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TRUJILLO BAILEY

The Common Law in Two Voices BRILL

Differentiated book* It has a historical context with research of the time-The Common Law is a book written by Oliver Wendell Holmes Jr. in 1881, 21 years before Holmes became an associate justice of the United States Supreme Court. The book is about customary law in the United States, including tort, property, contracts, and crime. It is written as a series of lectures. One of the most famous aphorisms in this book appears on the first page: "The life of the law has not been logical: it has been experience." Holmes's pronouncement is a subtle qualification of an opinion by the famous seventeenth-century English jurist Sir Edward Coke: "Reason is the life of the law." Oliver Wendell Holmes Jr. (March 8, 1841 - March 6, 1935) was an American jurist who served as Associate Justice of the United States Supreme Court from 1902 to 1932, and as President of the Acting Supreme Court of the United States in January - February

1930. Noted for his long service, his concise and concise opinions, and his deference to the decisions of elected legislatures, he is one of the most widely cited Supreme Court justices in history, particularly for his "perilous" opinion clear and present. " for a unanimous court in the case of Schenck v. United States of 1919, and is one of the most influential American common law judges, honored throughout his life in Britain and in the United States. A Concise History of the Common Law Oxford University Press, USA

Law moves, whether we notice or not. Set amongst a spatial turn in the humanities, and jurisprudence more specifically, this book calls for a greater attention to legal movement, in both its technical and material forms. Despite various ways the spatial turn has been taken up in legal thought, questions of law, movement and its materialities are too often overlooked. This book addresses this oversight, and it does so through an attention to the materialities of legal movement. Paying attention to how law moves across different colonial and contemporary spaces, this book reveals there is a problem with common law's place. Primarily set in the postcolonial context of Australia -

although ranging beyond this nationalised topography, both spatially and temporally – this book argues movement is fundamental to the very terms of common law's existence. How, then, might we move well? Explored through examples of walking and burial, this book responds to the challenge of how to live with a contemporary form of colonial legal inheritance by arguing we must take seriously the challenge of living with law, and think more carefully about its spatial productions, and place-making activities. Unsettling place, this book returns the question of movement to jurisprudence.

The Common Law Gale Ecco, Print Editions

From the PREFACE. This book it is hoped may be of use to students; and is intended to serve as a kind of skeleton, whereon may be subsequently adjusted the various ramifications, details, and distinctions, which are to be sought for and found in the great text books. The general principles of common law are on the whole simple and clear; and it is the mass of cases reported, a large proportion of which turn upon their own peculiar facts, to which facts the general principles have to be applied, that makes each branch of law appear so formidable to the beginner. When once the general principles are firmly planted in the head, the student will follow the cases, which are corollaries or exceptions to those principles, and appreciate the decisions of the judges therein, with facility and profit; but until these general principles are clearly laid hold of, he is overwhelmed with what appears to him a chaotic and heterogeneous mass of legal learning. I have therefore endeavoured to sketch out a backbone for the student to work upon, which, though I feel it must be very incomplete, will, I trust, enable the reader to marshal his ideas. My object has been, as far as possible, to present a series of legal canons, and to illustrate these, where the meaning and effect would not be absolutely patent to the novice, with short abstracts of reported cases; in this way combining a digest with a collection of leading authorities. I have adopted the somewhat novel plan of printing in two colours, under the belief that such an arrangement might help the student to take a bird's-eye view of what is contained in these pages; and this plan must constitute my apology for the somewhat fanciful name of a "Rubric of the Common Law."

Readings on the History and System of the Common Law

Forgotten Books

Only paperback edition of great legal classic. Lucid, accessible coverage of liability, criminal law, torts, contracts, more, from historical perspective. New introduction by Sheldon M. Novick. Table of Cases.

A.V. Dicey and the Common Law Constitutional Tradition

Cambridge University Press

Offers a distinctive account of the rule of law and legislative sovereignty within the work of Albert Venn Dicey.

The Annotated Common Law Oxford University Press, USA

The book deals with the genesis, formation and development of two fundamental aspects of English Law, common law and equity. The common law laid down the rules governing cohabitation in communities and human rights. Equity was the offspring of natural law designed to prevent and remedy injustice resulting from unconscionable conduct. English law including both common law and equity was introduced in former British Colonies and dominions. In most of them it was retained after independence. This is the principal legacy of English colonization of countries. The introduction, application and retention of English law is reflected in Cyprus, a former British colony.

Law Columbia University Press

This book provides a challenging interpretation of the emergence of the common law in Anglo-Norman England, against the background of the general development of legal institutions in Europe. In a detailed discussion of the emergence of the central

courts and the common law they administered, the author traces the rise of the writ system and the growth of the jury system in twelfth-century England. Professor van Caenegem attempts to explain why English law is so different from that on the Continent and why this divergence began in the twelfth century, arguing that chance and chronological accident played the major part and led to the paradox of a feudal law of continental origin becoming one of the most typical manifestations of English life and thought. First published in 1973, *The Birth of the English Common Law* has come to enjoy classical status, and in a preface Professor van Caenegem discusses some recent developments in the study of English law under the Norman and earliest Angevin kings.

