

# Sources Of English Legal History Private Law To 1750

Drawing together leading legal historians from a range of jurisdictions and cultures, this collection of essays addresses the fundamental methodological underpinning of legal history research. Via a broad chronological span and a wide range of topics, the contributors explore the approaches, methods and sources that together form the basis of their research and shed light on the complexities of researching into the history of the law. By exploring the challenges posed by visual, unwritten and quasi-legal sources, the difficulties posed by traditional archival material and the novelty of exploring the development of legal culture and comparative perspectives, the book reveals the richness and dynamism of legal history research.

Some of the most exciting and innovative legal scholarship has been driven by historical curiosity. Legal history today comes in a fascinating array of shapes and sizes, from microhistory to global intellectual history. Legal history has expanded beyond traditional parochial boundaries to become increasingly international and comparative in scope and orientation. Drawing on scholarship from around the world, and representing a variety of methodological approaches, areas of expertise, and research agendas, this timely compendium takes stock of legal history and methodology and reflects on the various modes of the historical analysis of law, past, present, and future. Part I explores the relationship between legal history and other disciplinary perspectives including economic, philosophical, comparative, literary, and rhetorical analysis of law. Part II considers various approaches to legal history, including legal history as doctrinal, intellectual, or social history. Part III focuses on the interrelation between legal history and jurisprudence by investigating the role and conception of historical inquiry in various models, schools, and movements of legal thought. Part IV traces the place and pursuit of historical analysis in various legal systems and traditions across time, cultures, and space. Finally, Part V narrows the Handbooks focus to explore several examples of legal history in action, including its use in various legal doctrinal contexts.

During the Anglo-Norman period a concept of law developed, binding ruler and ruled alike and which was based on custom common throughout the country. This was Common Law and it was from this that subsequent law developed. John Hudson's text is an introductory survey of Common Law for students and other non-specialist readers. Certain aspects of medieval law such as its feuds, its ordeals and its outlaws are well known, this text shows how these aspects fitted in to the system as a whole, considers its Anglo-Saxon origins, the influence of the Norman invaders and later administrative reforms. The events and legal processes also throw light on the society, politics and thought of the times.

The Oxford Handbook of Legal History

The English Legal Tradition

Religion, Politics and Jurisprudence, 1578–1616

Baker and Milsom Sources of English Legal History

Common Law, Civil Law, and Colonial Law

This is a comprehensive source book on the development of private law in

England. It makes available otherwise hard to obtain source material and documentation and effectively introduces the foundations of private law. A brief history of the principal English institutions and doctrines. Topics examined include law and custom in early Britain, the origins of common law, the judiciary and various courts, trial by jury, laws affecting property, and laws concerning marriage and divorce, nuisance, tort and defamation.

European law, including both civil law and common law, has gone through several major phases of expansion in the world. European legal history thus also is a history of legal transplants and cultural borrowings, which national legal histories as products of nineteenth-century historicism have until recently largely left unconsidered. The Handbook of European Legal History supplies its readers with an overview of the different phases of European legal history in the light of today's state-of-the-art research, by offering cutting-edge views on research questions currently emerging in international discussions. The Handbook takes a broad approach to its subject matter both nationally and systemically. Unlike traditional European legal histories, which tend to concentrate on "heartlands" of Europe (notably Italy and Germany), the Europe of the Handbook is more versatile and nuanced, taking into consideration the legal developments in Europe's geographical "fringes" such as Scandinavia and Eastern Europe. The Handbook covers all major time periods, from the ancient Greek law to the twenty-first century. Contributors include acknowledged leaders in the field as well as rising talents, representing a wide range of legal systems, methodologies, areas of expertise and research agendas.

The Sources of English Law

Essays in Comparative Legal History from the Twelfth to the Twentieth Centuries

Law and Society in England from the Norman Conquest to Magna Carta

Sources of English Legal History

Law and History

This volume in 'The Oxford History of the Laws of England' covers the years 1483-1558, a period of immense social, political, and intellectual changes which profoundly affected the law and its workings.

Previous edition published as : Sources of English legal history. London : Butterworth, 1986.

A Festschrift in honour of Professor Sir John Baker, presented by leading scholars on the sources of English legal history.

