

**Outline of Law  
January 2, 2012**

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**Note:** To look up references, see the Consciousness Bibliography, listing 10,000 books and articles, with full journal and author names, available in text and PDF file formats at [http://www.outline-of-knowledge.info/Consciousness\\_Bibliography/index.html](http://www.outline-of-knowledge.info/Consciousness_Bibliography/index.html).

## **SOCI>Law**

### **law**

Social rules {law} can be for social control and for safeguarding liberties. Law analyzes definitions, concepts, theories, systems, and reasoning. Law evaluates and criticizes ethics, obligations, and purposes. Law depends on society and history. A society ideal is the rule of law. Most law is about civil procedure and private law, not criminal law, because most conflicts are not criminal. Private law is more open than criminal or administrative law, as to interpretation, fairness, justice, and changing circumstances.

### **development**

Law results from community-leader ability to force people not to use violence to right injustices or reclaim property. Later, controls and practices become customs. Customs protect rights; mete out responsibilities, duties, and benefits; and correct wrongs. Later, customs become law principles. Law principles justify actions, establish rules, define personal rights, and set punishments. Law principles lead to statutes and precedents.

### **principles**

Law is clear, consistent, stable, public, fulfillable, not ex post facto, respected, and general. Law is authoritative, obligatory, fair, reasoned, objective, and true. Lawlessness, anarchy, and totalitarian alternatives are not viable or true.

### **rules**

Law requires definitions and inference rules. Law rules forbid or permit behavior and state punishments. Rules are about contracts, sales, real estate, corporations, torts, and crimes.

### **types**

Law has natural, logical, moral, and cultural aspects. Natural law says humans by nature have dignity and rights. Logical law is precise, consistent, and complete and is about law-rule forms and reasoning. Moral law is correct behavior and attitudes. Cultural law is from tradition and history.

### **institutions**

Law leads to police, courts, and legislatures.

### **power**

Law is about power and money and so involves emotions, which often skew judgments and obligations. Law is repressive and coercive and so automatically against freedom. Law helps propertied and privileged people. Law conceals true power relations between classes and people, by ideology or myth.

### **politics**

Institutions, forms, procedures, courts, and legislation affect consent, sovereignty, authority, and obligations.

### **society**

Legal systems can promote classes or ideologies. Legal systems depend on customs.

### **language**

Law language can be obscure, illogical, untruthful, arbitrary, or rhetorical.

### **skepticism**

Law decisions can not follow rules {rule skepticism}. Law decisions can use facts that do not relate to rules {fact skepticism}.

### **natural law**

Laws {natural law} can flow from order of nature. Natural law uses good, right, and justice to test statute validity.

### **due process of law**

Government must follow procedures {due process} {due process of law} to take away Constitutional rights.

### **jurisprudence**

law {jurisprudence}.

## **SOCI>Law>Subjects**

### **criminology**

People study criminal behavior and punishment {criminology}|.

### **penology**

People can study prisons and detention {penology}|.

## **SOCI>Law>Principles**

### **comity**

courtesy or deferral {comity}.

### **commonweal**

public good {commonweal}.

### **indemnity**

People can agree to protect others from loss or to reimburse other people for damages {indemnity}|.

### **legal positivism**

Because law is about truth and justice, law analysis can use only reality and language {legal positivism}, not morals or politics.

### **novation**

New debts, contracts, or obligations can supersede previous ones {novation}.

### **object in law**

States hold weapons {object, law} after crimes. People sue ships, not owners.

### **proxy**

People can have authorization {proxy}| to act for others.

## **SOCI>Law>Causation**

### **causation in law**

In law, causes {causation, law} are physical causes. Causes are differences from normal or typical roles or customs. In contrast, responsibility depends policies, intents, and purposes.

### **conditio sine qua non**

Physical causes {conditio sine qua non} can be necessary to facts.

## **SOCI>Law>Change**

### **law change**

Laws can change by legislation, equity, or legal fiction {law, change}.

### **legislation**

Assemblies can pass new statutes {legislation}.

### **equity as justice**

Laws can change by appeals to higher principles against existing laws {equity, law}|.

### **legal fiction**

Laws can change by changing meanings of existing laws to fit new circumstances {legal fiction}|.

### **local option**

State laws can allow localities to decide whether to enforce laws {local option}.

## **SOCI>Law>Person**

### **person in law**

Persons {person, law} can be humans, groups, corporations, or objects. Convention or custom establishes persons. Subjects have equal protection under law.

### **responsibility in law**

People control their actions or omissions {responsibility, law}.

### **crime**

Crimes can have premeditation. Crimes can be reckless, negligent, accidental, unwilled, or automatic.

### **excused**

Actions taken under necessity, duress, or superior orders are actions for which one is responsible but are excused actions, if no alternative action is possible, such as escape. Sufficient provocation lessens responsibility but does not excuse the action. People can use moral or political convictions to excuse assassinations, violent demonstrations, and genocide.

### **excuse: traits**

People with abnormal brain function are not responsible. Depression, diminished responsibility, delusion, disturbed mental balance, mind disease, and mental disorder can excuse responsibility.

## **SOCI>Law>Person>Rights**

### **rights under law**

Legal rights {rights, law} {legal rights} relate to claims, liberties, powers, and immunities. Rights are opposites of duties. Others also have rights, which limit one's rights.

### **bondage**

servitude {bondage}.

### **civics**

citizen rights and responsibilities {civics}.

### **civil rights**

citizenship rights {civil rights}.

### **droit as right**

Laws {droit} can guarantee rights.

### **passive resistance**

People can stay in forbidden places and remain inactive {passive resistance}, to protest.

### **waiver**

People can indicate that they give up rights {waiver}| {rights, waiver}.

## **SOCI>Law>Property**

### **adverse possession**

Occupants can acquire property title by occupancy for years {adverse possession}.

### **assignment in law**

Property claims, rights, or interests can transfer {assignment, law}.

### **attachment in law**

Writs, summonses, or court orders can seize property or people {attachment, law}.

**bailee**

People can entrust property to people {bailee}.

**bailment**

People can temporarily transfer personal property {bailment} to trusts, for purposes. Trusts return property after accomplishing purposes.

**birthright**

Family members can have rights {birthright} to family property.

**chattel**

personal property {chattel}.

**condemnation in law**

Government can take over private property for public use {property condemnation} {condemnation, property}, with adequate compensation.

**conveyance**

Right to real property can transfer {conveyance}.

**copyhold estate**

tenancy at will {copyhold estate}.

**descent in law**

If no will exists, real property inherits in order among family members {property descent} {descent, property}.

**devisee**

People {devisee} can get real property in wills.

**easement property**

Real-estate owners have right to use neighboring land for defined purposes {easement, law}.

**ejectment**

Landowners can get real estate back {ejectment} from people using land without permission.

**eminent domain**

States can take private property for public use {eminent domain}, with adequate compensation.

**fiduciary**

People can hold property in trust for another {fiduciary}.

**garnishment**

Creditors can attach debtor property, typically wages, so third party, typically employer, sends it directly to creditor {garnishment}.

**levy**

Courts can seize and sell property to fulfill judgments {levy}.

**mortmain**

Institutions can own real estate that they cannot sell {mortmain}.

**option in law**

Contract privileges {option} can allow property purchases at prices within times.

**pledge in law**

Creditors can transfer title or possession as debt security {pledge, law}.

**public domain**

not under copyright or patent {public domain}}.

**replevin**

Legal procedures {replevin} can repossess property that someone took or detained.

**seisin**

real-estate ownership, right to immediate possession, or interest {seisin}.

**usufruct**

People can have right to use another's property as long as property stays unaltered {usufruct}}.

**SOCI>Law>National****national law**

Laws {national law} can be American, canon, English, European, international, Jewish, Roman, and tribal.

**SOCI>Law>National>Tribal Law****tribal law**

Tribes had laws {tribal law}.

**court**

Chiefs presided over tribal courts. Chiefs gained right to prevent lawbreaking. Courts gained authority to impose banishment or outlawry on offending persons, to prevent further offenses. Trials by battle or ordeal began, trusting gods to judge high oaths. Courts arose to determine damages injured persons received from offending persons.

**crime**

For murder, slain person's kinsmen try to punish offender themselves. In tribal societies, injured person's relatives avenged wrong done to persons.

**marriage**

In tribal societies, marriage was by duel, capture, or purchase.

**damages in tribal law**

Personal damages {damages, tribal law} arose from giving injury-causing objects to injured persons.

