at the end of this period.[4] (*d*) We shall see that, at the end of this period, they have made some encroachments upon the domain of the real actions.[5]

All these changes were beginning to appear in this period; but they were only beginning. Their final results upon the fabric of the common law will only gradually be worked out in the following centuries.[6] In the meantime the law is in a confused state, halting between ideas old and new. Old ideas still hold their own in the minds of conservative judges,[7] and retain their place in the law. The new ideas are gradually making themselves felt, and, at the end of this period, have gained a definite advantage; because, as I have said, the new needs of a changing society were imperiously demanding new legal doctrines, and because the competition of the chancellor was beginning to awaken even the most conservative common lawyer to the necessity of endeavouring to meet these demands.[8] "Ubi

[1] Vol. iii 381-382. [2] Holmes, Common Law 79.
[3] Vol. iii 429-453. [4] Ibid 349-350, 358-359. [5] Ibid 27-29.
[6] So too Grueber says as to the Lex Aquilia (op. cit. 195, 196), "The actions based on the Lex Aquilia . . . superseded the actions of the xii Tables, although the latter were never formally abolished. In consequence of this development, the Lex Aquilia, not by the effect of its actual terms, but as it was interpreted by the later jurists, is really the only source of the law of damage to property."
[7] We may take as illustrations the saying of *Brian*, Y.B. 6 Hy. VII. Mich. pl. 4, affirming the old law that the property in goods taken wrongfully will pass, "car a mon entent cesty de qui les biens sont pris ne poit avoir action de detinue;" and Fitz., Ab. *Barre* pl. 290 (cited Holmes, Common Law 22), "Nota per Candish, J., que si mon cheyne tue vostre brebits et jeo freschment apres le fait vous tende le cheyne vous estes sans recours vers moye"—the reference given is to Y.B. 7 Ed. III. Pasch. 66 (?). As to Brian's dictum see vol. iii 325 n. 1.
[8] Above 407; below 482, 595-596; vol. i 456.

remedium ibi jus" had been the point of view of the older law: it is beginning to give place to the modern point of view, "Ubi jus ibi remedium." "If a man is damaged," said Littleton in Edward IV.'s reign, "it is reasonable that he be recompensed."[1]

(3) Abuses of legal forms.

The age, as I have said, was litigious; and it showed its litigiousness not only in the pertinacity with which suits were conducted, but also in the astonishing ingenuity with which the forms of law were perverted. "Legal chicane," says Mr. Plummer, "was one of the most regular weapons of offence and defence, and to trump up charges, however frivolous, against an adversary, one of the most effectual means of parrying inconvenient charges against oneself. . . . Forgery of documents seems to have been common; and when statutes were passed against this practice advantage was taken of these statutes to throw suspicion on genuine title deeds."[2] Evasions of modern statutes, such as the Gaming Acts or the Companies Acts, may perhaps afford a slight parallel—but they are poor things compared with the wonderful fertility of invention displayed by the mediæval suitor and official. We might perhaps suspect the detailed plaints of petitioners to Parliament and the council of too much colour, were they not borne out by the words of the Statute Book.[3] I shall first give some instances from the statutes of the manner in which the law was perverted, and then I shall cite some out of the many petitions which illustrate the pertinacious litigiousness which rendered such legislation necessary. Some of these statutes show that the officers of justice lent themselves to the perversion of the law. A statute of 1327 recites that sheriffs, gaolers, and keepers of prisons torture prisoners to compel them to become approvers and to accuse innocent people, that they may hold to ransom such accused persons.[4] This statute and other authorities make it clear that the appeal of felony was still used as a mode of extorting money.[5] A statute of 1363-1364 suggests that the fines inflicted upon prisoners and their pledges were sometimes arbitrarily increased.[6] In 1385 it

[1] Y.B. 6 Ed. IV. Mich. pl. 18.

[2] Plummer, Fortescue 31, and authorities there cited; Winfield, History of Conspiracy 4-15; Mr. Baildon has estimated that between the years 1340 and 1380 the number of cases before the court of Common Pleas had nearly doubled, Black Books of Lincoln's Inn iv 297, 298.

[3] Some of these petitions were no doubt rather plausible than true, as we can see when we get the original petition and the answer, see e.g. R.P. ii 192 (21 Ed. III. nos. 72, 73); ibid iii 168, 169; ibid vi 135 seqq.

[4] 1 Edward III. st. 1 c. 7; R.P. ii 354 (50 Ed. III. no. 181).

[5] Paston Letters i 265.

[6] 38 Edward III. st. 1 c. 3.