

Bibliography of the Writings of F. W. Maitland

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Introductory Note¹

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.² We know that Maitland wrote articles anonymously — several are included in this bibliography³ — 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.⁴ 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);

Selected Essays: Selected Essays, eds H. D. Hazeltine, G. Lapsley, and P. H. Winfield (Cambridge, 1936); *Sketch: A Sketch of English Legal History*, ed. J. F. Colby (New York and London, 1915).

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.

³ See, for example, 'The law of real property', *Westminster Review*, 122 (ns, 56) (1879), 334–57; 'The Shallows and Silences of real life', *The Reflector*, 1 (1888), 113–17; and 'Round's "Commune of London"', *The Athenaeum*, 3756 (21 October 1899), 547–8.

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.

ographies of Maitland have been published, each with its faults as well as strengths.⁵ 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

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1875

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1879

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1880

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'The relation of punishment to temptation', *Mind*, 5 (1880), 259–64.

1881

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⁵ Chief among them A. L. Smith, *Frederic William Maitland. Two Lectures and a Bibliography* (Oxford, 1908), pp. 59–67; *Maitland Reader*; and J. R. Cameron, *Frederick (sic) William Maitland and the History of English Law* (Norman, 1961), pp. 169–84.

⁶ '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.)

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1882

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1884

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1885

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1886

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1887

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⁷In 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).

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⁸This 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.

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1897

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'Elizabethan gleanings. II Queen Elizabeth and Paul IV', *EHR*, 15 (1900), 324-30 (reprinted in *Collected Papers*, iii 165-77 and *Selected Historical Essays*, pp. 216-24).

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⁹Maitland 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.

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1907

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1908

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1909

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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).¹²

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(F. W. M., L. W. V. Harcourt and W. C. Bolland, eds) *Year Books of Edward II: volume V, The Eyre of Kent, 6 and 7 Edward II, A. D. 1313-1314, volume 1* (Selden Soc., 24 for 1909, Year Books Series 5; London, 1910).¹³

1911

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'Law at the universities', *Collected Papers*, iii 419-31¹⁵ (partially reprinted in *Maitland Reader*, pp 115-25).

'The Unincorporate Body', *Collected Papers*, iii 271-84 (reprinted, as edited by P. H. Winfield, in *Selected Essays*, pp. 128-40, partially reprinted in *Maitland Reader*, pp. 130-42).

1912

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1915

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¹²The Squire Law Library in Cambridge has a Japanese translation of the 1909 edition published at Kyoto, 1991, and the Bodleian Law Library an Italian translation, *L'equità* by A. R. Borzelli with 'presentazione' by C. Geraci (Milan, 1979).

¹³According 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.

¹⁴Winfield 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".'

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

1936

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1957

Frederick (sic) *William Maitland Reader*, ed. V. T. H. Delany (New York, 1957).
Selected Historical Essays, ed. H. M. Cam (Cambridge, 1957).

1960

Frederic William Maitland, Historian. Selections from his Writings, edited with an introduction by R. L. Schuyler (Berkeley and Los Angeles, 1960).

1965

The Letters of Frederic William Maitland, ed. C. H. S. Fifoot (Selden Soc. Supplementary Series, 1; London and Cambridge, 1965).

1966

'Two lectures delivered by F. W. Maitland, Downing Professor of the Laws of England, in the Easter Term, 1889', as edited by C. H. S. Fifoot, in *CLJ*, 24 (1966), 54-74.

1976

F. W. Maitland. Letters to George Neilson, ed. E. L. G. Stones (Glasgow, 1976).

1995

The Letters of Frederic William Maitland. Volume II, ed. P. N. R. Zutshi (Selden Soc. Supplementary Series, 11; London, 1995).

