

**MATERIALS
ILLUSTRATING
ENGLISH LEGAL HISTORY**

Prof. Charles Donahue

KB Beck & Sarah Wharton, Historical & Special Collections

**HISTORICAL & SPECIAL COLLECTIONS
HARVARD LAW SCHOOL LIBRARY**

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1. Manor Rolls.

Manuscript on paper and vellum, written 1283–1452.

Displayed is a selection from some sixty manor rolls from the manor of Chartley (Staffordshire) dating from 1283 to 1416, and from the manor of Littleton-Pannel (Wiltshire), dating from 1329 to 1452.

HLS Manor Rolls 143 & 149 (box 16-1). The entire collection of manor rolls is online:
<http://id.lib.harvard.edu/alma/990117206940203941/catalog>

2. Letters patent.

Manuscript on vellum, dated 11 April 1408.

Letters patent to John Norys of Canterbury and others that they may give in mortmain to the prior and convent of Christ Church, Canterbury, three messuages (i.e., three dwelling houses, together with outlying buildings, attached gardens and the surrounding land). The wax seal is the Great Seal of Henry IV.

HLS Deeds 744. Online: <http://nrs.harvard.edu/urn-3:HLS.Libr:8654805>

3. Corpus juris civilis: Codex cum glossis et tabula.

Bound manuscript on vellum, written ca. 1275, with nine historiated miniatures and 500 illuminated grotesque initials.

Soon after his accession in 518, Justinian appointed a commission to collect and codify existing Roman law. A second commission, headed by the jurist Tribonian, was appointed in 530 to select matter of permanent value from the works of the jurists, to edit it and to arrange it into 50 books. In 533 this commission produced the *Digesta*.

The four books of the *Institutiones* were also published in 533. They form an introductory textbook of Roman law. In 534 the Commission published the *Codex Justiniani*, a compilation of material from imperial decisions and enactments. These three works, along with the *Novellae*, a collection of laws promulgated after the *Codex*, constitute the *Corpus juris civilis*, the source of law and judicial reasoning for much of Europe from the c12 onwards.

The *Codex* of the *Corpus juris civilis* is a collection of decrees and decisions of the Roman emperors from the early 2d century CE up to and including Justinian. Book V, title I of the *Codex* (displayed here) addresses betrothal, betrothal pledges, and marriage brokers; the first two laws of this title make clear how much independence of action Roman law granted women in contracting marriage:

She who is already betrothed to one man is not forbidden to break her contract, and marry another

If a man should, while residing in the same province agree to marry a young woman and fail to do so within the term of two years, and the woman, after the expiration of the said time, should afterwards form a union with another, she will not be guilty of fraud who, by contracting marriage, did no longer suffer her vows to be treated with contempt.

The Law School's Manuscript 63 is important for both its later marginal notes and its many illustrations, remarkable examples of c13 Anglo-French art.

HLS MS 63. Online: <http://nrs.harvard.edu/urn-3:HLS.Libr:5030330>

4. Ranulf de Glanvill. *Tractatus de legibus et consuetudinibus regni Angliae*.

Manuscript parchment roll: 7 x 116"; composed of 7 folia sewn top to bottom; text on both sides. Late c13/early c14.

The earliest treatise on the common law is traditionally attributed to Ranulf de Glanvill (d. 1190), but it was probably written by someone in his circle – Hubert Walter and Geoffrey fitz Peter have both been suggested. The treatise seems to have been completed sometime between 1187 and 1189, and describes procedure in the central royal court. It is divided into 14 books and contains much information relating to litigation, including forms for some 80 writs.

This particular manuscript is remarkable for being a very late example of the use of the roll, rather than the codex, for recording a text. The Law Library's copy belongs to the earlier, *alpha* family of Glanvill manuscripts. The roll is incomplete, beginning with the last line of Book I Ch. 29, *On the essoyn of being on a pilgrimage*, and ends in the middle of Book IX Ch. 1, *Concerning homages and reliefs*.

