

History 407:

A History of English Law

Texts:

John Hudson, *The Formation of the English Common Law*

The following two texts will be supplied, Xeroxed, by the Instructor:

Anthony Musson, *Medieval Law in Context*

Anthony Musson and W.M. Ormrod, *The Evolution of English Justice*

Other texts to be supplied by the Instructor

PURPOSE OF THIS COURSE:

THIS course is intended as an introduction to the development of the English legal tradition and system from the Anglo-Saxon period to the end of the Elizabethan period. By that time the basic institutions, doctrines and forms of action of the law were in place and constituted the raw material brought to the American colonies by settlers, which would ultimately be incorporated, in one way or another, into the law and legal institutions of the new United States. This is also a course which will make extensive use of the sources of the evolving English law, so that to a large extent class sessions will be a combination of comments by the Instructor and discussions and analyses by the class as a whole of the texts themselves. Finally, this is a course that assumes a certain degree of familiarity with the basic outline of the history of England between the Anglo-Saxon settlement and the early 17th century. Students lacking such familiarity are urged to reconsider whether they belong in this class. If, after such reflection, such students wish to continue, they are urged to obtain and read a general history of medieval and Tudor/Stuart England to fill in the necessary background material.

EXAMINATIONS AND OTHER ASSIGNMENTS

There is one examination for this course: the Final. That's it. It will *not* be a true/false or multiple-choice exam but will involve writing complete sentences.

CALENDAR

January 7 Introduction (distribution of syllabus and hand-outs for the first class sessions).

January 9: NO CLASS!!! Read the material distributed in the previous meeting.
Readings: Alan Harding, *The Social History of English Law*, Chapter I, Patrick Wormald, *The Making of English Law* (selection), and selections from Anglo-Saxon law codes.

January 14: Anglo-Saxon law: discussion of the codes

January 16: “ “

January 21: The Anglo-Saxon legal achievement

January 23: “ “

January 28: Anglo-Norman England

Readings:

Hudson, Ch. 1-4

January 31: Royal Justice in the 11th and early 12th centuries

February 4: Courts and actions

February 6: *Leges Henrici Primi*

Reading: *Leges Henrici Primi* (selections—to be supplied)

February 11: The Angevin “Revolution”

Reading: Hudson, Chapters 5-7

Assizes of Clarendon, Northampton (to be supplied)

February 13: Criminal Law

February 18: Land law

February 20: “ “

February 25: The new rationalism of the 12th century and professionalization

Reading: *The Dialogue of the Exchequer* (selections—supplied)

February 27: Glanvill

Reading: Glanvill, *De legibus et consuetudinibus Angliae* (selections—supplied)

March 3: Spring Break

March 5: Spring Break

March 11: King John to Henry III: a century of troubles

**Reading: Hudson, Chapter 8; Musson, *Medieval Law in Context*, Ch. 1-2
Magna Carta (to be supplied)**

March 13: The expanding forms of action

March 18: The court system “defined”

March 20: Courts in action

**Reading: Musson, Chapters 3-4
Roll and Writ File of the Berkshire Eyre of 1248 (selections)**

March 25: Statutes and Parliament

Reading: Musson, Chapters 5-6

March 27: Trespass

April 1: The Changing Law of the 14th and 15th centuries

**Reading: Barbara Hanawalt, *Norfolk Gaol Deliveries* (supplied)
Musson and Ormrod, *The Evolution of English Law* (all)**

April 3: “ “ “

April 8: The Law in Tudor and Elizabethan England

Reading: TBA

April 10: “ “ “

April 15: The Rivals of the Common Law: the Prerogative Courts

Reading: TBA

April 17: The Rivals of the Common Law: Canon Law/Benefit of Clergy

Reading: Harold Berman, *Law and Revolution* (selections, supplied)

J. Bellamy, “Benefit of Clergy in the 15th and 16th Centuries”, in *idem, Criminal Law and Society in Late Medieval and Tudor England* (supplied)

April ??: Final Examination