A Natural History of the Common Law Forgotten Books

"The Common Law," a great legal classic, was written by noted Supreme Court Justice Oliver Wendell Holmes, Jr. in 1881. The book is about common law in the United States, including torts, property, contracts, and crime. The substance of "The Common Law" is a series of lectures on the various common law subjects: criminal law, property law, contracts, consideration, torts, negligence, bailments, trespass, etc. What makes this book so important is not that the lectures were a summary of the current state of the law at the time Holmes spoke in 1881, but rather because Holmes insightfully explains how they got to be that way. "The Common Law," which offers lucid, accessible coverage, from a historical perspective, of liability, criminal law, torts, bail, possession and ownership, contracts, successions, many other aspects of civil and criminal law, is indispensable reading for lawyers, political scientists, and interested general readers. The point of reading "The Common Law" is not so much that Holmes was a great legal historian; rather, it is that he was an influential legal philosopher. Two tenets of early 20th century jurisprudence that Holmes propounded (and was influential in writing into law when he was later appointed to the Supreme Court of Massachusetts, and later of the United States) can be identified in this work: legal positivism and legal realism. Though a little tedious for non-lawyers, "The Common Law" illustrates some interesting points as Oliver Wendell Holmes, Jr. addresses the fluid basis for our legal system.

A Jurisprudence of Movement Palala Press

A new framework for understanding contemporary administrative law, through a comparative analysis of case law from Australia, Canada, England, Ireland, and New Zealand. The author argues that the field is structured by four values: individual self-realisation, good administration, electoral legitimacy and decisional autonomy.

A Rubric of the Common Law: Being a Short Digest of the Common Law : Illustrated Throughout by Leading Cases, with an Appendix and Very Copious Indexes Simon and Schuster
Explains why lawyers seeking gender progress from primary legal materials should start with the common law.

The Common Law Createspace Independent Publishing Platform
Decoded, demythed rendition of Holmes' classic study of law and judicial development of rules. "The life of the law has not been logic: it has been experience." Includes 2010 Foreword; extensive, clear annotations by a Tulane law professor woven into *The Common Law*; footnotes with real numbers; and original page cites. Care in detail, proofreading, notes, and formatting, unlike any version made. As lamented by Holmes' premier biographer in 2006, *The Common Law* "is very likely the best-known book ever written about American law. But it is a difficult, sometimes obscure book, which today's lawyers and law students find largely inaccessible." No longer. With insertions and simple definitions of the original's language and concepts, this version makes it live for college students (able to "get it," at last, with legal terms explained), plus law students, lawyers, and anyone

wanting to understand his great book. No previous edition, even in print, has offered annotations. Oliver Wendell Holmes, Jr. compiled his master work in 1881 from lectures on the origins, reasoning, and import of the common law. It jump-started legal Realism and established law as a pragmatic way to solve problems and make policy, not just a bucket of rules. It has stood the test of time as one of the most important and influential studies of law. This book is interesting for a vast audience, including historians, students, and political scientists. It is also a recommended read before law school or in the 1L year. High quality, fully linked ePub edition from Quid Pro's Legal Legends Series.

The Common Law Common-placed Cambridge University Press

Excerpt from Principles of Common-Law Pleading: A Brief Explanation of the Different Forms of Common-Law Actions, and a Summary of the Most Important Principles of Pleading Therein, With Illustrations Taken From the Cases Part I. Contains a brief explanation of the different forms of actions, to which the principles set forth in Part II. Mainly relate. I know, in my own case, some explanation of this nature would have been a great help to a proper understanding of the cases. If the explanation given shall prove of assistance to any one else, it will have accomplished its purpose. About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving the original format whilst repairing imperfections present in the aged copy. In rare cases, an imperfection in the original, such as a blemish or missing page, may be replicated in our edition. We do, however, repair the vast majority of imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works.

The Principles of the Common Law Courier Corporation

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The Common Law Edward Elgar Publishing

Excerpt from Glossary of Technical Terms: Phrases, and Maxims of the Common Law This book is the result of an attempt to produce a concise Law Dictionary, giving in common English an explanation of the words and phrases, English as well as Saxon, Latin, or French, which are of common technical use in the law. It is not a compilation of law, like the larger dictionaries, but consists purely of definition. Only such civil law, canon law, or Scotch terms have been introduced as are often used in the common-law courts. The writer has sought to give the popular and usual acceptation of each phrase, in much the same rough and general shape in which it would stand in the mind of the

trained lawyer; only occasionally adding a hint of its more correct and exact meaning. More definite information must then be sought in the text-books. Unless otherwise mentioned, the definition is given according to the common law of England; and the date or present existence of the thing defined is only roughly indicated by the tense. It has been impossible within the limits assigned to make the book exhaustive; but it is hoped that a judicious selection has been made of the more important catchwords, writs, courts, and maxims; and that, in seeking to compress the greatest amount of matter in the smallest possible space, the author has been concise, without being inaccurate and obscure. About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving the original format whilst repairing imperfections present in the aged copy. In rare cases, an imperfection in the original, such as a blemish or missing page, may be replicated in our edition. We do, however, repair the vast majority of imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works.