HLS MS 180. Online: <http://nrs.harvard.edu/urn-3:HLS.Lib:11597006>

5. Custumal of Normandy.

Summa de legibus Normanniae in Latin with some parts in French (probably Normandy, possibly England, ca. 1300). Manuscript on vellum, 127 leaves.

The *Summa de legibus Normanniae* is a manuscript compilation that describes customary law in Normandy in the twelfth and thirteenth centuries. Numbering 127 leaves and containing nearly 130 “chapters” on legal rights, our newly acquired copy sets forth regulations on such topics as marriage, land ownership, finance, trading, the Crusades, trials by combat, outlaws, and military service. One section (folio 45r) even addresses a legal issue arising from too much snow!

De Dilatione per Nivem.

Si vero visio alicuius terrae sit assignata, et terra per nivem vel pluviarum superabundantiam fuerit occultata, visio et alia querela ad alium terminum sunt prorogandae, cum, nive vel pluviis consumptis, terra fuerit detecta.

Of Delay by Snow

If, at the assigned view of any land, the land should be covered by a superabundance of snow or rain, the view and the complaint are delayed to another term until, with the snow or rain dissipated, the land is uncovered. (J. A. Everard, p. 220)

This compilation, also known as *Liber Consuetudinis Normanniae* and as the *Grand Coutumier de Normandie* in its French translation, was made in Normandy in the second quarter of the thirteenth century. It is an important record of legal practice in feudal Normandy and Norman England:

It was not a complete law code, but a sophisticated, even scientific, treatise on the customary law of Normandy, both civil and criminal, from the perspective of procedural law; legal rights are defined by the procedure for their enforcement, and wrongs are put right with justice and equity. (J. A. Everard, p. xv)

It is also a foundational document in the history of the common law, as Norman law influenced the law of England between the Conquest in 1066 and 1203, when the French crown regained Normandy proper. The Channel Islands, the British Crown Dependencies in the English Channel

just off the Normandy coast, to this day retain the *Liber Consuetudinis Normanniae* as a principal source of its primary law.

The medieval French translation, the *Grand Coutumier de Normandie*, became one of the aristocratic texts of the late Middle Ages; for example, three copies were illuminated for the French royal library. First printed in Paris in 1483, editions were published until 1539. The custom was ‘reformed’ in 1585; after that all the printed editions of and commentaries on the custom (and there are many) were of the reformed custom. (All told, Library has more than sixty printed editions of one version or another of the Norman custom.) The principal modern editions are by W. L. De Gruchy, Jersey, 1881; by E. J. Tardif, *Coutumiers de normandie*, 3 vols., 1881–1903, and by J. A. Everard, *Le Grand Coutumier de Normandie*, 2009.

HLS MS 220. Online: <http://nrs.harvard.edu/urn-3:HLS.Libr:4773568>

A fuller explanation may be found at:

<http://amesfoundation.law.harvard.edu/digital/HLSMs220/HLSMs220Metadata.html>

6. Henry de Bracton. De legibus et consuetudinibus Angliae.

Bound manuscript on vellum, written about 1300, probably at Worcester.

The outstanding common-law treatise of the Middle Ages, Bracton’s *De legibus* is remarkable for its use of actual court decisions for illustrative purposes. Most of the text was apparently written by a number of authors in the 1220s and 1230s, and updated between then and the 1250s. The last person to own and work on the original manuscript was probably Bracton, then a judge of the King’s Bench.

There are approximately 49 surviving manuscripts of Bracton, many fragmentary or abridged. All date from the c14 or very late c13, and none is closer than third generation from the original.

The Harvard Law School copy displayed here was probably written for a religious house in Worcestershire. It also includes some fifty short legal and other texts, including lists of English kings to Edward I and bishops of Worcester down to Godfrey Giffard (1268–1302); a perambulation of Feckenham forest, Worcestershire; *gravamina* of the clergy; *Summa ad cassandum brevia*; *Exceptiones contra brevia*; and a chronicle of England written in French (“Devant la nativite nostre seigneur mil e deux cens anz . . .”) ending in 1216. Corrected and annotated in a contemporary hand, it contains a few marginalia referring to Worcestershire cases.