Essays in Honour of Sir John Baker

A Recent History of English Law

An Inaugural Lecture Delivered in the Arts School at Cambridge on 13th October, 1888

A Concise History of the Common Law

The Formation of English Common Law

Fully revised and updated, this classic text provides the authoritative introduction to the history of the English common law. The book traces the development of the principal features of English legal institutions and doctrines from Anglo-Saxon times to the present and, combined with Baker and Milsom's *Sources of Legal History*, offers invaluable insights into the development of the common law of persons, obligations, and property, and also of criminal and public law. It is an essential reference point for all lawyers, historians and students seeking to understand the evolution of English law over a millennium. The book provides an introduction to the main characteristics, institutions, and doctrines of English law over the longer term - particularly the evolution of the common law before the extensive statutory changes and regulatory regimes of the last two centuries. It explores how legal change was brought about in the common law and how judges and lawyers managed to square evolution with respect for inherited wisdom.

Throughout his early career, Sir Edward Coke joined many of his contemporaries in his concern about the uncertainty of the common law. Coke attributed this uncertainty to the ignorance and entrepreneurship of practitioners, litigants, and other users of legal power whose actions eroded confidence in the law. Working to limit their behaviours, Coke also simultaneously sought to strengthen royal authority and the Reformation settlement. Yet the tensions in his thought led him into conflict with James I, who had accepted many of the criticisms of the common law. *Sir Edward Coke and the Reformation of the Laws* reframes the origins of Coke's legal thought within the context of law reform and provides a new interpretation of his early career, the development of his legal thought, and the path from royalism to opposition in the turbulent decades leading up to the English civil wars.

English law underwent rapid transformation in the sixteenth century, in response to the Reformation and also to heightened litigation and legal professionalization. As the common law became more comprehensive and systematic, the principle of jurisdiction came under particular strain. When the common law engaged with other court systems in England, when it encountered territories like Ireland and France, or when it confronted the ocean as a juridical space, the law revealed its qualities of ingenuity and improvisation. In other words, as Bradin Cormack argues, jurisdictional crisis made visible the law's resemblance to the literary arts. *A Power to Do Justice* shows how Renaissance writers engaged the practical and conceptual dynamics of jurisdiction, both as a subject for critical investigation and as a frame for articulating literature's sense of itself. Reassessing the relation between English literature and law from More to Shakespeare, Cormack argues that where literary texts attend to jurisdiction, they dramatize how boundaries and limits are the very precondition of law's power, even as they clarify the forms of intensification that make literary space a reality.

Tracking cultural responses to Renaissance jurisdictional thinking and legal centralization, *A Power to Do Justice* makes theoretical, literary-historical, and methodological contributions that set a new standard for law and the humanities and for the cultural history of early modern law and literature.

Law, History and Society in England and Wales 1750-1950

The Oxford History of the Laws of England: 1483-1558

The Chief Sources of English Legal History

Making Legal History

## The History of English Law Before the Time of Edward I.

The common law is almost universally regarded as a system of case-law, increasingly supplemented by legislation, but this is only partly true. There is an extensive body of lawyers' law which has a real existence outside the formal sources but is seldom acknowledged or discussed either by theorists or legal historians. This will still be so even when every judicial decision is electronically accessible. In the heyday of the inns of court, this second body of law was partly expressed in 'common learning', a corpus of legal doctrine handed on largely by oral tradition and a system of education informing the mind of every common lawyer. That common learning emanated from a law school in which the judges actively participated, and in which the lecturers of one generation provided the judiciary of the next. Some of it was written down, though the texts were until recently forgotten, and its importance was overlooked by historians as a result of changes in the common-law system during the early-modern period. Other forms of informal law may be seen at work in other times and contexts. Although judicial decisions will always remain prime sources of legal history, as well as of law, the other body of legal thought and practice is equally 'law' in that it influences lawyers and has real consequences. Neither the history nor the present working of the common law can be understood without acknowledging its importance.

*Common Law, Civil Law, and Colonial Law* builds upon the legal historian F.W. Maitland's famous observation that history involves comparison, and that those who ignore every system but their own 'hardly came in sight of the idea of legal history'. The extensive introduction addresses the intellectual challenges posed by comparative approaches to legal history. This is followed by twelve essays derived from papers delivered at the 24th British Legal History Conference. These essays explore patterns in legal norms, processes, and practice across an exceptionally broad chronological and geographical range. Carefully selected to provide a network of inter-connections, they contribute to our better understanding of legal history by combining depth of analysis with historical contextualization. This title is also available as Open Access on Cambridge Core.