The Common Law in Chinese Context Routledge

The Spirit of the Common Law is one of Roscoe Pound's most notable works. It contains the brilliant lectures he delivered at Dartmouth College in the summer of 1921. It is a seminal book embodying the spiritual essence of sociological jurisprudence by its leading prophet. This work is both a celebration of the common law and a warning for common law judges and lawyers to return to and embrace the pragmatism and judicial empiricism that define and energize the common law. The two fundamental doctrines of the common law, Pound writes, are the doctrine of precedents and the doctrine of supremacy of law. In an earlier preface, Justice Arthur J. Goldberg writes that The Spirit of the Common Law will always be treasured by judges and lawyers for its philosophy and history, but more importantly for Roscoe Pound's optimism and faith in the capacity of law to keep up with the times without sacrificing fundamental values. It is a faith built upon the conviction that the present is not to be divorced from the past, but rather that the past and the present are to be built upon to make a better future. Neil Hamilton and Mathias Alfred Jaren provide a biographical introduction to the book. They discuss the various influences upon Pound's scholarly pursuits and they analyze many of his writings that led up to The Spirit of the Common Law. This volume is a necessary addition to the libraries of legal scholars and professionals, sociologists, and philosophers.

A Rubric of the Common Law Transaction Publishers

This unique book identifies, explains, analyses and discusses some of the most important and controversial principles of the Common Law of England, including some comparisons with United States law and that of Australia. Are logic and reason still principles of the law or should judges just be allowed to make up the law as they go along? Is the ancient principle of obedience to the law still valid today? Does the concept of Higher Law have any application to English law in relation either to European law or human rights law? What is meant by the Rule of Law: is there really such a thing? With the great emphasis today placed on rights, does the old principle still hold true that 'Where there's a right, there's a remedy'? What has happened to the doctrine 'Nobody shall profit from his own wrongdoing'? And what about the human rights supposedly guaranteed by the European Convention? This book focuses on two: individual liberty and freedom of expression. Michael Arnheim addresses these questions and also examines practical principles which can make

all the difference to, for example, the validity of a will, the interpretation of a contract, or the outcome of a claim in negligence or ad

An Analysis of the English Common Law, Principles of Equity and their Application in a former British Colony, Cyprus Cosimo, Inc. Hong Kong is one of the very few places in the world where the common law can be practiced in a language other than English. Introduced into the courtroom over a decade ago, Cantonese has significantly altered the everyday working of the common law in China's most Westernized city. In *The Common Law in Two Voices*, Ng explores how English and Cantonese respectively reinforce and undermine the practice of legal formalism. This first-ever ethnographic study of Hong Kong's unique legal system in the midst of social and political transition, this book provides important insights into the social nature of language and the work of institutions. Ng contends that the dilemma of legal bilingualism in Hong Kong is emblematic of the inherent tensions of postcolonial Hong Kong. Through the legal dramas presented in the book, readers will get a fresh look at the former British colony that is now searching for its identity within a powerful China.

Priests of the Law OUP Oxford

The term "common law" is typically taken to refer to the system of judge-made law emanating from England. This new study, from the author of *Legal Traditions of the World* the leading comparative law textbook, examines the influence of different and more widespread forms of common law. These common laws

existed as parallel sources of law and legal interpretation alongside the particular laws of European nations (including England, Germany, France and Holland) and regions (Tuscany, Naples, Piedmont and Lombardy). While these common laws originated in Europe they have today become transnational in character and play a major role on all continents, and many countries contribute to their development. They play a major role in all areas of law, from transnational commercial law to international human rights.

The Birth of the English Common Law Stanford University Press

In this book, Michael Lobban argues that a proper understanding of English law and jurisprudence in the period is needed to clarify the nature of common-law practice and the way in which it was envisaged by its practitioners. He questions some commonly-accepted views of the nature of the common law itself and argues that attempts - notably those by Blackstone and Bentham - to expound or to criticize common law in essentially theoretical terms were mistaken. His approach is not a philosophically-based one, but he is concerned with the evolution and spread of judicial ideas which were grounded upon the work of moral and political philosophers, and makes a valuable corrective contribution to our historical understanding of a critically important period in legal history.

A Rubric of the Common Law Bloomsbury Academic

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