Bibliography of the Writings of F. W. Maitland

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Introductory Note

This is not the first attempt to list Maitland's publications, nor will it be the last. Perhaps the first was that made by H. A. L. Fisher in the immediate aftermath of Maitland's death. It is clear that Maitland left no complete list of his own publications, since Fisher, who seems to have been acting on behalf of his sister, Mrs Maitland, found it necessary to ask editors whether Maitland had written for them. We know that Maitland wrote articles anonymously — several are included in this bibliography — and in the absence of an authoritative list it is unlikely that all of them will ever be identified. For example, it has not proved possible to identify any of the contributions he is said to have made to the *Pall Mall Gazette* as a young man. A number of biblio-

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1 In this bibliography the following abbreviations are used:
* Maitland Reader: Frederick (sic) William Maitland Reader, ed. V. T. H. Delany (New York, 1957);
* Roman Canon Law: Roman Canon Law in the Church of England: Six Essays (London, 1898);
* Selected Historical Essays: Selected Historical Essays, ed. H. M. Cam (Cambridge, 1957);

2 Many of the results of this search, which seems to have been connected with Fisher's research for his *Frederick (sic) William Maitland, Downing Professor of the Laws of England. A Biographical Sketch* (Cambridge, 1910), and for Collected Papers, can now be found in Bodleian Library, Fisher MSS 143–145.


4 Fisher, *Biographical Sketch*, p. 18, although Maitland's old teacher, Oscar Browning, suggested that Maitland was no great success as a journalist, Bodleian Library, Fisher MS 145, f. 1.
graphies of Maitland have been published, each with its faults as well as strengths. This version attempts to avoid the former as far as possible and to build on the latter.

This bibliography is organized chronologically by year of publication, items are then arranged alphabetically within each year. Reviews are listed by the title of the work reviewed. Second or subsequent editions have not been listed unless they seem of particular interest or importance, but I have indicated where an item is reprinted in one of the four chief anthologies of Maitland's writings.

Bibliography

1869

'A solemn mystery', The Adventurer, (Eton, 4 June 1869).

1875


1879


1880


1881

'In re Cope', a speech attributed to Chitty QC and B. B. Rogers, *Law Reports: Chancery Division*, 16 (1880–1), 50–2.


*not one word of which was ever spoken by either of us. It was an opinion of Maitland's on the case laid before us which I gave to Chitty to assist him in his argument...* (B. B. Rogers quoted by Fisher, *Biographical Sketch*, pp. 16–17.)

1882


1883


1884

(ed.) *Pleas of the Crown for the County of Gloucester before the Abbot of Reading and his Fellow Justices Itinerant, A. D. 1221* (London, 1884).

1885

*Justice and Police* (The English Citizen; London, 1885).


Review of *Year Books of the Reign of King Edward the Third, Years XII and XIII*, edited and translated L. O. Pike, (Rolls Series, 31; London, 1885), *LQR*, 1 (1885), 373–4 (signed 'F. W. M.').

1886


Untitled note concerning a case of fornication between a Jew and a Christian, *LQR*, 2 (1886), 525–6 (signed 'F. W. M.').

1887


Regulations for Law Degrees, contributions to the meeting of Senate (20 May 1887) to discuss the amended report of the Special Board for Law, printed in *Cambridge University Reporter*, 17 (1886–7), 719–20 and 720–1.

1888


Untitled note concerning the lord of the manor's right to enclose common land before the Statute of Merton, *LQR*, 4 (1888), 230 (signed 'F. W. M.').


The Yorke Prize, a contribution to the meeting of Senate (18 October 1888) to discuss the report of the Special Board for Law, printed in *Cambridge University Reporter*, 19 (1888–9), 107.

1889


(ed.) *Select Pleas in Manorial and Other Seignorial Courts. Volume I: Reigns of Henry III and Edward I* (Selden Soc., 2 for 1888; London, 1889) (The second part of the introduction (pp. xxvii–xxxviii) is reprinted in *Selected Historical Essays*, pp. 41–51, as 'Leet and Tourn').


1890

Constitutional Law for pollmen, a contribution to the meeting of Senate (27 November 1890) to discuss the report of the Pass Examinations Syndicate, printed in *Cambridge University Reporter*, 21 (1890–1), 277.


