



Culture Talk

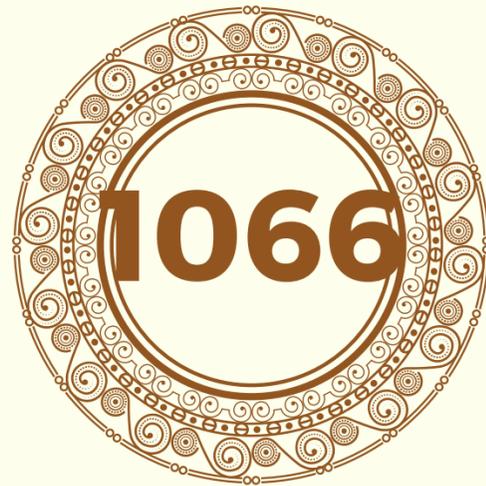
Common Law

Vocabulary

- **due process:** which is giving citizens the right to a free and fair trial
- **jury :** a deliberative body of citizens that are called by the government to decide the verdict of a case.
- **writ:** a written document that calls the person to be put on trial.



TIMELINE OF COMMON LAW



Common Law was developed and used in Medieval England



Magna Carta, The Great Charter, was developed in England to control power of the King.



Common Law began to spread to former British colonies in the Americas, Africa, and Asia



What is Common Law?

- Common Law is reliant on past court cases
 - relies on precedent, which is the judicial decisions
- Originated from England
- Not written code of laws to follow
- Judges rule by the law, and not by their personal interests

1066: Norman Conquest



- When Duke William of Normandy took control of England, he began to establish a strong government and society by creating a kingdom with the King as their leader.
- A royal administration and courts were built to regulate and mandate the law
- Judicial practices, such as writs, were utilized during this time to get people to come to court from the government.
 - were written in Old English
- During the reign of King Henry II, the court system was developed with royal tribunals-the great council, the small council, the Exchequer court, and the special court at Westminster-.

1215: Magna Carta

The Great Charter

- In 1215, King John II and his barons signed an agreement that controlled the power of the monarchy and outlined the rights of the citizens, such as due process.
 - considered the first written European constitution
- There are 63 clauses that outline the rights and protections that each citizen had.
 - took time for middle class citizens to have their voice be heard in government.
- Magna Carta brought up the concept of checks and balances and the importance of law.
- While it was not successful in the beginning and had to undergo three changes, the Magna Carta serves the foundation for English common law.
 - Inspired the Declaration of Independence and several Constitutions.



Common Law in the World

- Common Law spread to several places around the world, including United States of America, South Africa, India, and Australia
 - used when the British Trading Companies established their colonies in those places around the world
 - brought how to run government, such as establishing a representative government in the colonies (ex. governor and council)
- Some examples of how common law was an influence in colonies were the Barbados Slave Codes--later on led to Slave Codes being established in North America, especially in the South.
 - restricted the rights of slaves
- Common law also influenced criminal law in the colonies.
 - Colonial Laws Validity Act in 1865 states that the laws of Britain are the law of the land.
 - Slavery Abolition Act in 1833 abolished slavery in the British colonies



