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У посібнику розглянуто теми: Об'єднане Королівство, деякі історичні особливості складових частин королівства, Парламентські вибори, Британські законодавчі системи з погляду історії її формування, сучасної законодавчої та судової системи, злочину та покарання, права людини та захисту.

Вправи, використані у посібнику, розвивають у студентів навички читання, мовленнєвої діяльності. Творчі вправи допомагають студентам сприймати нову інформацію на базі вивченого матеріалу, шукати інформацію в Інтернеті.

Для студентів, аспірантів, а також буде корисним тим, хто вивчає мову.

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UNIT 9

I. Pre-reading task.

1. What do you know about the way of carrying out a lawsuit in Middle Ages?
2. Do you know anything about the history of legal system in your country?

II. Read the text. Find the information about the component of English Law alternative to common law.

A BRIEF HISTORY OF BRITISH LEGAL SYSTEM

Before the Norman Conquest England was only loosely united under the Crown. The Central government was weak and inefficient, the local areas largely governed themselves and had their own systems of courts and local laws based on ancestral customs. After 1066, the feudal system enabled the Norman kings to establish efficient administration in England. Under Henry I (1100-35) and Henry II (1154-89) a definite attempt was made to establish a common legal system for the whole country. Royal judges were sent regularly to all parts of the country to settle disputes (mainly relating to possession of land) in the King's name. Gradually these *itinerant judges* extended their jurisdiction to criminal matters so laying the foundations of a *common law of property and of crime*.

The earliest methods of conducting a law suit, adopted by royal courts from the practice of local courts, involved the intervention of the Almighty. The *plaintiff* was required to state his claim in the appropriate form. The *defendant* would make the formal *denial of the claim*. One of them, usually the defendant, would then be required to swear an oath that his cause was just, and the oath would be tested or put to proof. This might be done by 'compurgation', whereby a fixed number of persons, eventually 12, swore oaths in his support; by 'battle' where a party or a person swearing an oath in his support could be compelled to prove his veracity by successfully defending himself in a fight, it being presumed

that God would aid the righteous; or by 'ordeal' according to which a person who could carry red-hot iron, who could plunge his hand or his arm into boiling water, who would sink when thrown into the water was deemed to have right on his side.

By the thirteenth century, all these methods were regarded with disfavour although compurgation lingered on as a method of proof in certain cases for several centuries beyond. The modes of proof were replaced in both civil and criminal cases by *trial by jury*, whereby the *sheriff* (a local officer appointed by the Crown) was required to bring 12 men before the court to enquire into the disputed matter and state the truth of it. At first the jurors might be aware of this themselves or might be informed before they came to court, but it came to be the rule that they should only act upon *evidence* given in *open court*, and that their *verdict* should be *unanimous*.

Consisting originally of *criminal law* and the *law of property*, the common law was expanded during the late Middle Ages to include a *law of contract* and a *law of torts* (civil wrongs not amounting to crimes). There were 4 main types of court in the Middle Ages:

- a) **communal courts**, applying local customary law;
- b) **seigniorial courts** held by feudal landlords for their tenants;
- c) **ecclesiastical courts**, dealing with the discipline of the clergy, *matrimonial and testamentary matters*;
- d) **royal courts**.

The first three types of courts gradually declined with the development of common law established through the royal courts. These were first represented by **The Curia Regis** (King's Grand Council) that originally had judicial as well as governmental functions, but during the Middle Ages, the judicial powers were gradually deputed to various *subsidiary courts*.

- a) **Courts of Assize** dealt mainly with *criminal matters*;
- b) **The Court of King's Bench**. It had wide *criminal jurisdiction*, mainly appellate, and dealt also with *civil actions* in which the Crown was involved;
- c) **The Court of Common Pleas**. This dealt with matters, which did not touch the King's own rights, or peace;
- d) **The Court of Exchequer** dealt mainly with *revenue matters*, but also had a restricted *civil jurisdiction*;

e) **The Court of Exchequer Chamber.** The courts of this name were set up to deal with *appeals* 'in error' from the other common law courts. The last court of this kind was abolished in the nineteenth century, when the present *appellate system* was established.

Common law that was based on judicial precedents could not cover all particular cases and this eventually led to development of *equity* - another component of English law intended to supplement the common law providing new rights and new remedies, and by softening the common law where it was too rigid and inflexible.

Originally, equity was associated with **the Lord Chancellor** to whom all appeals against the decisions of the royal judges were made. Being a priest, he tended to decide cases on the basis of morality or natural justice (i.e. equity) rather than in accordance with narrow and technical rules of law. **Court of Chancery** that was established in London dealt with matters where the common law provided no remedy.