**SOCI>Law>National>Tribal Law>Family Relationships****agnatic family**

Tribal family relationships {agnatic family} can include only father's relatives. Agnatic societies had high prostitution.

**cognatic family**

Tribal family relationships {cognatic family} can include all blood relatives.

**enatic family**

Tribal family relationships {enatic family} can include only mother's relatives.

**SOCI>Law>National>Jewish Law****Jewish law**

Laws {Jewish law} can depend on Torah and later interpretations. Jewish family relations were agnatic. Fathers had absolute power. Women left their families completely at marriage. Having several wives was common, but later decreased and eventually ended. Women had to have higher moral standards. Large families were desirable.

**midrash**

scriptures {midrash, scripture}}.

**talion**

Exodus 21:22-25 states: An eye for an eye, a tooth for a tooth, a life for a life, a wound for a wound {lex talionis} {jus talionis} {talion}. Talion limits revenge or retaliation to same level as injury.

**chelitza**

At first, husband's nearest relative had to marry widow. Later, formal procedure {chelitza} allowed husband or widow not to marry.

**SOCI>Law>National>Jewish Law>Mosaic Law****Mosaic Law**

Jewish people supposedly received laws when God spoke to Moses. Ancient Jewish law {Mosaic Law} is one law basis. Mosaic Law is typical tribal patriarchal law. Mosaic Law limited revenge by rule of talion. Judicial system developed to determine proper revenge for wrongs.

**Torah as law**

Mosaic Law is Old-Testament first five books {Torah} {Pentateuch}.

**Book of the Covenant**

Torah {Book of the Covenant} includes Ten Commandments in Exodus and other laws.

**Exodus Torah**

Torah includes Ten Commandments in second book {Exodus}.

**Ten Commandments**

Torah includes commandments {Ten Commandments} in Exodus.

**SOCI>Law>National>Jewish Law>Mosaic Law>Exposition****Mishnah**

Scribes wrote Mosaic-law expositions {Mishnah}. Mishnah is practical law. It appeals to high principles, such as equity, fairness, and humaneness. It distinguishes between civil and criminal law. It had harsh criminal penalties but did not use death penalty in later times.

**Talmud law**

Mishnah extensions {Talmud, Mishnah} have Gemara, Halachah, and Haggadah.

**Halakha**

Talmud sections {Halakha} {Halakah} {Halakhah} {Halacha} {Halachah} {Oral Law} record Jewish rabbinic law, customs, and traditions.

**Haggadah**

Talmud sections {Hagadda} {Haggadah} have scripture ethical, prophetic, religious, and historical content and include benedictions, prayers, and psalms for Passover seder.

**SOCI>Law>National>Roman Law****Roman law in general**

Laws {Roman law} differed in Roman Republic and Roman Empire.

**crime**

In late Republic, courts for specific crimes developed. The worst crimes resulted in exile or capital punishment. Roman law did not presume accused-person guilt or innocence.

In imperial Rome, imperial officials judged crimes. Graduated punishments developed. Consensus established criminal laws. Criminal-law prosecution depended on finding facts.

**names**

Roman names were given name, followed by gens name, followed by family name.

### **objects**

In Roman law, injured persons got offending animals. Laws did not punish animal owners.

### **offices**

Senate elected all offices with potestas annually. Consuls, praetors, and dictators had no restrictions but had duties. Officials imposed fines up to the limit set by law and issued orders to carry out functions. Same or higher-ranking officials could veto official acts. Large administrative staffs had low rank with little influence.

### **offices: emperor's court**

Emperor had his own court, which took requests for decisions from lower officials and private persons. Imperial orders included obligations in written contracts, anti-divorce laws, marital-gift laws, and illegitimate children. Emperor selected officials from equestrian class.

### **property law**

Under Justinian, all property transfers required no ceremonies, and all property became res nec mancipi.

### **securities**

Rome had no negotiable instruments.

## **SOCI>Law>National>Roman Law>Roman Classes**

### **Roman social classes**

Roman Republic had two citizen classes {Roman classes}, patrician and plebian. Roman Republic first was an aristocracy, with sober, ethical, and patriotic landed men.

Plebian and patricians were equal in power by -300. Plebian, patrician, and equite senatorial class {optimates} became aristocracy.

### **curia**

Under early kings, for religious functions, the people organized into 30 groups {curia} with 10 gens each.

### **century**

The five social classes and the equites had 100-soldier groups {century}. In the social classes, men over 45 were half the centuries. People of certain classes had to bring certain equipment when they reported for compulsory military duty. Patricians and equites had 18 centuries. Less wealthy classes had fewer centuries. Plebians had one century. Later, wealthy had 193 centuries.

### **patrician**

Roman Republic had clan members {patrician} and plebians.

### **plebian**

Roman Republic had patricians and other free men {plebian}.

## **SOCI>Law>National>Roman Law>Roman Republic**

### **alien in Roman law**

Aliens {alien, Roman law} were hostile {hostes} or friendly {peregrini}. Clientes were under patrician's legal protection. Praetors used ius gentium in cases involving aliens, because it was universal law. Romans used laws of country from which people came, not laws of country where crime was.

### **clan**

In early Rome, family clans {clan} were official political units. Family clans were self-governing and enforced clan customs {ius gentilitatis}. Clans {gens} had subclans {domus, clan}, which became independent of original clans. Clan members {gentile, Roman law} had right to vote, take auspices, be priests, make contracts, enforce contracts, make legal marriages {connubium}, and use legis actiones. Clan members had property rights {dominium}. Public laws limited clan chiefs.

### **imperium**

Consul, praetor, and dictator had absolute power {imperium, Roman Republic} in military affairs, even over population outside Rome, until -150. The imperium symbol was the fasces.

### **legis actiones**

Legal actions {legis actiones} were wagers on cases {sacramentum}. Legal actions included seizure along with proclamation that something was debt {manus injectio}. Legal actions included attachment to defendant's body {pignoris capionem}. Legal actions included demand for special arbitrator {iudicis aritrive postulationem}. Legal actions included demands for special ways of handling suits {conditionem}. At first, only priests knew law, and legal proceedings were rituals.

### **populus Romanus**

Citizens that faced physical punishment appealed to the popular assembly {populus Romanus}.

## **SOCI>Law>National>Roman Law>Roman Republic>Laws**

### **Roman Republic law**

Laws {Roman Republic law} {law, Roman Republic} were usually senatorial decrees {senatus consulta} or magistrate decisions.

#### **magistrates**

Magistrates issued edicts before becoming magistrates, stating how they interpreted laws.

#### **laws: Assembly**

Assembly enacted {plebiscite, Rome} some laws {leges}, after presentation from Senate.

#### **laws: injunction**

Praetors prevented unlawful acts with injunctions.

#### **laws: types**

Laws were divine laws {fas}, moral laws {ius}, and secular laws. Priests and censors administered fas. State administered ius, which was about rightful powers and duties of one human with another.

#### **marriage**

In a marriage type {sine manu}, control over wife stayed with wife's father. In a marriage type {cum manu}, control over wife went to husband. Cum manu marriage used a purchase or token purchase. Control was for one year {usus}.

#### **contract**

At first, contracts required formal ceremonies. Later, contracts required only promises. Roman law had no bilateral or third-party contracts. Contracts were property transfers {nexum and Mancipium}, loans {mutuum}, returnable-item loans {commodatum}, deposits {depositum}, pledges {pignus}, sales {emptio venditio}, hires {locatio conductio}, partnerships {societas}, agencies {mandatum}, and stipulations {stipulatio}. Sales books recorded literal contracts.

#### **property**

Property laws about land, livestock, or slaves {res Mancipi} transferred in ceremonies. Title to land accrued by property use for periods {prescription, Roman Republic}. Property laws about ships, produce, or tools {res nec Mancipi} transferred by tradition or by delivery.

#### **tort**

Roman law started imposing penalties for torts, as well as requiring restitution. Restitution was commensurate with dignity loss, not pain or suffering.

#### **tort: negligence**

Roman law recognized gross negligence {culpa lata}, as carelessness. Roman law recognized minor negligence {culpa levis}, as poorly conceived or executed action. Roman law recognized contributory negligence.

#### **interest**

Simple interest was 12%.

### **edict Roman**

Province aediles and governors published edicts {edict, Roman}, stating legal principles, protecting rights and claims, and providing remedies. Over time, edicts developed standard formats.

