

How did the British law develop?

Study the following words and expressions to the text:

- medieval
- feudal lord
- administer justice
- monetary damages
- to enforce
- dispute
- to settle a dispute
- controversy
- parcel of land
- Courts of Equity
- to refer
- equitable relief
- specific performance
- chancellor
- relief
- remedy
- средневековый
- феодал
- осуществлять правосудие
- денежный ущерб
- приводить в исполнение
- спор, разногласия
- разрешать спор
- конфликт
- надел земли
- суды справедливости
- направлять
- средство суд. защиты по праву справедливости
- исполнение договора в натуре
- судья в суде лорда-канцлера
- помощь
- средство судебной защиты

Words and expressions.

- wrong
- clergyman
- precedent
- to sue
- rules of law
- judge-made case law

- правонарушение
- священник
- прецедент
- возбуждать дело, судиться
- правовые нормы
- прецедентное право

Переведите выражения по мере их появления

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Переведите текст устно

- In early medieval England, there was no written law. Each feudal lord or baron administered justice personally. Although these baronial courts had similarities, the laws were different in different places. Disputes were settled on the basis of local customs and the baron's judgment. In time, the king was able to establish a system of courts, which enforced a common law throughout England. The rules of law, which were stated in these early cases, became *precedents* (examples) for settling future, similar cases. In the beginning, few decisions were recorded, and so the early common law was sometimes known as «unwritten law». Finally, the principles and rules announced by the courts were preserved in writing. Thus, particular rules became fixed, and people knew what to expect if similar problems arose in the future. This resulted in what has come to be known as the Common Law - judge-made case law that has its origin in the traditions, customs, and trade practices of the people.
- The English common law began to develop after the conquest of England by William the Conqueror in 1066. To keep order and peace, the Kings of England tried to create a uniform or «common» law to govern the different regions of the British Isles. Circuit-riding judges (выездная сессия суда) and the use of the jury aided the Norman Kings in the consolidation of their kingdom. In medieval England, sometimes there was no remedy available from a common law court to enforce certain rights or to correct certain wrongs. This was because in civil cases the court could give only monetary damages. A person who wanted any other kind of relief would appeal directly to the king. The king would refer the person to his chancellor, who was usually a clergyman of good conscience and fairness. The chancellor would hear the case without a jury and would then give appropriate relief. Such hearings developed into what came to be known as a separate system of Courts of Equity.

- For example, suppose that Citizen A promised to sell a parcel of land to Citizen B and then refused to complete the deal. Citizen B could have then bought a similar, but possibly more expensive, parcel of land and sued in a common law court for money damages to cover the extra cost. But every piece of land is unique in location. Therefore if the original parcel was desired, Citizen B could have gone to the chancellor for equitable relief. The chancellor would have ordered specific performance of the agreement. Thus, the seller would have had to deliver the land as promised.