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Abbreviations

- ANS — *Proceedings of the Battle Conference on Anglo-Norman Studies*.
ASC — *Anglo-Saxon Chronicle*.
ASE — *Anglo-Saxon England*.
(BI)HR — (*Bulletin of the Institute of Historical Research*).
BL — British Library
BN — Bibliothèque Nationale.
Bracton, Thorne — *Bracton De Legibus et Consuetudinibus Angliae*, ed. & trans S. E. Thorne (4 vols, Cambridge, Mass., 1968–77).
BNB — *Bracton's Note Book*, ed. F. W. Maitland (3 vols, London, 1887).
CLJ — *Cambridge Law Journal*
CMA — *Chronicon Monasterii de Abingdon*, ed. J. Stevenson (2 vols, London, 1858).
Collected Papers — H. A. L. Fisher, ed., *The Collected Papers of Frederic William Maitland* (3 vols, Cambridge, 1911).
CRR — *Curia Regis Rolls* (HMSO, 1922–).
DB — *Domesday Book seu Liber Censualis Wilhelmi Primi Regis Angliae*, ed. A. Farley and H. Ellis (4 vols, London, 1783, 1816).
Dialogus — Richard FitzNigel, *Dialogus de Scaccario*, ed. & trans C. Johnson, rev. F. E. L. Carter & D. E. Greenway (Oxford, 1983).
Domesday Book and Beyond — F. W. Maitland, *Domesday Book and Beyond* (repr. with Foreword by J. C. Holt, Cambridge, 1987).
EHR — *English Historical Review*
Elton, Maitland — G. R. Elton, *F. W. Maitland* (London, 1985)
English Lawsuits — *English Lawsuits from William I to Richard I*, ed. R. C. van Caenegem (2 vols, Selden Soc., 106, 107, 1990–1).
EYC — *Early Yorkshire Charters*, vols. I–III, ed. W. Farrer (Edinburgh, 1914–16); index to vols. I–III, ed. C. T. & E. M. Clay; vols. IV–XII, ed. C. T. Clay (Yorks. Arch. Soc. Rec. Ser. Extra Ser., 1935–65).
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Fifoot, *Life* — C. H. S. Fifoot, *Frederic William Maitland: a Life* (Cambridge, Mass., 1971).
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Gervase — Gervase of Canterbury, *The Historical Works of Gervase of Canterbury*, ed. W. Stubbs (2 vols, London, 1879–80).
Gesetze — *Die Gesetze der Angelsachsen*, ed. F. Liebermann, (3 vols, Halle, 1903–16).

- 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 Glanvilla vocatur*, ed. and trans G. D. G. Hall (Edinburgh, 1965).
- Holt, *Magna Carta* — J. C. Holt, *Magna Carta* (2nd edn, Cambridge, 1992).
- JMH — *Journal of Medieval History*.
- Letters*, i — C. H. S. Fifoot, ed., *The Letters of Frederic William Maitland*, vol. i (Selden Soc., Supplementary Ser., 1, 1965).
- Letters*, ii — P. N. R. Zutshi, ed., *The Letters of Frederic William Maitland*, vol. ii (Selden Soc., Supplementary Ser., 11, 1995).
- Letters to George Neilson* — F. W. Maitland. *Letters to George Neilson*, ed. E. L. G. Stones (Glasgow, 1976).
- LHP, Downer — *Leges Henrici Primi*, ed. & trans L. J. Downer (Oxford, 1972).
- LQR — *Law Quarterly Review*
- Maitland, *Constitutional History* — F. W. Maitland, *The Constitutional History of England* (Cambridge, 1908).
- MGH — *Monumenta Germaniae Historica*.
- Milsom, *Legal Framework* — S. F. C. Milsom, *The Legal Framework of English Feudalism* (Cambridge, 1976).
- ns — New Series
- PBA — *Proceedings of the British Academy*.
- PKJ — *Pleas before the King or his Justices, 1198–1202*, ed. D. M. Stenton (4 vols, Selden Soc., 67, 68, 83, 84, 1952–67).
- Pollock and Maitland — Sir Frederick Pollock and F. W. Maitland, *The History of English Law before the Time of Edward I* (2 vols, 2nd edn reissued with a new introduction and select bibliography by S. F. C. Milsom, Cambridge, 1968).
- 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).
- Reading Cartularies* — *Reading Abbey Cartularies*, ed. B. R. Kemp, (2 vols, Camden Soc., 4th Ser. 31, 33, 1986, 1987).
- Reg. Ant. Linc.* — *The Registrum Antiquissimum of the Cathedral Church of Lincoln*, ed. C. W. Foster and K. Major (10 vols, Lincoln Rec. Soc., 1931–73).
- RRAN — *Regesta Regum Anglo-Normannorum, 1066–1154*, ed. H. W. C. Davis et al. (4 vols, Oxford, 1913–69).
- S — P. H. Sawyer, *Anglo-Saxon Charters: an Annotated List and Bibliography* (London, 1968).
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- Stubbs, *Charters* — *Select Charters and other Illustrations of English Constitutional History*, ed. W. Stubbs (9th edn, Oxford, 1913).
- TRHS — *Transactions of the Royal Historical Society*
- VCH — *Victoria County History*