### **ius civile**

Laws {ius civile} can be about rightful powers and duties of one human with another. New laws can supersede old laws but not violate ius civile. If act was legal under ius civile, new laws about that act either forbade act but did not invalidate act {imperfect law} or penalized act but did not invalidate it {less than perfect law}. Traditional laws, customs, and institutions applied to citizens.

### **ius gentium**

Praetors used law of nations or law of foreigners {ius gentium} in cases involving aliens, because it was universal law. In later Republic, this law began to apply in civil cases as well. Romans used laws of country from which people came, not laws of country where crime was.

### **praetorian edict**

Praetors stated legal principles, protected rights, protected claims, and stated lawful remedies {praetorian edict, Roman Republic}. Over time, praetorian edicts developed standard formats. Praetors allowed stipulations before trials. Praetors developed the idea of good faith {fides}. Praetors issued decrees to set aside formal-transaction consequences, especially for minors and debtors. Praetors examined claims before trials. Private citizens acted as judges, with praetor protection and authority.

### **praetorian law**

Praetors and aediles developed law {ius honorarium} {ius praetorium} {praetorian law} [-250], as new situations arose. Praetorian law included general law principles, which applied especially to aliens. Ius praetorium was ius civile supplemented by equity law and natural law.

## **SOCI>Law>National>Roman Law>Roman Republic>Officials**

### **Roman Republic officials**

Roman Republic had officials {Roman Republic officials}. Wise men contributed to law by giving opinions, and rationalized old law to new situations {responsa prudentum}. Lawyers used law of Rome, not provinces. Lawyers were conservative and in agreement about laws. Lawyers drafted wills and business transactions {cautelary practice}. Orators {advocati} specialized in pleading cases in court.

### **dictator in Rome**

In emergencies, Senate elected one consul {dictator}|, who received unlimited power. Dictator named a soldier and cavalry leader. Dictator had to resign after emergency ended, or after six months. Later, laws checked dictator's power.

### **consul in Rome**

Senate elected two praetors {consul, Roman law}| as chief magistrates. Consuls commanded the army [-367]. In war, consuls had absolute power, but, in peace, they consulted with Senate and tribunes. Before nomination before Assembly, religious auspices tested proposed consul.

### **praetor**

At first, Assembly delegated right to govern {imperium, praetor} to two magistrates {praetor}|, typically clan chiefs. Praetors had unlimited power {potestas}. Praetors could veto each other.

Later, Senate elected praetors for one year. Praetors administered justice and were just below consuls in power. Later, Senate elected more praetors to be judicial magistrates.

### **civil case**

In later Republic, praetors heard cases more informally than under legis actiones. They wrote cases for trial judges, in standard forms {formula, law}. Judges then decided. The only appeal was to show that judges had decided improperly.

### **quaestor**

Two men {quaestor}, one for finance and one for administration, were assistants to consuls. Chief magistrate appointed a temporary quaestor to investigate murder.

### **censor in Rome**

Two men {censor, Roman law}| counted population {census, Rome}, had five-year terms, typically were former consuls, decided citizen class and tribe, listed senators, had power to remove bad senators, had power of official censure, and controlled morals.

### **aedile**

Four men {aedile} managed archives, police, and markets, but had no imperium.

### **tribune**

After plebian unrest, Senate created protectors {tribune}| of plebian rights. At first, there were three tribunes, then five, and later ten. The plebian assembly elected tribunes annually. Tribunes could veto Assembly acts. Tribunes were safe from imperium, vetoed magistrates, submitted bills to plebian assembly, and prosecuted criminals. Tribunes acted independently. Tribunes had power only inside Rome.

### **Senate of Rome general**

Senators {Senate} were members for life, unless Senate removed them for bad conduct. Retired consuls and censors became Senators. Senate always had 300 members. It had power to establish martial law and elect dictator in war. It controlled policy, land distribution, treasury, and colonies. Senate met often. Senate at first had only patricians. Later, wealthy men who ranked just below patricians {equite} joined Senate. Roman fasces has SPQR "senatus populus que romanorum" (Senate and people of Rome).

### **SOCI>Law>National>Roman Law>Roman Empire**

#### **bottomry**

Lenders cancelled loans if ships sank {bottomry}|.

#### **cognitio in law**

In Hadrian's time, less formal proceedings {causa cognitio} {cognitio} replaced standard forms of presenting cases to trial judges. Praetors investigated cases and stated relief granted by law. Parties submitted written pleadings to judges. Judges ruled. System allowed appeals.

#### **cognitio extraordinaria**

Separate official courts {cognitio extraordinaria} formed. Officials, not private judges as before, gave judgments. Judgments were for specific performance, not just damages. Emperor controlled courts.

#### **collegia**

Rome had artisan guilds {collegia}.

#### **foederati**

Romans took some German tribes {foederati}, such as Goths in north Balkans, into service.

#### **province**

Farther regions {province}| became more important in Roman Empire. More people, mostly honorably discharged army veterans, became citizens.

#### **rescript**

Emperor's court took written requests for decisions from lower officials and private persons and returned written answers {rescript}. Rescripts received the force of law under Hadrian.

### **SOCI>Law>National>Canon Law**

#### **canon law**

Church law {canon law}| {church law} uses Christian concepts and Roman judicial-procedure law. For disputes between Church and state, parties can use church or territorial law.

#### **Apologists and law**

Church writers {Apologists} wanted Church to be supreme in both spiritual and civil matters. St. Augustine wanted Church to be supreme only in spiritual judgments.

#### **ecclesia**

Early religious societies {ecclesia, religion}| developed laws {ecclesiastical law} that became canon law.

### **SOCI>Law>National>Canon Law>Courts**

#### **Catholic court**

Catholic Church altered trial forms {Catholic Church court}, by ending compurgation and ending trial by ordeal or battle. Church used written pleadings, witnesses, and written evidence. Canon law helped change from accusatorial systems, in which injured parties make complaints against other parties, to inquisitorial systems, in which prosecutors bring complaints to courts.

### **Chancery council**

Catholic Church had, and still has, a council {Chancery}. A Cardinal Chancellor, second to Pope, heads the Cancellaria.

### **Rota court**

Sacra Romana Rota {Rota} is the highest church court.

## **SOCI>Law>National>European Law**

### **European law**

Europe's legal system {European law} is inquisitorial.

### **inquisitorial system**

Continental legal systems {inquisitorial system} depend on ascertaining case facts. Public prosecutors present facts to courts. Prosecutors have more power than in English law. Proceedings are formal and can be secret. European law presumes that accused persons are guilty. Governments can keep accused persons in custody, and accused persons have fewer rights than in English law. Presiding court judges give judgments.

### **mala**

Law not in accord with public good {mala} has no enforcement.

### **customary law**

Merchant law {customary law} developed from merchant customs, separate from feudal law and manor law. King or Church sanctioned customary law, to be in accord with natural law and public good.

### **notary in Europe**

In France, notaries {notary} are combination lawyers, court clerks, and judges.

## **SOCI>Law>National>English Law**

### **English law**

England's legal system {English law} is accusatorial.

### **accusatorial system**

Legal systems {accusatorial system} can accuse people of offenses. Trials are in open courts. Prosecution files complaint against person. Defense answers complaint. Judges' decisions are crucial {legal realism} and can depend on higher authority than written law. Against evidence, custom, majority will, and previous law interpretations, judges can modify law, based on equity and justice.

### **common law**

Laws {case law, English} {common law} can be about court decisions and society customs, not statutory or regulatory laws. The rule is stare decisis (stand by decided cases), using laws established by previous decisions. Judges settle new cases by extending laws from previous cases but abandon bad precedents. They evaluate how current case differs from, and is similar to, previous cases. Precision and justice have equal value. Britain, United States, and Commonwealth countries use English common law.

## **SOCI>Law>National>English Law>Court Types**

### **assizes**

county courts {assizes}.

**chancery court**

chancellor's court {chancery}|.

**SOCI>Law>National>English Law>Lawyer****bar**

legal organization {bar, lawyer}.

**solicitor**

In English courts, persons {avocat} {solicitor}| draw documents, prepare cases, and consult barristers. Solicitors are not bar members.

**barrister**

In English courts, solicitors consult second persons {avocat} {barrister}|. Only barristers can be bar members and give law opinions. Only barristers can become judges. Barristers provide opinions to solicitors, recommend for or against going to trial, and conduct trial.

Barristers {junior, barrister} can go higher {leader, barrister} {King's Counsel}, through regulated processes {taking silk}. Juniors prepare pleadings and lesser tasks for leaders. Leaders get double fees. Taking in silk is hiring a leader.

**SOCI>Law>National>American Law****American law**

Laws {American law} can include Constitution.