Purchase of the Middlehill Library, a contribution to the meeting of Senate (6 March 1890) to discuss the report of Council, printed in *Cambridge University Reporter*, 20 (1889–90), 532–3.


'Slander in the Middle Ages', *The Green Bag*, 2 (Boston, 1890), 4–7.


1891

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Provision of a Law School, a contribution to the meeting of Senate (22 October 1891) to discuss the report of the Law School Buildings Syndicate, printed in *Cambridge University Reporter*, 22 (1891–2), 134.


A lecturer in palaeography, a contribution to the meeting of Senate (26 May 1892)

*In fact Baildon’s work was squeezed out and what was printed was, as the British Library Online Catalogue notes, ‘rather by F. W. Maitland only’, (compare Preface p. viii).*
to discuss the report of the General Board, printed in *Cambridge University Reporter*, 22 (1891-2), 855.

Provision of a Law School, a contribution to the meeting of Senate (18 February 1892) to discuss the report of the Law School Buildings Syndicate, printed in *Cambridge University Reporter*, 22 (1891-2), 553-4.

‘The “Quadripartitus”’, *LQR*, 8 (1892), 73-5.

Review of *Year Books of the Reign of King Edward the Third, Year XV*, edited and translated L. O. Pike (Rolls Series, 31; London, 1891), *LQR*, 8 (1892), 85-6 (signed ‘F. W. M.’).

**1893**

The accounts of the Syndics of the Press, a contribution to the meeting of Senate (9 March 1893) to discuss a grace to amend the legislation concerning the publication of the accounts, printed in *Cambridge University Reporter*, 23 (1892-3), 639.


is reprinted in *Selected Historical Essays*, pp. 52–96, and, as edited by G. Lapsley, partly so in *Selected Essays*, pp. 1–72).

A new Statute for Private Hostels, contributions to the meeting of Senate (9 May 1893) to discuss the report of the Council of Senate, printed in *Cambridge University Reporter*, 23 (1892–3), 826.


Prostitution and soliciting, contributions to the meeting of Senate (3 June 1893) to discuss the report of the Council of Senate on the University Jurisdiction Bill, printed in *Cambridge University Reporter*, 23 (1892–3), 1026 and 1027.

The recognition of lecturers, a contribution to the meeting of Senate (18 May 1893) to discuss the report of the General Board, printed in *Cambridge University Reporter*, 23 (1892–3), 866.


1894


The Financial Board’s ‘more than papal authority’, a contribution to the meeting of Senate (15 November 1894) to discuss the report of the Cavendish Laboratory Syndicate, printed in *Cambridge University Reporter*, 25 (1894–5), 230.


The LLM, a contribution to the meeting of Senate (10 May 1894) to discuss the report of the Special Board for Law, printed in *Cambridge University Reporter*, 24 (1893–4), 761.


1895


(F. Pollock and F. W. M.) *The History of the English Law before the Time of Edward I* (2 vols, Cambridge, 1895; see also below, 1898)


Printing prize exercises and dissertations, a contribution to the meeting of Senate (6 June 1895) to discuss the report of the Council of Senate, printed in *Cambridge University Reporter*, 25 (1894–5), 963.

*This is the extent of Maitland’s involvement according to the title page, but it is clear from his correspondence that he took a substantial part in the production of the volume, see Letters, i nos 112, 140, 155.
Regulations for the Law Tripos, a contribution to the meeting of Senate (21 February 1895) to discuss the report of the Special Board for Law, printed in *Cambridge University Reporter*, 25 (1894–5), 583.


1896


The degrees of LLM and LLD, a contribution to the meeting of Senate (7 May 1896) to discuss the report of the Special Board for Law, printed in *Cambridge University Reporter*, 26 (1895–6), 731–4.

Deputies for professors, a contribution to the meeting of Senate (27 February 1896) to discuss the report of the Council of Senate on a Repealing Statute, printed in *Cambridge University Reporter*, 26 (1895–6), 554.


The Law School and Library, a contribution to the meeting of Senate (13 February 1896) to discuss the report of the Special Board for Law, printed in *Cambridge University Reporter*, 26 (1895–6), 509.

