

By SIR HENRY S. MAINE

ANCIENT LAW. Its Connection with the Early History of Society, and its Relation to Modern Ideas. Introduction and Notes by the Rt. Hon. Sir Frederick Pollock, Bart.

ANCIENT LAW.

LECTURE ON THE EARLY HISTORY OF INSTITUTIONS.

POPULAR GOVERNMENT. Four Essays.

INTERNATIONAL LAW. Whewell Lectures, delivered at Cambridge, 1887.

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INTRODUCTION AND NOTES TO MAINE'S ANCIENT LAW. By the Rt. Hon. Sir Frederick Pollock, Bart.

A BRIEF MEMOIR OF HIS LIFE. By the Rt. Hon. Sir M. E. Grant Duff. With some of his Indian Speeches and Minutes. Selected and edited by Whiteley Stokes. With Portrait. 16s. net.

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# ANCIENT LAW

ITS CONNECTION WITH THE EARLY HISTORY  
OF SOCIETY AND ITS RELATION  
TO MODERN IDEAS

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WITH INTRODUCTION AND NOTES BY  
THE RIGHT HON. SIR FREDERICK POLLOCK, BART.  
LL.D., D.C.L.

NEW EDITION

LONDON  
JOHN MURRAY, ALBEMARLE STREET, W.

give that appearance to his work. The space allotted in the Third and Fourth Chapters to certain philosophical theories of the Roman Jurisconsults, has been appropriated to them for two reasons. In the first place, those theories appear to the Author to have had a much wider and more permanent influence on the thought and action of the world than is usually supposed. Secondly, they are believed to be the ultimate source of most of the views which have been prevalent, till quite recently, on the subjects treated of in this volume. It was impossible for the Author to proceed far with his undertaking, without stating his opinion on the origin, meaning, and value of those speculations.

H. S. M.

LONDON: *January 1861.*

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## ERRATUM

Page xii: Note Q should read "*Res Mancipi*;  
Alienation in Early Law."

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## INTRODUCTION

SIR HENRY MAINE'S "Ancient Law" is now a classical text. The object of this edition is to reproduce it, accompanied by such help to right understanding and profitable use as a younger generation may reasonably require. More than forty years have passed since the book was first published in 1861. During those years, and to a great extent under the influence of Maine's own work, research into the early history of laws and institutions has been more active, systematic, and fruitful than it ever was before. Many new facts have been disclosed; our knowledge of others has been freed from error and misconception; as many, perhaps more, which were formerly accessible, but neglected as being insignificant or of merely local interest, have found their due place and importance in a wider field of knowledge. The materials thus acquired enable us to confirm and supplement Maine's work in many points. If they also show us that it calls for amendment in some places, no one who is at all acquainted with the progressive character of legal and historical learning will find in this any cause for disappointment. The wonder is not that Maine's results, after more

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