**courts**

Constitution establishes Supreme Court and lesser courts.

**rights**

Arresting officers must state accused person's rights before arrest and/or asking questions. Rights {rights, accused} are: right to remain silent, right to know that court can use whatever he or she says against him or her, and right to attorney. Arrested persons can claim or not claim rights {waive rights}. Courts can provide free lawyers.

**SOCI>Law>National>American Law>Constitution****Constitution USA**

USA has basic laws {Constitution, USA}. Constitution requires states to recognize other-state laws and actions. It requires states to be republics. It prohibits discrimination against visitors from other states.

**attainder writ**

Writs {attainder writ} {writ of attainder} can deprive persons of civil rights. Constitution prohibits attainder writs. Only convicted felons lose civil rights.

**ex post facto law**

Constitution prohibits retroactive laws {ex post facto law, Constitution}.

**extradition**

States can return wanted people to other states {extradition}|.

**habeas corpus Constitution**

Constitution guarantees persons writ of habeas corpus {habeas corpus, Constitution}.

**impeachment**

House-of-Representatives recommendations and Senate trials, needing two-thirds majorities, can remove federal judges or President {impeachment, Constitution}|.

**jury trial Constitution**

Constitution guarantees jury trials {jury trial, Constitution} in criminal cases and requires trials to be in states where crimes were.

**nullification**

States have no rights to declare federal laws unconstitutional {nullification}|.

**treason in Constitution**

People can betray their country {treason}|. Constitution protects subsequent generations from guilt of people convicted of treason.

**SOCI>Law>National>American Law>Constitution>Amendment****Bill of Rights**

Constitution has first ten amendments {Bill of Rights}.

**1st amendment**

Constitution amendment {1st amendment} in Bill of Rights guarantees freedom of religion, freedom of speech, freedom of the press, right to assemble peacefully, and right to petition government for redress of grievances. It prohibits state religion.

**2nd amendment**

Constitution amendment {2nd amendment} in Bill of Rights guarantees that government shall not infringe on right to keep and bear arms, based on need for well-regulated militia.

**speculation**

Perhaps, to resolve controversies about the amendment, USA can call National Rifle Association (NRA) members a militia. Such militia regulate and train members. All gun-owners must belong to NRA or other militia. NRA and government can then work together, so militia members can keep and bear arms and otherwise enjoy their weapons in ways acceptable to militia, and citizens can expect to live in unarmed societies.

**3rd amendment**

Constitution amendment {3rd amendment} in Bill of Rights prohibits troop quartering in homes, except during war as prescribed by law.

**4th amendment**

Constitution amendment {4th amendment} in Bill of Rights prohibits unreasonable searches or seizures and requires sworn search warrants stating reasons for searches or seizures, places allowed for searching, and objects to find. It guarantees privacy in homes.

**5th amendment**

Constitution amendment {5th amendment} in Bill of Rights prohibits prosecution for serious crimes, except in war or public danger, unless grand jury indicts person. It prohibits retrial on same grounds as first trial. It prohibits compelling people to testify against themselves. It prohibits depriving people of life, liberty, or property without due process of law. It prohibits arbitrary or harsh laws. It prohibits taking private property for public use without just compensation but does not abridge eminent domain.

**6th amendment**

Constitution amendment {6th amendment} in Bill of Rights guarantees speedy and public trials, with impartial juries of citizens of existing political district of crime location. It guarantees right to counsel. It guarantees that accused know prosecution nature and cause. It guarantees that prosecution witnesses confront accused directly, to allow cross-examination. It guarantees that accused can compel witnesses to attend trial.

**7th amendment**

Constitution amendment {7th amendment} in Bill of Rights guarantees jury trials for criminal cases involving common law and civil cases involving more than \$20. It prohibits reexamination of facts determined by juries. It allows appeals only about admissible evidence, law procedures, or laws.

**8th amendment**

Constitution amendment {8th amendment} in Bill of Rights prohibits excessive bail and prohibits cruel or unusual punishment.

#### **9th amendment**

Constitution does not deny or limit rights omitted from Constitution or first eight Bill-of-Rights amendments {9th amendment}.

#### **10th amendment**

Constitution amendment {10th amendment} in Bill of Rights grants rights not expressly granted to the federal government, and not expressly denied to states, to the people and states.

#### **11th amendment**

Constitution amendment {11th amendment} prevented citizens of one state from suing another state in Supreme Court [1798].

#### **12th amendment**

Constitution amendment {12th amendment} defined election procedures for President and Vice-President [1804].

#### **13th amendment**

Constitution amendment {13th amendment} abolished slavery [1865].

#### **14th amendment**

Constitution amendment {14th amendment} granted all people born or naturalized in USA citizenship and gave all people equal protection under law and equal rights [1868].

#### **15th amendment**

Constitution amendment {15th amendment} guaranteed right to vote to people of any color, race, or previous status, such as having been slaves [1868].

#### **16th amendment**

Constitution amendment {16th amendment} allows Congress to require income tax from any income source, without using the census or state-apportionment formulas [1913].

#### **17th amendment**

Constitution amendment {17th amendment} requires direct election of senators, not election by state legislature [1910].

#### **18th amendment**

Constitution amendment {18th amendment} imposed prohibition, as enforced by National Prohibition Act or Volstead Act [1919].

#### **19th amendment**

Constitution amendment {19th amendment} gave women right to vote [1920].

#### **20th amendment**

Constitution amendment {20th amendment} amended the 12th amendment to make Presidential terms begin on January 20, rather than March 4, and give newly elected Congress responsibility to choose President and Vice-President if Electoral College vote is inconclusive [1933].

#### **21st amendment**

Constitution amendment {21st amendment} repealed prohibition [1933].

#### **22nd amendment**

Constitution amendment {22nd amendment} limits Presidents to two terms [1951].

#### **23rd amendment**

Constitution amendment {23rd amendment} allows the District of Columbia to elect electors for President and Vice-President [1961].

#### **24th amendment**

Constitution amendment {24th amendment} prohibits poll taxes or other taxes that condition the right to vote in federal elections [1964].

#### **25th amendment**

Constitution amendment {25th amendment} specifies the line of succession to the Presidency and Vice-Presidency and the methods of selection [1967].

#### **26th amendment**

Constitution amendment {26th amendment} set 18 as voting age [1971].

#### **27th amendment**

Constitution amendment {27th amendment} prohibits representative salary increases from applying to current Congress [1992].

### **SOCI>Law>National>International Law**

#### **international law**

Laws {international law} can apply to state relations.

#### **public international law**

Public international law governs nation relations. Public international law includes state recognition, responsibilities, succession, and jurisdiction. It is also about treaties, diplomacy, immunities, consuls, arbitration, aggression, criminal law, territorial waters, high seas, air space, space, aliens, nationality, and asylum.

#### **public international law: rules**

Most rules have wide acceptance, but they are actually unenforceable. Rules developed from customs and international-jurist decisions. Treaties and conventions determine international law.

#### **public international law: war rules**

War rules rest on three principles: military necessity, humanity, and chivalry. In ancient times, war was neither just nor unjust and had no regulations. After World War II, soldiers can be responsible for acts committed on command of superiors. Aggressive wars are now crimes, and its makers are criminals.

#### **rivers**

On rivers shared or needed by several nations, countries have right of freedom of navigation. Main river-channel center is boundary between two nations.

#### **maritime law**

Actions in maritime law are against ships themselves, not against owners or operators. Liability limit is ship and cargo value. Ships are territory of country of registry, except when in port.

#### **travel**

Airplane, ship, and railway passengers have freedom of transit. Panama, Suez, and Kiel canals are international and neutral, so passengers and vessels have right of innocent passage.

#### **persons**

Individuals in other countries can only ask their governments to deal with other governments. Individuals cannot act against citizens or governments in other countries. Refugees and displaced persons have no rights, because they have no home government. Public international law is not about citizen rights.

#### **state as nation**

Governments represent states {state, nation} {nation, state}. States are geographic areas with autonomous governments that enforce laws and protect public health, safety, and morals.

#### **types**

States can be democracies, republics, kingdoms, aristocracies, empires, meritocracies, dictatorships, or totalitarian states.

#### **protections**

States protect health by children's programs, hospitals, and research support. They protect safety with army, police, and courts. They control crime within state, prevent war from without state, and prevent rebellion within state. States

protect morals by regulating gambling, drug use, animal cruelty, pornography, prostitution, and sodomy, to prevent harm to people and to set tone of social life.

