The Common Law Tradition

Lawyers, Books and the Law

J. H. Baker

THE HAMBLEDON PRESS
London and Rio Grande
## Contents

<table>
<thead>
<tr>
<th>Illustrations</th>
<th>vii</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acknowledgments</td>
<td>ix</td>
</tr>
<tr>
<td>Preface</td>
<td>xi</td>
</tr>
<tr>
<td>Abbreviations</td>
<td>xiii</td>
</tr>
<tr>
<td>Table of Statutes</td>
<td>xvii</td>
</tr>
<tr>
<td>Table of Cases</td>
<td>xix</td>
</tr>
</tbody>
</table>

### Part I: Lawyers

1. The Third University of England 3
2. The Division of the Temple: Inner, Middle and Outer 29
3. The Inns of Court and Legal Doctrine 37
4. The Judges as Visitors to the Inns of Court 53
5. The Degree of Barrister 69
6. Audience in the Courts 77
7. The Rank of Queen’s Counsel 89

### Part II: Law Books

8. Case-Law in England and Continental Europe 107
9. Dr Thomas Fastolf and the History of Law Reporting 117
10. Case-Law in Medieval England 133
11. Some Early Newgate Reports, 1315–26 165
12. John Bryt’s Reports and the Year Books of Henry IV 187
13. Editing the Sources of English Legal History 207
Part III: Legal Institutions and the Law

14 The Three Languages of English Law 225
15 Westminster Hall 247
16 Personal Actions in the High Court of Battle Abbey, 1450–1602 263
17 The Use of Assumpsit for Restitutionary Money Claims, 1500–1800 285
18 Personal Liberty under the Common Law, 1200–1600 317
19 Funeral Monuments and the Heir 347
20 Sir John Melton's Case: Cockermouth Castle and the Three Silver Luces 363
   Index of Names 383
   Index of Subjects 295