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BIBLIOGRAPHICAL INDEX OF AND ON THE WORKS OF THE LATE DEAN JOHN H. WIGMORE

(J. H. ウィグモア博士關係文献目録)

平 良

明治 23 年 (1890 年) 1 月、慶應義塾は大學部を設置するにあたり、その前年の 11 月、各科の主任教授となるべき 3 人のアメリカ人を招聘した。法律科に招かれたのはウィグモアであつたが、この白面の青年法學者こそ、後ちに歸國後、證據法・法制史その他法律學の諸分野にわたつて輝かしい業績を發表し、アメリカにおける世界的法學者の 1 人としてあまねく知られた、ジョン・ヘンリィ・ウィグモア (John H. Wigmore) 博士その人である。

彼が慶應義塾に職を奉じたのは、23 年から 3 年間で、その間、英米法關係の講義はもちろん、ローマ法・國際公法などもすべて 1 人で擔當した。講義に對する彼の熱意はきわめて高く、勉學に勵む學生にとつては最良の師であつたと傳えられる。明治 25 年 (1892 年) 12 月、義塾を退き、歸國の途についた。歸米後は、ノースウェスタン大學に轉じたが長期間にわたつて彼地の法學界に活躍、大なる寄與を爲したことはすでに周知のとおりである。わが義塾法律科の生みの親として、彼のごとき巨器を持ち得たことは、まことに倖せであつたといわねばならない。

彼は、昭和 18 年 (1943 年) に不慮の事故によつて急逝したが、その時はあたかも、日米兩國が不幸な關係にあつたため、彼の晩年の事業について明らかでないことは遺憾である。私は、ウィグモアの業績を紹介する研究の一環として、ここに彼の著作の一部を紹介したい。ウィグモアの研究・學識に關しては、いずれ稿を改めて發表するつもりである。

この文献目録の作成にあたつては、出来るだけ完全を期するつもりであつたが、60 年餘の長きにわたり、しかも多種多様の業績が數多くの雑誌に發表されているので、思ひぬ誤りや書き落しがあるかと思われる。諸賢の御叱正をいただければ望外の喜びである。特に書評にいたつては、大正 13 年 (1924 年) 以前については全く觸れていない無責任さである。しかしながら、ここに不完全なままに發表するゆえんは、この資料を通して從來わが國に紹介されていないウィグモアの業績の一部なりとも知つていただきたかつたからである。將來、大正 13 年以前にウィグモアが書いた書評、およびウィグモアの著作に對

する諸家の書評，そしてまた英語以外の外國語でウィグモアの書いた著作や，他の諸國の學者が執筆したウィグモアについての業績を整理し，これに加うるに本資料にもれた文献を補い，本稿の補遺として出来るだけ早く發表したいと思つている。

本資料は主として Jones' and Chipman's, Index to Legal Periodical Literature および American Association of Law Library, Index to Legal Periodicals に準據したほかに，ミシガン大學法學校およびノースウェスタン大學法學校圖書館の藏書・資料によつてゐる。特に貴重なウィグモア關係文献の利用をお許し下さつた，ノースウェスタン大學法學部長リッチイ教授・圖書館長ロオルフ教授および圖書館員テイグラ一嬢の御好意がなければ，本資料の大半は價值のない傳聞證據にもとづくものとなつてゐたであらう。紙面をかりて厚く感謝したい。

The materials are mainly collected through three law books indexes, those are, Jones', Chipman's and American Association of Law Library's. Beside I accesses to the some of the documents and writings by Wigmore which are kept in the Northwestern University School of Law Library. I think this index is incomplete, as Dean Wigmore had written so many articles during long period of his life. I am afraid I may have many unexpected ommissions and mistakes. I shall be glad if I could have suggestions and comments of you on the material, to make complete of this work.

I appreciate very much for the kindness of Dean Ritchie, Professor Roalfe, and Miss Teigler of Northwestern University School of Law, who allow me the use of valuable materials and help me to make complete this work.

Notes:

I use some abbreviations on the words frequently appeared, those are:

American Bar Association Journal—A. B. A. J.

Harvard Law Review—H. L. R.

Illinois Law Review—Ill. L. R.

Journal of Air Law—J. of Air.

Journal of Criminal Law and Criminology—J. of Crim.

Volumes will be shown after the name of reviews or journals, and *pages* will follow after the volume thus.

A. B. A. J. 18; 794-95 means, American Bar Association Journal Volume 18, pages between 794 and 795.

The year of publication will be showed after the pages number. I use full number on the publications during 19th century, but abbreviated those of 20th century, so

'09 means 1909, and '34 means 1934

Articles and editorials, including notes and case comments, will follow the chronological order, others will be alphabetical.

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* Opera Minora is the series of collection of articles and editorials by John H. Wigmore, which were published on various law reviews, magazines and newspapers. These are not books published in the market, rather these are near to the private collections of his articles.

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〔編集委員會追記〕

本日録の執筆者平良君は、現在ミシガン大學に留學中である。

本稿には、筆者の誤りと思われる個所が多少あるが、滯米中の同君に校正をお願いすることができないので、あえて原文のまま掲載した。