#### **force**

States maintain order in territory and use force, if necessary, to cause obedience to authority and law. States must have majority of force within borders. States can control people and their behaviors. States try to preserve themselves against outside forces, typically from other states.

#### **recognition**

Other nations recognize states and/or governments. Recognition by other states can be in fact {de facto, recognition} or by law {de jure, recognition}. In civil war, other states can recognize both parties as belligerents.

#### **sovereignty**

Someone in states can have legitimate authority {sovereignty}| over territory.

#### **citizenship**

Either birthplace or parent nationality can determine nationality {citizenship}|, causing possible conflict.

### **SOCI>Law>National>International Law>Alien**

#### **alien in law**

Citizens {alien, foreigner}| of one country living in another country deserve protection under host-country laws. Aliens can receive reparations from host country, after exhausting all local remedies. England and USA require that their citizens always have basic rights, wherever they are. Calvo Doctrine is in Latin America.

#### **armed forces**

Foreign-country soldiers {armed forces}| stationed in host country are units of foreign state but must obey local laws. Countries can prosecute or judge such armed forces only with foreign-state consent as defined in treaties.

#### **Calvo Doctrine**

In Latin-American countries, aliens have no protection under international law and are like nationals under local laws {Calvo Doctrine} {Calvo clause}.

#### **compensation in law**

Citizens can only ask their governments to request reparations {compensation, reparations}| from other governments. Compensation basis is supposedly offended government dignity.

#### **domicile**

Private international-law rules can depend on permanent residence location {domicile}|. Domicile rules caused USA and England not to accede to some private-international-law treaties.

#### **extraterritoriality**

People or objects can be on a state's land but not completely under that state's jurisdiction {extraterritoriality}|, through immunity grants. Ambassadors have immunity.

### **SOCI>Law>National>International Law>Easement**

#### **easement by state**

International law recognizes no right {easement, state}| of public or other-state access by a state's land.

#### **cabotage**

Countries can prohibit things from being carried between two points inside their territory {cabotage}|.

### **SOCI>Law>National>International Law>Territory**

#### **territory in law**

States can own land regions {territory}| that are not states. States can rent territory from other states {lease to state}.

#### **sovereign**

States hold territory and have rights in territory. State territory is sovereign property. Sovereignty requires desire and intention to own land and exercise control over land.

#### **territory acquisition**

State land occupation can acquire territory. Prescription can acquire territory. Unoccupied-land occupation can acquire territory. Long possession time, without other nations expressing territory rights, can acquire territory. Cession or transfer from one state to another state can acquire territory. After subjugation or conquest, annexation can acquire territory. Accretions and acts of nature can acquire territory. Land discovery can acquire territory.

#### **trust territory**

Regions {trust territory} can be controlled by another country by agreement of all countries.

#### **inchoate title**

Territory discovery confers right {inchoate title} to have time to settle territory.

#### **territorial limit**

Territorial seas can extend to 3, 12, or 200 miles from shoreline {territorial limit}.

#### **territorial waters**

States hold their internal waters and territorial seas {territorial waters}. Bays are in internal waters. Other-nation vessels have right of innocent passage through territorial waters. Currently, all nations control their territorial sea floors. Nations have also established contiguous or customs zones beyond their territorial waters.

#### **trading area**

Exchanges can be at neutral areas {trading area}, with laws established by traders.

#### **access to sea right**

Landlocked states have right of access to sea {access to sea right}.

#### **air space**

Atmosphere {air space} over states is under state sovereignty. Others have no right of innocent passage through air space. Right to use air space requires international treaty.

### **SOCI>Law>National>International Law>Agreements**

#### **international agreements**

Countries can make contract-like agreements {international agreement}, except that they can be valid if made under duress. International agreements can be treaties, conventions, acts, declarations, or protocols. First, authorized diplomats sign agreement, and then home governments ratify it.

#### **conflict of laws**

Laws {private international law} of relations between citizens of different nations {conflict of laws} and between aliens and states have developed.

#### **location**

Courts use laws, procedures, and remedies {law of the court} {lex fori} of location where plaintiff files action. Document interpretation uses law of place where parties executed contract {lex loci contractus}, where parties executed document {lex actus}, or where property is {lex situ}. Private international law rules can depend on domicile.

#### **treaties**

Nations have treaties about private international law. Most such laws use citizenship and nationality to determine which laws apply. Domicile rules caused USA and England not to accede to some private-international-law treaties.

### **SOCI>Law>National>International Law>Agreements>Kinds**

#### **act in law**

International agreements can be conference agreements {act, conference}.

#### **convention in law**

International agreements can be less formal {convention, law}| {pact, law}.

### **declaration**

International agreements can be law-making agreements {declaration, law}|.

### **protocol in law**

International agreements can be supplements to, or minutes of, meetings {protocol, law}|.

### **treaty**

International agreements {treaty}| can be formal. Other states can accede to major treaties. States can accede to treaties with reservations or conditions. Parties can intend that treaties end in certain circumstances {rebus sic stantibus}.

### **commercial law**

Merchant law {commercial law}| has international acceptance. In ancient times, olive branch or peace pipe showed trader peaceful intentions. Then exchanges were at neutral trading areas. Then market districts and traders established laws. Most European commercial law depends on Roman law. In Europe, commercial law is separate from other law and uses special courts.

### **maritime law**

Maritime laws {maritime law}| have international acceptance. Anyone can arrest pirates, as offenders against international law.

### **Uniting for Peace**

Three resolutions {Uniting for Peace Resolutions} allow General Assembly to pass recommendations, by two-thirds vote, if Security Council fails to act.

## **SOCI>Law>National>International Law>Arbitration**

### **arbitration**

Third party can dictate terms to two states {arbitration, law}| {judicial settlement}, after they agree beforehand to abide by the decision. Arbitration types include good office, mediation, and conciliation. Permanent Court of Arbitration is official set of arbitrators.

### **compromise in law**

Documents {compromise, law}| can record dispute settlements.

## **SOCI>Law>National>International Law>Arbitration>Kinds**

### **conciliation**

Arbitration can use a commission, of members from states and third parties, to propose a settlement {conciliation}|.

### **good office**

Arbitration can use a go-between to make and carry proposals {good office}|.

### **mediation**

Arbitration can use third party to find compromise {mediation, law}|.

## **SOCI>Law>National>International Law>Diplomacy**

### **diplomat**

People {diplomat}|, such as ambassadors, can be official representatives of one state to another state. Diplomats must be acceptable to receiving state.

### **consul**

Non-diplomats {consul}| in diplomatic missions handle sending country's affairs but are not official state representatives. Consuls have immunity for official acts. Consuls have right of privacy for themselves and documents.

#### **diplomatic immunity**

Host countries can only prosecute diplomats if foreign country grants permission {diplomatic immunity}|.

#### **diplomatic mission**

Missions {diplomatic mission} in other states are not sending-country territory but do have some immunities. Consulates and embassies are free from local taxation.

#### **legation**

Diplomacy depends on sending accredited representatives {legation}| of one nation to another nation, using letters of credence.

#### **letters of credence**

Diplomacy depends on sending legations to other nations, accompanied by certifying documents {letters of credence}|.

### **SOCI>Law>National>International Law>State Relations**

#### **state relations**

States can be independent, federate with other states, or depend on other states {state, relations}|. Dependent states can be colonies or protectorates. United Nations can establish protectorate trusteeships. States can have suzerainties or territories. States can rent territory from other states, by lease.

#### **equal status**

States, large or small, are equal {equal status} under international law. Territories, protectorates, dominions, and states of unions do not have equal status.

#### **self-defense**

States can fight back against other states in case of immediate need, if action is only for protection {self-defense, state}|.

#### **intervention in law**

States can enter other states or dictate to other states through treaty {intervention}|, for self-defense, in reprisal, or for citizen protection.

#### **reprisal by state**

States can blockade other states or impose embargos {reprisal, law}|, in response to hostile acts.

#### **retorsion**

States can engage in legal acts against other states {retorsion}|, in reprisal for legal acts.

#### **seizure in law**

States can seize property or people {seizure, law}|, in response to hostile acts by other states.

#### **succession of states**

States can conquer or take over other states {succession of states}|. New state must respect property rights, take over old-state obligations, and renegotiate all treaties.

### **SOCI>Law>National>International Law>State Relations>Kinds**

#### **colony as state**

Dependent states {colony, state}| can be another state's dependent possessions.

#### **neutrality of state**

Neutral states {neutrality}| are neutral only by international treaty.