The great popularity of equity led to harmful competition with the common law courts. The dispute became increasingly bitter during the later sixteenth century, with Chancery and common law judges issuing contradictory verdicts. Certain attempts to terminate the dispute were made several times but they had little success up to 1873-75. At that time **the Judicature Acts** were passed to abolish all existing courts and substitute a unified court structure, consisting eventually of **the House of Lords** and **the Supreme Court of Judicature**. The Judicature Acts laid down that:

- a) equity and common law should in future be administered side by side in all courts;
- b) where there is any conflict between a rule of equity and a rule of common law, the rule of equity should prevail.

III. Answer the following questions.

1. In what way could a defendant in the Early Middle Ages prove his veracity?
2. Who were itinerant judges?
3. Explain the terms 'ordeal' and 'compurgation'.
4. When was trial by jury initiated in criminal and civil courts?
5. What was the jurisdiction of Ecclesiastical Courts?

6. What did equity originate from?

7. What did the Judicature Acts of 1873-75 lay down?

*IV. Look through the text 'A Brief History of British Legal System' and find the following words: **conduct; claim; cause; involve; evidence; amount; appoint; enquire; presume; remedy.** With the help of your dictionary, find all their meanings.*

V. Which of the words below each sentence is in your opinion the closest synonym of the underlined one.

1. Mr. Smith is considered one of the best judges in the city. The way he conducts trials in court can be a good example for young lawyers.

- a) escorts,
- b) behaves,
- c) controls,
- d) administers.

2. Disputes about the right to inherit their uncle's property were the main cause for starting a lawsuit between the two brothers.

- a) aim,
- b) reason,
- c) attempt,
- d) trial.

3. Now George is really sorry that he got involved in this dirty business.

- a) entangled,
- b) covered,
- c) united,
- d) included.

4. The meeting of the Board of Directors was appointed for May 10.

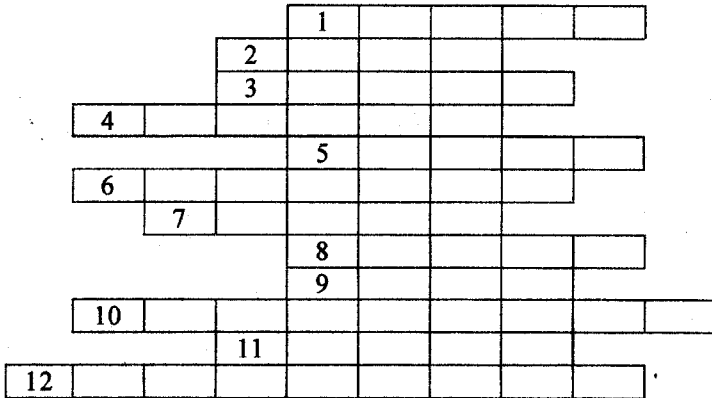
- a) commanded,
- b) elected,
- c) fixed,
- d) nominated.

5. Unfortunately, modern science has not yet discovered remedy against a number of serious diseases.

- a) assistance,
- b) medicine,
- c) relief,
- d) redress.

VI. Make up your own sentences using the underlined words from the exercise above in other meanings.

VII. Look through the legal terms, which occur in the text. Translate and memorize them. Solve the crossword puzzle below. When you fill in all horizontal lines with legal terms you will read one more term written vertically.



1. a person with authority to hear and decide disputes brought before a court for decision;
2. a body of persons who decide the facts of a case and give a decision of not guilty or guilty called a verdict;
3. the process of examining and deciding a civil or criminal case before a court;
4. a special area of English law consisting of rules and remedies which supplement the common law when it is necessary for justice in a particular case;
5. to promise on oath, to vow;
6. a decision of jury, opinion reached after examination of facts;
7. illegal conduct for which a person may be prosecuted and punished by the State;
8. demand for thing supposed due, right;
9. a civil wrong for which a person who suffers harm can obtain damages in a civil court;

10. the person who takes legal action against somebody in a civil case;
11. a person or a group of persons with authority to hear and decide disputes by interpreting and applying rules of law;
12. in criminal proceedings he is accused of a crime, in civil proceedings legal action is taken against him.

VIII. These funny pictures substitute for letters of the English alphabet. If you solve the puzzles below, you will be able to read a quotation of Roger Bird from Osborn's Concise Law Dictionary, Seventh edition.



judges were the judges traveling about England and settling disputes in the King's name;

was a mode of proof in the Early Middle Ages courts;

court means a lower, inferior court;

to commit a means to break the law, to offend somebody, usually with violence;

to means to promise or declare something on oath;

it was a who had to make up a jury of 12 men and bring them before the court.

IX. Discussion.

What is your idea of European medieval court trials judging by the books or films you have read or seen? Share your opinion about it with your group mates.

THINK BEFORE YOU SPEAK:

- Give arguments for or against
- Plan your argumentation
- Give opinions using the following: Personally, I think.../ definitely think/ believe.... / Another thing is, .../ It is obvious that.../ It is doubtful that...

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