Over the last forty years, Sir John Baker has written on most aspects of English legal history, and this collection of his writings includes many papers that have been widely cited. Providing points of reference and foundations for further research, the papers cover the legal profession, the inns of court and chancery, legal education, legal institutions, legal literature, legal antiquities, public law and individual liberty, criminal justice, private law (including contract, tort and restitution) and legal history in general. An introduction traces the development of some of the research represented by the papers, and cross-references and new endnotes have been added. A full bibliography of the author's works is also included.

Sir Edward Coke and the Reformation of the Laws

Some Evidential Problems in English Legal History

Why the History of English Law is Not Written

Beginnings to 1866

## The Law's Two Bodies

Law and History contains a collection of essays by prominent legal historians, which explore the ways in which history has been used by lawyers past and present to answer legal questions. In common with earlier volumes in the Current Legal Issues series, it seeks both a theoretical and methodological focus. This volume covers a broad range of topics, from a discussion of the nature of norms in the middle ages to the role of war crimes trials in the twentieth century. It includes wide-ranging historiographical discussions, which examine the nature and aims of the legal historian, as well as contributions which explore the methodology and aims of writers such as Coke, Maine, Weber, Montesquieu, and Kames, who sought to use historical models to explain law. A number of contributions examine developments in legal doctrine, particularly in the nineteenth century, including developments in the law of contract, administrative law, and perjury. These raise important questions about the nature of the legal categorizations which developed in that era. Law and History also includes a collection of contributions on the use of history in twentieth century trials, including the Nuremberg trials, the trial of the Gang of Four, and trials arising from the events in the former Yugoslavia and Rwanda.

Originally published: 5th ed. Boston: Little, Brown and Co., 1956.

Sources of English Legal History fills the need for a source book illustrating the development of English private law to 1750 and promises to be the definitive work in its area. The book makes available much source material and original documentation that has hitherto been unavailable or inaccessible. It may be used as a companion volume to An Introduction to English Legal History and Milsom: Historical Foundations of the Common Law.

Unprinted Sources of English Legal History  
Private Law to 1750

Tractatus de legibus&consuetudinibus regni Angliæ, tempore Regis  
Henrici secundi compositus, etc

A Power to Do Justice

Select Essays in Anglo-American Legal History;

An authoritative challenge to an entirely case-law based view of legal history.

This book focuses on medieval legal history. The essays discuss the birth of the Common Law, the interaction between systems of law, the evolution of the legal profession, and the operation and procedures of the Common Law in England. All these factors will ensure a warm reception of the volume by a broad range of readers.

1. The background. 2. Feudal law. 3. The glossators. 4. The commentators. 5. Canon law. 6. The law merchant. 7. The ius commune.

8. The common law of England. 9. Feudal Scotland. 10. Humanism and reformation.

Why the History of English Law Has Not Been Finished

Laws, Lawyers and Texts

Introduction to English Legal History

English Legal History and its Sources

Approaches and Methodologies

This book is the first of two volumes devoted to the history of law in Canada. This volume begins at a time just prior to European contact and continues to the 1860s, while volume two will start with Confederation and end at approximately 2000. The history of law includes substantive law, legal institutions, legal actors and legal culture. The book assumes that since 1500 there have been three legal systems in Canada – the Indigenous, the French, and the English. At all times, these systems have co-existed and interacted, with the relative power and influence of each being more or less dominant in different periods. The history of law cannot be treated in isolation, and this book examines law as a dynamic process, shaped by and affecting other histories over the long term. The law guided and was guided by economic developments, was influenced and moulded by the nature and trajectory of political ideas and institutions, and variously exacerbated and mediated by inter-cultural exchange and conflict. These themes are apparent in this examination, and through most areas of law including family law, constitutional, commercial, land settlement and tenure, and criminal.

Written with students in mind, Baker: An Introduction to English Legal History provides an introduction to the common law and English legal culture through the dimension of history. It traces in outline, the development of the principal features of English legal institutions and doctrines from Anglo-Saxon times to the present. The introduction has become a standard work on the subject. It has now been updated and improved in consequence of the rapid pace of research in legal history over recent year, which has made this new edition a necessity. To assist the student further, this new edition has been fully cross-referenced to the relevant sources found in Baker & Milsom: Sources of English Legal History.

This work has been selected by scholars as being culturally important and is part of the knowledge base of civilization as we know it. This work is in the public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. To ensure a quality reading experience, this work has been proofread and republished using a format that seamlessly blends the original graphical elements with text in an easy-to-read typeface. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant.

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