**protectorate state**

Dependent states {protectorate} can have native governments protected by another state. Currently, few protectorates exist.

**suzerainty**

Other states can control dependent states but not own them {suzerainty}. Currently, no suzerainties exist.

**trusteeship**

United Nations can establish protectorates {trusteeship}.

**SOCI>Law>National>International Law>United Nations****United Nations law**

An international confederation {United Nations, law} has a General Assembly, Security Council, Economic and Social Council, Secretariat, and International Court of Justice.

**international councils**

Economic, Social, and Cultural Organization (UNESCO), International Atomic Energy Agency (IAEA), International Bank for Reconstruction and Development (IBRD), International Civil Aviation Organization, International Labor Organization (ILO), International Maritime Consultation Organization, International Monetary Fund (IMF), International Refugees Organization (IRO), International Telecommunication Union, Universal Postal Union, World Health Organization (WHO), and World Meteorological Organization are international organizations.

**Economic and Social Council**

A United-Nations agency {Economic and Social Council} coordinates special agencies and upholds rights and freedoms.

**General Assembly**

United Nations has a budget-making part {General Assembly}.

**International Court**

An international court {International Court of Justice} has 15 judges. Terms are three years. Court can decide cases using equity and justice {ex aequo et bono}. Only nations can use it, and it is purely voluntary.

**Secretariat**

United Nations has a civil service {Secretariat}.

**Security Council**

United Nations has a council {Security Council} to uphold peace.

**SOCI>Law>Contract****contract**

Agreements {contract, law} can be between two or more competent parties to perform or not perform legal acts, now or in the future. Contracts are enforceable in courts. Contracts have promises and acts. Contracts are civil relationships between parties, so contract breaches are not crimes.

**types**

Contracts {unilateral contract} can be one person's promise in exchange for another person's act. Contracts {bilateral contract} can have promises by both parties.

**validity**

For valid contracts, one party offers, and other party accepts. Offers must be serious and objective, not from anger, joking, or excitement. Opinions, intentions, preliminary negotiations, advertisements, and catalogs are not offers. Offers must have definite terms, sent to other party. Consideration must induce agreement. Both parties must have contractual capacity. Contract terms must have legality. To be enforceable, contracts must have genuineness. To be enforceable, contract format must accord with law.

**express or implied**

Contracts {express contract} can state action to perform and compensation to give. Contracts {implied contract} {implied-in-fact contract} can allow party to perform any action and to charge any reasonable fee, to complete desired goal in whole or part. Both express and implied contracts are valid.

For implied contracts, plaintiff furnishes service or property. Plaintiff expects pay, and defendant knows that plaintiff expects payment, by objective-theory-of-contracts test. Defendant does not reject service or property.

#### **termination**

Offers can terminate by revocation or replacement by counteroffer. Offers can terminate by time lapse, property destruction, either party's incompetence or death, or illegalities.

#### **breach**

Breaching contract can be failing to fulfill promise to act, not act, or provide consideration.

#### **breach: settlement**

Parties can execute substitute agreements {accord and satisfaction, settlement}. Parties can agree that, for consideration, one party in good faith forfeits right to pursue legal claims {release of contract} {contract release}.

#### **interpretation**

In contract interpretations, words have usual meaning in context, ambiguous words have meaning most unfavorable to party that used them, and written words and numbers supersede printed ones.

#### **ability in law**

People can be unable to make contracts {inability, contract} {ability, contract}. People declared legally insane cannot make contracts. Minors, below legal age of 18 or 21, have limited legal capacity to contract. Minors must uphold contracts in which they claim they are adults, if appearance supports claim. Drunks have limited legal capacity to contract.

#### **voiding**

Minors, drunks, and not-yet-legally insane can void contracts by showing partial legal infirmity. However, other party must uphold such contracts.

#### **necessities**

People with limited capacity to contract must uphold contracts that supply them with necessities.

#### **acceptance**

Offer acceptances {acceptance} {agreement, contract} form contracts. Offer rejections terminate offers. Offering terms determine acceptance means. Offeree must know and perform acceptance conditions set by offerer. Accidentally performing offer conditions is not acceptance. Contract goes into effect when offeree puts agreement to accept offer in the mail, gives it to telegraph clerk, or telephones, before offerer actually receives acceptance. Silence can never be contract acceptance. Contracts that require someone to do or say nothing are not valid contracts.

#### **articles of agreement**

Agreements {articles of agreement} have written terms.

#### **consideration**

Acts or promises {consideration} are inducements for offerers and offerees to enter contracts. Consideration must have value, result from bargaining, and be expressly in exchange for other party's promise or act. Consideration must give substantial benefit to receiver and substantial detriment to giver. Considerations cannot be past actions. Considerations cannot be duties that parties must do already. Considerations cannot promises with no consequences. If unequal values exchange, contracts are not enforceable.

#### **contractual capacity**

Both parties must be competent to make contracts {contractual capacity}.

#### **covenant as contract**

contract {covenant}|.

#### **genuineness**

For contracts to be enforceable, offers and acceptances must be genuine {genuineness}.

#### **legality**

Contracts cannot violate laws {legality}. Contracts about illegal actions are void.

**objective theory in law**

Words and actions mean what reasonable people think they mean {objective theory of contracts}.

**offer**

Contract offers {offer} must give definite and essential terms and have promises to perform acts for other party. Contract offers end automatically after three months, unless offer specifies date. Offers can end by offer withdrawal, offer rejection, or offerer's death. Negotiations do not imply offers.

**rider in law**

Legislation can add clauses, or contracts can have amendments {rider}|.

**SOCI>Law>Contract>Enforcability****breach of contract**

People can unjustifiably fail to perform contract promises {breach of contract}|. Failure can be entire or partial. Courts typically award compensation for damages to injured parties equal to contract value. Court orders to force contract performance are rare, when damages cannot adequately compensate, typically for unique land, antiques, or art works. Contract parts can be unenforceable.

**performance in law**

After breach of promise, injured party can ask courts to require execution {performance}| of promised act.

**covenant not to sue**

Both parties can make an agreement {covenant not to sue} not to begin legal action.

**oral evidence rule**

Written or oral statements not in signing contracts cannot be evidence to interpret contracts {oral evidence rule}. The oral evidence rule does not apply if contracts involve fraud, duress, or illegal actions. It does not apply if statements clarify vague or ambiguous terms or show that contract does not include all terms.

**SOCI>Law>Contract>Damages****damages in law**

After breach of promise, injured party can ask for lost value {damages, law}.

**compensatory damages**

Damages {compensatory damages}| can compensate non-breaching party for injuries actually sustained and proved to have arisen directly from losses resulting from contract breach. For breached sales contracts, compensatory damages are typically difference between contract price and market price.

**consequential damages**

Damages {consequential damages}| {special damages} can compensate non-breaching party for additional contract-breach-caused losses that resulted from special circumstances. To recover consequential damages, breaching party must know, at time contract begins, that special circumstances may cause non-breaching party to incur additional losses on contract breach.

**mitigation of damages**

Plaintiff must do whatever is reasonable to minimize damages caused by defendant {mitigation of damages}|. Damage mitigation allows injured party to try to reduce damages caused by breaching party, but breaching party is still liable.

**punitive damages**

Damages {punitive damages}| can punish breaching party. Courts typically award punitive damages only for torts.

## **SOCI>Law>Contract>Kinds**

### **executory contract**

Contracts {executory contract} have acts and promises. After acts and promises finish, contracts are executed contracts.

### **formal contract**

Promisor's wax seals can witness contracts {formal contract}, but this is rare.

### **valid contract**

Contracts {valid contract} are valid and enforceable only if the following conditions are met. Parties must be legally able to make contracts. Contracts must have offers, acceptances, promises to do or not to do something by each party, and inducements by parties to honor contracts.

### **null contract**

Laws can nullify contracts {null contract}. Null contracts exist but are not legal or enforceable.

### **void contract**

Contracts {void contract} can be not legally binding on parties, because contract violates law. Void contracts do not exist, and thus are not enforceable.

### **voidable contract**

Valid contracts {voidable contract} can allow parties to void contracts.

### **written contract**

Statute of Frauds requires certain contracts {written contract} to be in writing to be enforceable: land sales, land-interest transfers, performance taking more than one year, debt-payment guarantees, estate executor or administrator contracts, and high-priced sales. Existence of oral contracts is hard to prove.

## **SOCI>Law>Tort**

### **tort**

Lawsuits can be about wrongs {tort, law} | {delict} done to people or property. Wrongs must violate lawful rights. People who commit torts are liable and pay compensation. Compensation can be for time lost, bodily injury, illness, or mental anguish.