The MC degree, a contribution to the meeting of Senate (23 January 1896) to discuss the report of the Special Board of Medicine, printed in *Cambridge University Reporter*, 26 (1895–6), 426.

The New Electoral Roll Statute, a contribution to the meeting of Senate (23 January 1896) to discuss the Statute, printed in *Cambridge University Reporter*, 26 (1895–6), 425.


The Professorship of Surgery, a contribution to the meeting of Senate (3 December
1896) to discuss the report of the General Board of Studies, printed in Cambridge University Reporter, 27 (1896–7), 335.


1897


Degrees for women, contributions to the meeting of Senate (13–16 March 1897) to discuss the report of the Degrees for Women Syndicate, printed in Cambridge University Reporter, 27 (1896–7), 748–51, 788, 792 and 802.

Review of J. B. Thayer, Development of Trial by Jury, 1 (Boston, 1896), EHR, 12 (1897), 147–8.


The Historical Tripos, a contribution to the meeting of Senate (28 January 1897) to discuss the report of the Special Board for History and Archaeology, printed in Cambridge University Reporter, 27 (1896–7), 505–6.

Law prizes, a contribution to the meeting of Senate (10 June 1897) to discuss the report of the Special Board for Law, printed in Cambridge University Reporter, 27 (1896–7), 1189–90.


The Special Board for Indian Civil Service Studies, a contribution to the meeting of Senate (25 February 1897) to discuss the report of the General Board of Studies, printed in *Cambridge University Reporter*, 27 (1896–7), 655.


1898

Review of C. Gross, *Bibliography of Municipal History, including Gilds and Parliamentary Representation* (New York, 1897), *EHR*, 13 (1898), 816 (signed ‘F. W. M.’).


‘A prologue to a history of English Law’, *LQR*, 14 (1898), 13–33, (reprinted in *Essays in Anglo-American Legal History*, 1 (Cambridge, 1907), pp. 7–33, also as Chapter I in the second edition of *The History of English Law* (Cambridge, 1898)).


*Township and Borough*, The Ford Lectures for 1897, (Cambridge, 1898) (Lecture 1 is reprinted in *Selected Historical Essays*, pp. 3–15).

The Whewell Scholarships, a contribution to the meeting of Senate (10 March 1898) to discuss the report of the Council of Senate, printed in *Cambridge University Reporter*, 28 (1897–8), 617.


1899


1900


(translated by F. W. M.) O. Gierke, *Political Theories of the Middle Age* (Cambridge, 1900), Maitland’s Introduction is pp. vii–xlv, (reprinted Boston, 1958).


The Salomons Lectureship in Russian, a contribution to the meeting of Senate (10 May 1900) to discuss the report of the Council of Senate, printed in *Cambridge University Reporter*, 30 (1899–1900), 874.

1901

'Canon Law in England: a reply to Dr MacColl', *EHR*, 16 (1901), 35–45 (reprinted in *Collected Papers*, iii 137–56).

(and Mary Bateson, ed.) *The Charters of the Borough of Cambridge* (Cambridge, 1901).


*English Law and the Renaissance, The Rede Lecture* (Cambridge, 1901) (reprinted


Roofing the East Quadrangle of the Library, a contribution to the meeting of Senate (31 October 1901) to discuss the report of the Library Syndicate, printed in Cambridge University Reporter, 32 (1901–2), 186–7.


1902


Review of G. des Marez, La Lettre de foire à Ypres au treizième siècle (Brussels, 1901), EHR, 17 (1902), 555–6.


1903

Review of Court Rolls of the Manor of Ingoldmells in the County of Lincoln, translated W. O. Massingberd (London, 1902), and Yorkshire Inquisitions, 3, ed. W. Brown (Yorkshire Archaeological Society, Record Series 31, 1902), EHR, 18 (1903), 780–2 (reprinted in Collected Papers, iii 440–6 as ‘Lincolnshire Court Rolls and Yorkshire Inquisitions’).


The new Tripos in Economics and Political Science, a contribution to the meeting of Senate (7 May 1903) to discuss the report of the Economics and Political Science Syndicate, printed in Cambridge University Reporter, 33 (1902–3), 772.