HLS MS 1. Online: <http://nrs.harvard.edu/urn-3:HLS.Libr:8809140>

A fuller description may be found at:

<http://amesfoundation.law.harvard.edu/digital/Bracton/HLSMs1Metadata.html>

7. Magna Carta cum statutis.

Bound manuscript on vellum, with illuminated initials and three marginal drawings in black ink, written in the early c14.

This manuscript contains the *Magna Carta* and statutes of the c13. The illuminated initials allude to the subject of each statute.

Of particular interest are the three marginal drawings: a hunting scene, which illustrates *La chartre de foreste*; a widow, illustrating *Le statute de Merton*; and (shown here) a scene of homage for the

statute *de homage et faute*. This last statute states that “when a freeman shall do homage to his lord whom he holdeth in chief, he shall hold his hands together between the hands of his lord . . .”

It has been argued that this manuscript originally formed part of a larger manuscript (Paris, Bibliothèque Nationale Ms. Fr. 571) which was commissioned by Phillipa of Hainault for Edward III, on the occasion of their marriage in 1326.

HLS MS 12. Online: <http://nrs.harvard.edu/urn-3:HLS.Lib:8403542>

8. Magna Carta cum statutis.

Bound manuscript on vellum, written circa 1300.

This is an exceptionally fine example of a portable “working” manuscript. The original binding is doeskin over birch, with traces of the original red dye on the inner covers.

HLS MS 175. Online: <http://nrs.harvard.edu/urn-3:HLS.LIBR:13405542>

9. Registrum brevium.

Bound manuscript on parchment and paper, written ca. 1380, with later additions.

Begun in the c14, this manuscript compilation of the forms of writs was in use through the end of the c16, new material being added to the blank folios left at the end of each chapter.

Manuscript collections of writs are known from the c13. All are individual, the later copies containing more forms than the earlier ones. There was probably no single, still less, official compilation of writs. This variety and growth ended with the first printed *Registrum brevium* (London: Rastell, 1531).

HLS MS 155. Online: <http://nrs.harvard.edu/urn-3:HLS.Lib:8598333>

10. Registrum brevium and Novae narrationes.

Bound manuscript on vellum, with illuminated initials, written in the early c14.

This manuscript, like HLS MS 175, is a pocket “working” copy of two basic legal texts: a collection of writs, the *Registrum brevium*, and the *Novae narrationes*, a tract on pleading, dating from the first half of the c14.

This particular manuscript is remarkable for the unusually fine quality of the writing and of the vellum. Shown is the first page of the *Novae narrationes*.

HLS MS 60. Online: <http://nrs.harvard.edu/urn-3:HLS.Lib:12342929>

11. Year books 4–11 Edward III (1329–1337).

Bound manuscript on vellum, written ca. 1340, in the original binding of doeskin over wooden boards.

A series of notes of debates on points of pleading, the year books are important sources for the history of medieval English law. It is not known when the first year books were compiled, but some cases are believed to date from the 1270s. The series continued almost without interruption until 1535.

With few exceptions, the compilers of the year books are unknown; it is generally considered that the compilations are based upon notes taken by law students in court. Whoever made them, they certainly were carefully studied by both students and practicing lawyers looking for guidance in

pleading cases. The intensely practical nature of the year books is illustrated by the underlinings, corrections and marginal notes displayed on these two pages.

HLS MS 4. Online: <http://nrs.harvard.edu/urn-3:HLS.Libr:8809603>

12. Year books 7–13 Edward III (1332–1338).

Bound manuscript on vellum, written ca. 1350.

The manuscript covers much of the same period as HLS MS 4, but does not have extensive marginal notes. This suggests that manuscript year books were circulated outside of the narrow circle of pleaders and judges in the central royal courts.

HLS MS 5. Online: <http://nrs.harvard.edu/urn-3:HLS.Libr:8810042>

13. Novae narrationes and Abridgement of the year books.

Bound manuscript on vellum, written in the c15.