## **SOCI>Law>Tort>Feasance**

### **non-action in law**

People ordinarily do not have to aid or protect others {non-action, law}. However, private property owners must help or protect people on their land, common carriers must help and protect passengers, and innkeepers must help and protect guests.

### **malfeasance**

Acts can be wrongful or unlawful {malfeasance}.

### **misfeasance**

Lawful acts can have negligent performance {misfeasance}.

### **non-feasance**

People can not act when required {non-feasance}.

## **SOCI>Law>Tort>Kinds**

### **negligence**

Lawful situations can involve duties to be careful. People can claim that other people were not careful, or not careful enough {negligence}|. People can act with recklessness {gross negligence}.

#### **cause**

Conduct and wrong must have a causal relation {proximate cause}. Negligence can result from negligent acts, failures to act when acting is a duty, acts done by machines or objects controlled or owned by people, acts done by agents or employees while doing their jobs, accidents from defective machinery, or dangerous activities.

#### **defense**

Half of states prevent vehicle passengers from suing for negligence. In those states, passengers can sue only for gross negligence.

#### **nuisance**

Torts {nuisance}| can claim annoyance, damage, or danger by the manner in which owners use their property.

### **SOCI>Law>Tort>Kinds>Intentional**

#### **intentional torts**

Defamation, deceit, assault, battery, trespass, conversion, and false imprisonment involve intentions {intentional torts}|. Contract breaches are not torts. Land, tangible, and intangible personal property have different treatments in law. Land is real property. Tangibles are cars, clothing, appliances, and jewelry. Intangibles are stocks and bonds.

#### **assault**

Fear of injury {assault}| does not require physical contact. Victims must be aware that they are under threat, and other person must be able to harm them. Words alone are not assault.

#### **battery as tort**

Intentionally caused physical injuries {battery, law}| do not require fear of injury. Unauthorized surgeries can be battery. Battery does not apply if victim consents first.

#### **false imprisonment**

Unlawful detention against will {false imprisonment}| completely prevents doing normal activities. Laws against shoplifting modify rights against false imprisonment to allow stores to detain suspects.

#### **fraud**

Intentional torts {deceit} {fraud}| can be making false statements, knowing they are false, and making them to get someone to act or not act. Victims must have relied on statements to act or not act, and damages must result.

Consumers that have signed sales contracts can only break contracts for fraud, which is difficult and costly to prove. Seller deceptive practices do not allow buyers to break contracts.

### **SOCI>Law>Tort>Kinds>Property**

#### **conversion of property**

People can deprive owners of personal-property use or possession {property conversion} {conversion of property}|. People must receive permission to use, change, or remove personal property. Even if people have legal possession of another's property, owners must consent to uses. However, conversions can have just causes.

#### **types**

Torts include altering, destroying, or disposing of personal property without owner consent. Torts include refusing to return personal property after owner demand, if demand is reasonable and owner identity is clear.

#### **recovery**

If owners recover converted property, owners can still sue, but damages decrease.

#### **copyright protection**

Copyrights apply to Literary works, musical works, dramatic works, pantomimes, choreographic works, video and sound recordings, art works, architectural plans, menus, product packaging, and computer software are owner property {copyright protection}|. Works must be original and be in "durable" media that allow communication. Copyright protection is automatic, so people do not need copyright registration.

**shoplifting**

People can steal small items from stores {shoplifting}|.

**trade secret**

Customer lists, plans, research, development, pricing information, marketing techniques, and production techniques are personal property {trade secret}|. Company trade secrets can be anything valuable that competitors can use. Torts arise if people use or disclose trade secrets without permission after improper means of discovery or after receiving secret confidentially.

**trademark infringement**

People can use trademarks without permission {trademark infringement}|.

**trespass**

People can take or use personal or real property {trespass}|, without depriving owners of property or use. Entering real private property without owner consent does not require harm to property to be trespass. Trespass committed by mistake is still trespass. Trespass happens when animals walk on property, people use shortcuts, and children play.

**SOCI>Law>Tort>Kinds>Communication****communication in torts**

Intentional torts {communication, tort} can be communications to other people that result in, or tend to result in, defamation or ostracism.

**ostracism**

Communications can result in, or tend to result in, avoidance and shunning {ostracism}|.

**SOCI>Law>Tort>Kinds>Communication>Defamation****defamation**

Communications can result in, or tend to result in, public hatred, shame, or ridicule {defamation}|. Slander and libel are different. Publication presumes libel damages, but plaintiff must prove slander damages. Actual statement truth is a defense, but belief in statement truth is not a defense. While performing their duties, judges, legislators, and executive officials have privilege of making defamatory statements. Individuals can freely comment on public officials' actions, as long as they intend no actual malice.

**libel as tort**

written defamation {libel, tort}|.

**slander**

oral defamation {slander, defamation}|.

**SOCI>Law>Tort>Liability****liability**

People who commit torts are responsible {liability, tort} for effects of wrongs. Liability includes intentional wrongs, negligent wrongs, and wrongs without fault.

**family car doctrine**

States can make car owners liable for damages if drivers have owner consent. Heads of household can be liable for all family driving {family car doctrine}|.

**oblique intention**

Actions can have foreseeable consequences, not directly intended {oblique intention}, which are people's responsibility.

**res ipsa loquitur**

Situations can have results that, by themselves {res ipsa loquitur} (things speak for themselves), infer or prove negligence, requiring no witnesses.

## **SOCI>Law>Tort>Liability>Wrong**

### **intentional wrong**

Liability can result if people did wrong for a purpose {intentional wrong}|.

### **negligent wrong**

Liability can result if people are not careful {negligent wrong}.

### **wrong without fault**

Liability can result if wrongs {wrong without fault} {liability without fault} happen on or with people's property. Wrongs without fault include damage caused by dangerous machines or objects, dangerous activities, and dangerous animals. If animal is not normally dangerous, liability results only if owner knew that it had become dangerous.

### **Dram Shop laws**

Liability without fault includes injuries to third parties caused by persons, to whom sellers sold intoxicants {Dram Shop laws}.

## **SOCI>Law>Tort>Defenses**

### **tort defenses**

Defenses {tort, defenses} are against negligence and intentions.

### **negligence defenses**

People claiming negligence can be negligent {contributory negligence}. The last person that can avoid the wrong is liable for it {last clear chance}, even if inattentiveness or contributory negligence caused plaintiffs not to escape. Proving contributory negligence causes no damage award in most states, except for gross negligence.

People can know risk exists but willingly do actions {risk assumption} {assumption of risk}.

In several states, parties can have different negligence degrees {comparative negligence}. Comparative negligence reduces damages defendant must pay in proportion to plaintiff's negligence.

### **intention defenses**

Intention defenses are privilege, victim consent, self-defense, and property defense. These defenses admit tort but exempt defendant from paying damages.

### **consent in law**

Victims can implicitly or explicitly agree to acts {consent, victim}|.

### **legal justification**

Law enforcement officials have right to do their duties under law {legal justification}|.

### **privilege**

Actions can be in the public interest {privilege}|.

### **self-defense in tort**

Defendants have rights to perform actions to protect themselves from real or apparent danger {self-defense, person}|.

## **SOCI>Law>Crime**

### **crime factors**

More urbanized, diverse, and disorganized areas have more crime {crime factors}.

### **criminal**

Society contains people {criminal} that persist in crimes.

### **criminal behavior**

Criminals perceive themselves as law-breakers. Criminal behaviors have likely situations, people, and harm levels. Criminal-behavior study assist law enforcement to punish criminal behavior selectively, use limited resources optimally, and maintain good relations with the public. Police target worst crimes, high profile crimes, and specific people.

### **criminality**

People's behavior can violate written laws {criminality}. Criminals need opportunity, motive or desire, and victim. Perhaps, crime is like disease. Criminals need quarantine and treatment, under medical supervision, until they have no disease, with no fixed jail terms. Psychological and biological methods can continue for criminal's lifetime. As with diseases, criminals must stay in particular environments. Criminals must have checkups regularly.

Perhaps, people can eliminate indirect and direct crime causes. Victims have no possibility of revenge or imitation.

### **premeditation**

Crimes can follow plans {premeditation}|.

## **SOCI>Law>Crime>Group**

### **organized crime**

Society contains criminal groups {organized crime}|, such as organized crime.

### **gang**

Society contains youth groups {gang}, sometimes criminal, characterized by high loyalty and conflict with other youth groups.