‘The oldest code of laws’, Review of The Oldest Code of Laws in the World,


1904


Compulsory Greek, a contribution to the meeting of Senate (1 December 1904) to discuss the report of the Studies and Examinations Syndicate, printed in *Cambridge University Reporter*, 35 (1904–5), 372–3.


Regulations for the Squire Law Library, a contribution to the meeting of Senate (3 November 1904) to discuss the report of the Special Board for Law, printed in *Cambridge University Reporter*, 35 (1904–5), 187.


The Squire Law Library and Law School, a contribution to the meeting of Senate (19 May 1904) to discuss the report of the Special Board for Law, printed in *Cambridge University Reporter*, 34 (1903–4), 856.


1905


‘Moral personality and legal personality’, (The Sidgwick Lecture for 1903, delivered at Newnham College), *Journal of the Society of Comparative Legislation*, ns 6

9 Maitland claimed (p. 237) his involvement in the book was confined to making ‘those small changes that must always be made whenever a book is printed’, but it is clear that he edited the book with some considerable care, see *Letters*, i nos 380–1, 384–5, 388.


1906


‘Miss Mary Bateson’, The Athenaeum, 4128 (8 December 1906), 73610 (reprinted in Collected Papers, iii 541–3 and Selected Historical Essays, pp. 277–8).


1907


1908


1909

Equity, also the Forms of Action at Common Law. Two Courses of Lectures, eds A. H. Chaytor and W. J. Whittaker (Cambridge, 1909) (reprinted 1932, and reissued

10The manuscript is held by Newnham College, Cambridge.

11Where it is said to be from English Historical Review, 1896.
in 1936 in two parts *Forms of Action at Common Law. A Course of Lectures*, (reprinted, 1968); and *Equity. A Course of Lectures* revised by J. Brunyate.\(^\text{12}\)

\section*{1910}


\section*{1911}


\section*{1912}


\section*{1915}


\textsuperscript{13} According to the preface (p. xiii), Maitland made a rough transcript, dated 27 January 1901, of one of the MSS, which was the basis for further work.

\textsuperscript{14} Winfield notes, *Selected Essays*, p. 240, 'The date of this paper is probably 1899. Maitland's note on the MS is "Read to the Eranus Club".'

\textsuperscript{15} Fisher notes, *Collected Papers*, p. 419 n. 1, 'A paper read to the Cambridge Law Club, 1901.'
1936

1957
Selected Historical Essays, ed. H. M. Cam (Cambridge, 1957).

1960

1965

1966

1976

1995

Note I am grateful to all those who have helped in the preparation of this bibliography, especially Dr John Hudson and Professor John Baker. But, above all, thanks are due to the staff of the Bodleian Library for their helpfulness, courtesy and patience without which it would have been impossible to complete this task.
Abbreviations

ASC — Anglo-Saxon Chronicle.
ASE — Anglo-Saxon England.
(BI)HR — (Bulletin of the Institute of) Historical Research.
BL — British Library
BN — Bibliothèque Nationale.
CLJ — Cambridge Law Journal


CRR — Curia Regis Rolls (HMSO, 1922–).


Domesday Book and Beyond — F. W. Maitland, Domesday Book and Beyond (repr. with Foreword by J. C. Holt, Cambridge, 1987).

EHR — English Historical Review


ABBREVIATIONS

Gierke — F. W. Maitland, trans, Political Theories of the Middle Age, by Otto Gierke (Cambridge, 1900).

Glanvill, Hall — Tractatus de Legibus et Consuetudinibus Regni Anglie qui Glanvill vocatur, ed. and trans G. D. G. Hall (Edinburgh, 1965).


JMH — Journal of Medieval History.


LQR — Law Quarterly Review.


MGH — Monumenta Germaniae Historica.


ns — New Series.

PBA — Proceedings of the British Academy.


PP — Past and Present.

PR — Pipe Rolls.

PRO — Public Record Office.

PRS — Pipe Roll Society.

RCR — Rotuli Curiae Regis. Rolls and Records of the Court held before the King's Justiciars or Justices, ed. F. Palgrave (2 vols, Record Commission, 1835).


TRHS — Transactions of the Royal Historical Society.

VCH — Victoria County History.