

Title	S. E. Thorne 教授
Sub Title	
Author	森岡, 敬一郎(Morioka, Keiichiro)
Publisher	三田史学会
Publication year	1982
Jtitle	史学 (The historical science). Vol.52, No.1 (1982. 6) ,p.40, 60. 112- 40, 60. 112
JaLC DOI	
Abstract	
Notes	余白録
Genre	Article
URL	https://koara.lib.keio.ac.jp/xoonips/modules/xoonips/detail.php?koara_id=AN00100104-19820600-0040

慶應義塾大学学術情報リポジトリ(KOARA)に掲載されているコンテンツの著作権は、それぞれの著作者、学会または出版社/発行者に帰属し、その権利は著作権法によって保護されています。引用にあたっては、著作権法を遵守してご利用ください。

The copyrights of content available on the KeiO Associated Repository of Academic resources (KOARA) belong to the respective authors, academic societies, or publishers/issuers, and these rights are protected by the Japanese Copyright Act. When quoting the content, please follow the Japanese copyright act.

S. E. Thorne 教授

略べて、一カトーレ大学のマサチューセッツ法制度、憲政史の教授であった S. E. Thorne の業績を讃へる論文集が、教員からの贈呈物の手による。因縁の贈り物を收めて昨年刊行された。(On the Laws and Customs of England, Essays in Honor of Samuel E. Thorne, edited by M. S. Arnold, Thomas A. Green, Sally A. Scully, and Stephen D. White, The University of North Carolina Press, 1981)

教授のマサチューセッツ法制度の最大の貢献は、Bracton の *De Legibus et Consuetudinibus Angliae* の翻訳・註解 (Bracton on the Laws and Customs of England, 4vols, Harvard University Press, 1968-77) であるが、初めばトーレー・ペトロームの法制度、特にキー・マッラー・ハックの研究から注目されるが、近世初期の法律家が、新時代の状況への適応と変化と、母典からの轉換性の複雑性を読みに努力したことの歴史をめたね、母典法の研究に進めたのである。教授の四種の編書のうち、最後の Bracton を除く他の全ては、近世初期のものと並んである。最も、発行年代順に記述する。

A Discourse upon the Exposition and Understanding of Statutes, Huntington Library, 1942.

Prerogativa Regis, Tertia Lectura Roberti Constable de Lincolnis Inne, Anno 11 Henry VII. Yale University Press, 1949.

Readings and Moots at the Inns of Court in the Fifteenth Century, vol. 1. Selden Society, vol. 71. (1954)

ただし、教授の贈呈物の最後である。

- “ St. Germain’s Doctor and Student.” *Transactions of the London Bibliographical Society*. 4th Ser. x, 421 (1930).
- “ The Assise *Utrum* and Canon Law in England.” *Columbia Law Review*, xxxiii, 428 (1933).
- “ Le droit canonique en Angleterre.” *Revue historique des droits français et étranger*, xiii, 499 (1934).
- “ Notes on Courts of Record in England.” *West Virginia Law Quarterly*, xl, 347 (1934).
- “ Statuti in the Post-Glossators.” *Speculum*, xi, 452 (1936).
- “ Livery of Seisin.” *Law Quarterly Review*, lii, 345 (1936).
- “ The Equity of a Statute and Heydon’s Case.” *Illinois Law Review*, xxxi, 202 (1936).
- “ Fitzherbert’s Abridgement.” *Law Library Journal*, xxix, 59 (1936).
- “ Courts of Record and Sir Edward Coke.” *University of Toronto Law Journal*, ii, 24 (1937).