Originally bound in one volume, perhaps for use at assizes, this manuscript was separated into four smaller volumes when it was conserved at the Northeast Document Conservation Center. Shown are the manuscript in its new binding, fragments of the original sewing, the paper covers, binding waste and photographs of the manuscript in its original condition.

HLS MS 41. Online:

Part 1 - Narrationes: <http://nrs.harvard.edu/urn-3:HLS.Libr:5351630>

Parts 2-4 - Abridgement of Cases: <http://nrs.harvard.edu/urn-3:HLS.Libr:5351631>

A fuller description may be found at:

<http://amesfoundation.law.harvard.edu/digital/HLSMS41/HLSMs41Metadata.html>
(Introduction)

<http://amesfoundation.law.harvard.edu/digital/HLSMS41/HLSMs41Metadata.NovNar.html>
(Novae Narrationes)

<http://amesfoundation.law.harvard.edu/digital/HLSMS41/HLSMs41MetadataAbridge.html>
(Abridgement)

14. Year book 9 Edward IV (1469)

London: Richard Pynson, ?1490.

William de Machlinia printed the first year book in about 1483, some ten years after the introduction of printing into England. Richard Pynson, however, was the first systematic publisher of year books, issuing some ninety separate editions between 1490 and 1528. This edition of 9 *Edward IV* is the first year book published by Pynson.

STC 9825/Beale R 287. Online in Early English Books Online (Harvard login required):

http://eebo.chadwyck.com.ezp-prod1.hul.harvard.edu/search/full_rec?SOURCE=var_spell.cfg&ACTION=SINGLE&ID=99846806&ECCO=N&FILE=../session/1589464677_23482&SEARCHSCREEN=CITATIONS&DISPLAY=AUTHOR&SUBSET=1&ENTRIES=1&HIGHLIGHT_KEYWORD=default

15. Thomas Littleton. Tenores novelli.

London: Johannes Lettou and William de Machlinia, ca. 1482.

This is a copy of the first edition of the first printed English legal treatise. There are only nine surviving copies known of this edition; this scarcity reflects the work's popularity and importance. The Law Library's copy has both extensive contemporary and early marginal notes.

Johannes Lettou was a bookbinder as well as a printer, and this copy is the only known example of a book both printed and bound by Lettou.

STC 15719/Beale T 3. Online in Early English Books Online (Harvard login required):

http://eebo.chadwyck.com.ezp-prod1.hul.harvard.edu/search/full_rec?SOURCE=config.cfg&ACTION=ByID&ID=99855288

16. Anthony Fitzherbert. La graunde abbregeement de le ley.

London: John Rastell, 1516 (vol. 1 of the first edition).

The earliest abridgement of the year books was printed in about 1495 and is attributed to Nicholas Statham. Anthony Fitzherbert, however, is responsible for the first scientific and systematic abridgement of English case law. Fitzherbert abridged over 14,000 cases – many of them from now-lost manuscripts – under 260 titles.

STC 10954/Beale R 456. Online in Early English Books Online (Harvard login required):

http://eebo.chadwyck.com.ezp-prod1.hul.harvard.edu/search/full_rec?SOURCE=config.cfg&ACTION=ByID&ID=99857314

17. Henry de Bracton. De legibus et consuetudinibus Angliae.

London: Richard Tottel, 1569.

A copy of the first printed edition of Bracton. The as-of-yet-unidentified editor, who signs himself “T. N.,” claims to have compared twelve manuscripts when he prepared this printed edition. His collation, however, was not done critically. Rather than attempting to establish a text as close as possible to the original, T. N. was more concerned with publishing everything and anything which might have any claims of having been written by Bracton.

STC 3475/Beale T 323. Online in Early English Books Online (Harvard login required):

http://eebo.chadwyck.com.ezp-prod1.hul.harvard.edu/search/full_rec?SOURCE=config.cfg&ACTION=ByID&ID=99857311

18. Les reports de Serjeant Bendlowes.

Manuscript on paper, written circa 1630.

This manuscript contains a portion of the reports of William Bendlowes, a serjeant at law. It records 238 numbered cases, from *Fulgam's Case* (entered T. 31 Hen. 8) to *Lee v. Major* (M. 4 & 5 Ph. & M.).

