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Chief Sources of English Legal History, by Percy Henry Winfield

Paul L. Sayre

Indiana University School of Law

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CHIEF SOURCES OF ENGLISH LEGAL HISTORY*

This is a book which every beginner in the field of English Legal History should have at his elbow. It will be a valuable reference book for the experienced worker in legal research, but it is almost indispensable to the beginner if he is to avoid serious waste of time and needless expenditure of effort in finding from trial and error many matters which he can learn from Dr. Winfield's book without the costly experience that has been the present lot of workers in this field. Dr. Winfield's introduction chapter "Equipment for Research" is not only a brief comment on the preparation which the student should have but an excellent summary of general problems with which he must deal. The next chapter is on bibliographical guides. Here he indicates the location of much material that is helpful to workers in legal research and gives a list of bibliographical guides. This list is not to be found in its completeness anywhere else. Moreover a brief comment is made upon each book indicating what it purports to cover and giving an estimate of its value. Dr. Winfield says that perhaps the footnotes in Holdsworth's volumes and the footnotes of Pollock and Maitland's work furnish the nearest approach to an adequate bibliography for English Legal History that is to be found. Dr. Winfield expressly disclaims any suggestion that his book is itself a bibliography. In his preface he says that the preparation of such a bibliography is too big a task for one man and should perhaps be done by a committee under a government appropriation or under the authority of some endowment fund. Granting that Dr. Winfield has not presented an exhaustive bibliography, his modesty in this matter must not preclude us from recognizing that he has collected references which are of the utmost value and which are not to be found in convenient form elsewhere.

**The Chief Sources of English Legal History*, by Percy Henry Winfield, Cambridge, Mass. 1925. pp. xxviii, 374. Price \$4.00.

His brief estimates of the value of each book are very helpful. In the case of early works these comments are calculated to warn the beginning student against errors that he would almost surely fall into if he were not directed in advance.

The third and fourth chapters deal with "Sources of Anglo-Saxon Law" and "The Influence of Roman Law." The critical comment here is excellent and again the descriptive list of books is very valuable. The balance of the book, five chapters in all, deals with the different sources in English Legal History considered in the order of the importance and extent of source material. Thus chapter five deals with Statutes, chapter six, with the public records in general, chapter seven, with case law, chapter eight with abridgments and chapter nine with textbooks and books of practice. Each of these chapters is a brief and highly practical guide to the source of material which is described. Each chapter is followed by a list of books covering the matter which is discussed and each book listed receives an evaluation and description.

In his introduction, Dean Pound explains that it is through the understanding of the growth of common law technique as revealed in legal history that we may hope to fashion tools which shall be adequate for the work which the common law must do in the future. He refers to Dr. Winfield's book as in some part an "internal history" of the common law during the period covered in England. He expresses the hope that a similar history will be written for American law. Dean Pound pays a high tribute when he says that he feels Dr. Winfield's book should be a model for a similar work undertaken on this side of the Atlantic.

The book purports to cover the chief sources of English legal history from the beginning to the publication of Blackstone's Commentaries, 1765-1769. Thus the book is of great value to the American lawyer, since it covers the period of English legal history which is our own heritage. After our Revolution we adopted the English common law up to that time; English cases decided before the Revolution are precedents for our courts as to the law at that time.

The book is written in a very clear and helpful style for the student in legal history. The author seems to have had almost a genius for remembering or understanding the difficulties that a beginner in legal research is bound to encounter, and he presents his material in such a way as to answer the questions which the worker in legal research is likely to ask. If one were to place the value of the book on the basis of the amount of time it would take an average student in legal research to find the necessary information which it contains, one would be tempted to say that the book is beyond price. This does not imply that by the use of this book the student can go to the heart of his problem in legal research without difficulty. Of course actual practice in the use of the year books and the abridgments and the public records is indispensable. The point is that no guide to legal research purports to take the place of

laboratory work. What a good guide could fairly hope to do is to make the laboratory work more efficient and to enable the worker to get clearer results for the time expended; and it is submitted that this book is admirably calculated to render this service.

PAUL L. SAYRE.

Indiana University School of Law.