

1-1928

## A Sketch of English Legal History, by Frederick W. Maitland

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## NOTICES

(These Notices are preliminary; they do not preclude reviews later.)

*A Sketch of English Legal History*, by Frederick W. Maitland and Francis C. Montague. Edited by James F. Colby. G. P. Putnam's Sons: New York. 1915. Pages 225. Price \$1.50.

This book consists of a series of articles contributed to *Social England* by the late Professor Frederick W. Maitland of Cambridge University and Professor Francis C. Montague of University College, London. Since

their original lodging places in the various volumes of *Social England* does not make them accessible to the general public or even to most members of the legal profession, it seems that Professor Colby has done a real service in collecting them and presenting them in a single volume with appropriate notes and an appendix giving a good deal of interesting and helpful historical matter. It is true that we have Professor Jenks' "A Short History of English Law." In view of its length there could hardly be a more scholarly and thorough piece of work than this. And yet this volume containing articles by Maitland and Montague has a real place in English legal history. Professor Jenks' book is somewhat hard reading and while it is brief, it is so far scholarly as to treat the different matters involved with technical accuracy and in a strictly professional manner. These papers by Maitland and Montague however are even more brief in their summary treatment of English legal history and in addition to this they are very easy reading. The ideas are set forth as one would expect them to be considered in a book of general literature rather than with the formation which, for better or for worse, we have come to expect as essential parts of legal works. The book makes excellent reading. One who has had pretty thorough training in legal history will delight to read it through and will get a new understanding of familiar ground through the delightful interpretation which is here presented. For the lawyer who has not had time for a thorough work in legal history the reviewer feels that this book will prove invaluable. Without the forced attention which we have come to regard as incidental to "study," the reader may gain from this book an extraordinary amount of accurate information and understanding. For instance the discussion of development of equity and of the criminal law gives a picture of these two branches of legal history which only a master could produce in so short a space.

The reviewer is inclined to feel that students and lawyers often deceive themselves in their knowledge of legal history. They may do considerable work in the field and conclude that they must have a rather adequate knowledge because they have gone through the form of working in the field. In other words, there is likely to be a certain amount of forced application which may not result in actual understanding of the matters involved. It is suggested therefore that the reader can go through this book with the reasonable assurance that he can pursue it with real profit and then proceed with greater safety and advantage in the consideration of Jenks, Pollock and Maitland, and the crowning work of Holdsworth.