Although by the seventeenth century printing was well established, numerous manuscripts like this one show that legal material continued to circulate in manuscript long after the invention of printing. Bendlowes's *Reports* did not appear in print until 1689, four years after his death.

HLS MS 119. Online: [http://iif.lib.harvard.edu/manifests/view/drs:422124679\\$1i](http://iif.lib.harvard.edu/manifests/view/drs:422124679$1i)

19. William Chapple, Notebook.

Bound Manuscript on paper written during the Old Bailey Sessions, May 1741.

HLS MS 6002 no. 20 is a typical judge's "long" notebook, written from inside to fore-edge and vice versa. In it William Chapple, a justice of the King's Bench, recorded arguments and evidence from the sessions at Old Bailey, over which he presided during the Lent Circuit of 1740/41.

HLS MS 6002 no. 20. Online: [https://iif.lib.harvard.edu/manifests/view/drs:481552820\\$1i](https://iif.lib.harvard.edu/manifests/view/drs:481552820$1i)

20. The proceedings at the Sessions of the Peace, and Oyer and Terminer, for the city of London and county of Middlesex on Thursday the 14th, Friday the 15th, and Saturday the 16th of May . . . Number V for the year 1741.

London: T. Payne, ?1741.

Compare the published account of the trial of Elizabeth Bennet, charged with killing her infant daughter, with Justice Chapple's manuscript notes on the case.

Trial Collection, HOLLIS 990141599190203941. Online at Proceedings of the Old Bailey: https://www.oldbaileyonline.org/browse.jsp?id=t17410514-7-off32&div=t17410514-7&terms=elizabeth_bennet#highlight

21. William Pynchon, *et al.* Record of cases before the magistrate of Agawan, Springfield, Massachusetts.

Bound manuscript on paper, 1638–1702.

William Pynchon, a founder of Agawam, Massachusetts, was magistrate of this western Massachusetts settlement from its establishment in 1638 until 1652, when he returned to England. His diary, in which he recorded his decisions as magistrate and other legal business of his community, is among the earliest to survive from seventeenth century Massachusetts Bay. Continued through 1702 by his son, John, and son-in-law, Elizur Holyoke, the manuscript is a major source for early American social and legal history.

There is a full transcription with an introduction by Joseph Smith, *Colonial Justice in Western Massachusetts (1639–1702): The Pynchon Court Record*, Legal Studies of the William Nelson Cromwell Foundation (Cambridge, MA: Harvard University Press, 1961) (HOLLIS 99154267669203941).

HLS MS 4344. Online: [http://iif.lib.harvard.edu/manifests/view/drs:50610470\\$1i](http://iif.lib.harvard.edu/manifests/view/drs:50610470$1i)
Smith transcription online (Harvard login required): <https://heinonline-org.ezp-prod1.hul.harvard.edu/HOL/Page?handle=hein.beal/cnljstce0001&id=1&size=2&collection=beal&index=beal>

22. The Capitall lawes of New-England.

London: B. Allen, 1643.

The first laws actually printed in British North America were part of a "*Body of Liberties*," drafted by the Rev. Nathaniel Ward in 1639 and circulated in manuscript to the magistrates and elders of the colony's towns. A single manuscript copy of this draft survives and is now at the Boston Athenaeum.

These first printed laws were the *Capitall-Lawes of New-England*, first printed in 1642 at the colony's only printing press (located near what is now Holyoke Center and owned by Elizabeth

Glover Dunster, wife of Harvard's first president). Resting their authority entirely on the Old Testament, these "Capitall-Lawes" were incorporated almost verbatim into the *Lawes and Libertyes* of 1648.

None of the estimated 2,000 copies of the first edition of this broadside printed in Cambridge are known to survive, but there are two of the 1643 London reprint: one in the British Library and the one displayed here.

Wing C479. Online in the Early English Books Online collection (Harvard login required):
<http://id.lib.harvard.edu/alma/990040415840203941/catalog>