- “Dr. Bonham's Case.” *Law Quarterly Review*, liv, 543 (1938). Reprinted in *The Constitution Reconsidered*, edited by Conyers Read. New York: Columbia University Press, 1938.
- “Praemunire and Sir Edward Coke.” *Huntington Library Quarterly*, ii, 85 (1938).
- “Gilbert de Thornton's *Summa de Legibus*.” *University of Toronto Law Journal*, vii, 1 (1947). Preface to W.O. Hassall, *A Catalogue of the Library of Sir Edward Coke*. New Haven: Yale University Press, 1950.
- “Tudor Social Transformation and Legal Change.” *New York University Law Review*, xxvi, 10 (1951). Preface to Edward Hake, *Epileikeia: A Dialogue on Equity*, edited by D.E.C. Yale. New Haven: Yale University Press, 1953.
- “Sir Edward Coke, 1552-1952.” Selden Society Lecture Series. London: 1957.
- “English Feudalism and Estates in Land.” Maitland Lecture. *Cambridge Law Journal*, 193 (1959).
- “Early History of the Inns of Court.” Gray's Inn Lecture. *Graya*, 179 (1959).
- “History of Law.” In *Bibliography of British History, 1485-1603*, edited by Conyers Read. New York: Oxford University Press, 1959.
- “Sovereignty and the Conflict of Laws.” In *Bartolo de Sassoferrato studi e documenti per il VI centenario*, ii, 675. Milan: Giuffrè, 1962.
- “Magna Carta.” In *The Great Charter*. New York: Pantheon, 1965.
- “Bibliografia.” In Charles Howard McIlwain e la storiografia sulla rivoluzione americana. Bologna: Il Mulino: 1965.
- “English Law and the Renaissance.” In *Atti del primo congresso internazionale della società italiana di storia del diritto*. Florence: Olschki, 1966.
- “Henry de Bracton.” University of Exeter, 1970.
- “The Text of Bracton's *De Legibus Angliae*.” In *Atti del secondo congresso internazionale della società italiana di storia del diritto*, ii, 803. Florence: Olschki, 1971.
- “Henry I's Coronation Charter, Chap. 6.” *English Historical Review*, xciii, 794 (1978).
- 1 The Laws of Ethelbert A. B. Simpson.
- 2 Definitions of Feudal Military Obligations in Eleventh-Century Normandy. E.Z. Tabuteau.

3 Inheritance by Women in the Twelfth and Early Thirteenth Centuries, S.F.C. Milson.

4 Trial by Onddeal, P.R. Hyams.

5 Proof by Witnesses in the Church Courts of Mediaeval England: An Imperfect Reception of the Learned Law, C. Donahue.

6 Adding Insult to *Inuaria*: Affronts to Honor and the Origins of Trespass, J.S. Beekerman.

7 Legal Reasoning in the Fourteenth Century: The Invention of "Colour" in Pleading, D.W. Southerland.

8 Plucknett's "Lancastrian Constitution," Ch. M. Gray.

9 The Tudor Revival of *Quo Warranto* and Local Contributions to State Building, H. Garrett-Goodey.

10 Crime, Sanctuary, and Royal Authority under Henry VIII, E.W. Ives.

11 Future Interests and Royal Revenues in the Sixteenth Century, J.L. Barton.

12 Origins of the "Doctrine" of Consideration, 1535-1585, J.H. Baker.

13 A Cheshire Seductress, Precedent, and a "Sore Blow" to Star Chamber, T.G. Barnes.

14 "Of No Mean Authority": Some Later Uses of Bracton, D.E.C. Yale.

やがて、Simpson のトマス・ベネッタの法に關する論文が出版され
た。その中で、教皇の権力の低下を反証してくるものと見えた。
また、新編輯の Barnes, Donahue 等のトマス・カの諸教授の
おかげで、Milson, Baker, Yale 等の著者のトマス・カの著述もあ
る。10年余り昔、初めトマス・カの憲政史の教えを取めたのは教授からであつた。小柄で、教授を歩く時の講義をやれた姿は、卷
頭の肖像にそのまま描かれてゐる。些か私事にはわたるけれども、かつて親しう教えを取めた一人として、アメリカの生んだ優
れた法制史家の学識と對照變化した改めて日本の専門家に紹介した。(註、著者の著作目録は同品の論文集のものとする)

(森田敬一監)