

Kings government and the common law, 1471-1641

Blackwell - The Common Law Advantage



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Paine on the idea that the law is king (1776)

. It was during the chancellorship of 1515—29 that the judicial activity of Star Chamber grew with greatest rapidity. Early feudal rulers required that compensatory damages he paid not to the offended party but to the lord of the hundred.

Common Law

That criterion defines coercion or constraint, simply, as the initiation of violence, or the threat thereof, against another person. It is not indolence alone that suggests conformity to established practice. Publication of decisions, and indexing, is essential to the development of common law, and thus governments and private publishers publish.

Anglo

The interpretations of these courts—for example, Supreme Court interpretations of the constitution or federal statutes—are stable only so long as the older interpretation maintains the support of a majority of the court. Canadian criminal law uses a common law system no matter which province a case proceeds.

Common law

Most of the colonial judges were laymen; and there was much colonial legislation hostile to lawyers as a class. Norman was not simply transplanted to England; upon its arrival, a new body of rules, based on local conditions, emerged. It is clear that the exercise of the royal veto—which always in theory, and many times in practice, acted as a wholesome restraint upon unwise colonial legislation and served to keep the law of the colonies in general harmony with English law—worked injustice to the colonists and sought to deprive them of their rightful privileges and liberties as English subjects, including the guaranties of Magna Carta and other English constitutional statutes.

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