## **SOCI>Law>Crime>Crimes**

### **delinquency**

Minors, especially from age 10 to 18, can perpetrate crimes {juvenile delinquency}| {delinquency}.

### **nonsupport**

Divorced people can fail to pay child or spousal support {nonsupport}|.

### **rumble as fight**

Gangs can fight {rumble}|.

### **solicitation**

People can ask someone to commit crime {solicitation}|.

### **usury**

Businesses can charge illegally high interest rates {usury}|.

## **SOCI>Law>Crime>Crimes>Disorder**

### **barratry**

People can start problems leading to frivolous lawsuits, fail to perform duties on ships and so harm owners, or sell or buy church jobs {barratry}|.

### **disorderly conduct**

People can ignore laws or society rules {disorderly conduct}|.

### **truancy**

Students {truant} can be absent without permission {truancy}|.

### **vagrancy**

Drunkards and socially outcast people can have disorderly behavior {vagrancy}|.

## **SOCI>Law>Crime>Crimes>Misprision**

### **misprision**

treason, sedition, failure to prevent or report felonies, or public-office misuse {misprision}|.

### **insurgency**

revolt {insurgency}|.

### **sedition**

inciting rebellion {sedition}|.

## **SOCI>Law>Crime>Crimes>Sex**

### **adultery**

sexual relations with another while married {adultery}|.

### **procurement**

presenting woman for prostitution {procurement}|.

### **rape**

sexual assault {rape}|.

### **statutory rape**

raping person under legal age {statutory rape}|.

## **SOCI>Law>Crime>Crimes>Theft**

### **burglary**

breaking into buildings to steal {burglary}|.

### **graft as crime**

People can use public position to get money {graft, crime}|.

### **housebreaking**

entering homes to steal {housebreaking}|.

### **prize in law**

capturing vessels at sea {prize, ship}|.

### **robbery**

stealing {robbery}|.

### **fence in crime**

stolen-goods dealer {fence}.

## **SOCI>Law>Crime>Crimes>Theft>Larceny**

### **larceny**

property theft {larceny}|.

### **grand larceny**

high-value property theft {grand larceny}|, not petit larceny.

### **petty larceny**

low-value property theft {petty larceny}| {petit larceny}.

## **SOCI>Law>Crime>Crimes>Theft>Goods**

### **boodle**

bribe or stolen goods {boodle}.

### **contraband**

smuggled goods {contraband}|.

### **swag**

loot {swag}.

## **SOCI>Law>Crime>Crimes>Violent**

### **violent crime**

Violent crimes {violent crime} are homicide, rape, robbery, aggravated assault, burglary, larceny, auto theft, and arson.

### **capital crime**

Crimes {capital crime}| punishable by death are murder, rape, treason, and genocide.

### **aggravated assault**

Assaults can be provoked attacks {aggravated assault}|.

### **arson**

People can set fires deliberately {arson}|.

## **SOCI>Law>Crime>Crimes>Violent>Murder**

### **first-degree murder**

planned murder {first-degree murder}|.

### **second-degree murder**

murder with malice, intent, and planning {second-degree murder}|.

### **third-degree murder**

murder with little intent or malice {third-degree murder}|.

### **manslaughter**

murder without malice or intent {manslaughter}|.

### **genocide**

People can kill people based on race or origin {genocide}|.

### **homicide**

murder {homicide}|.

### **matricide**

murder of mother {matricide}|.

### **parricide**

murder of parent {parricide}|.

### **patricide**

murder of father {patricide}|.

### **regicide**

murder of ruler {regicide}|.

## **SOCI>Law>Crime>Crimes>White Collar**

### **white-collar crime**

People of higher social status can commit crimes {white-collar crime}|. Engage in tax fraud. Advertise falsely. Give short measurements. Grade falsely. Use business funds for personal purposes. Falsify financial statements. Engage in corruption. Perform prostitution. Blackmail. Gamble. Sell narcotics. Swindle. Pick pockets.

### **bribery**

People can give money illegally to get something done {bribery}|.

### **embezzlement**

People can take money from businesses and change accounting records {embezzlement}|.

### **extortion**

People can blackmail people with death threats {extortion}|.

### **forgery**

People can make false documents {forgery}|.

## **SOCI>Law>Crime>Levels**

### **felony**

Serious crimes {felony}| are against people or property.

### **misdemeanor**

Crimes {misdemeanor}| can break minor public laws.

## **SOCI>Law>Crime>Punishment**

### **punishment in law**

Punishments {punishment, law} for crimes can result in more criminal behavior, reform criminals, deter further crimes, rehabilitate people, or incapacitate people. A small percentage of offenders can rehabilitate or reform. Society cannot predict who will successfully rehabilitate.

### **capital punishment**

States have traditionally executed people {capital punishment}| who committed capital crimes.

### **purposes**

Capital punishment can be to carry out justice {retribution}, deter crimes {deterrence}, stop further crimes {prevention, crime}, assuage victims, and make people feel safer. Criminals must anticipate death and so suffer.

### **negatives**

Poor witnesses, biased juries, enthusiastic prosecutors, and circumstantial evidence can kill innocent people. Killing societies seem barbaric. Racism, poverty, nutrition, and injustice are possible factors. Responsibility and free will are questions.

### **suicide**

Capital-punishment policies can affect killer suicide rates.

### **prison**

Society can confine people to regulated settings {prison} after arrests and/or convictions.

## **SOCI>Law>Crime>Punishment>Termination**

### **parole of prisoner**

After release from prison, society can require convicted people to report regularly to officers about whereabouts and activities {parole, law}|.

**amnesty**

Government leaders can free prisoners and/or forgive crimes {amnesty}|.

**clemency**

Prison-sentence reductions {clemency}| can free prisoners.

**commutation of punishment**

In criminal cases, government leaders can reduce punishment {commutation, law}|.

**SOCI>Law>Police****police in law**

Trained people {police} {law enforcement}, employed by governments, enforce laws.

**arrest**

Police have power to enforce law-breaking claims {arrest}. Courts can authorize accused-person detention.

**black and white car**

Police cars {black and white car} often have black and white colors.

**bounty**

People can receive rewards {bounty}| for performing services, such as capturing outlaws.

**detention**

Police can keep people in custody {detention, law}|.

**dragnet**

Police use procedures {dragnet}| to find and arrest people responsible for crimes.

**house arrest**

Police can confine people to their homes {house arrest}|.

**police power**

Secret police can control citizen lives {police power}|.

**SOCI>Law>Bail****bail in law**

People can post money with court to avoid jail while awaiting trial and to guarantee return of accused to court {bail, law}|.

**bond in law**

Arrested people, whom judges think plan to flee, can avoid prison by paying court fees {bond to release prisoner}.

**mainprize**

ordering sheriffs to take bail {mainprize}.

**SOCI>Law>Criminal Charge****charge in law**

States can accuse people of crimes {charge, crime}|.

**arraignment**

Courts tell accused persons criminal charges {arraignment}|, after which accused can make statements or enter pleas.

## **SOCI>Law>Lawsuit**

### **suit in law**

Lawsuits {suit, law}| {lawsuit} can initiate civil cases.

### **action in law**

Civil or criminal court proceedings {action, law} can enforce rights or redress wrongs.

### **legal cause**

Lawsuits have legal bases {legal cause}.

### **lis pendens**

Pending suits {lis pendens}| are suit notices.

### **nonsuit**

Prosecutors can fail to prosecute cases, or plaintiffs can fail to introduce evidence {nonsuit}.

## **SOCI>Law>Lawsuit>Settlement**

### **abatement**

Death or other causes can end lawsuits {abatement}, or claims can be lower than funds available.

### **accord and satisfaction**

Payments or actions can settle claims or lawsuits {accord and satisfaction, lawsuit}.

## **SOCI>Law>Trial**

### **trial in court**

Litigants meet in courts {trial, court}|. Plaintiff is typically city, county, or state. Defendants have lawyers, perhaps public defenders.

### **process**

If defendant has right to jury trial and exercises that right, court selects jury. Court official reads complaint. Prosecutor presents evidence and witnesses. Witnesses face direct examination, cross-examination, and redirect examination. After prosecution presents case, defense presents evidence and witnesses. At any time, judges can hear motions from defense lawyers for case dismissal on grounds of illegally obtained evidence, insufficient evidence, no witnesses, or improper trial conduct. Judge or jury decides defendant's guilt or innocence. Accused must be guilty beyond reasonable doubt.

### **end**

Trials can end by acquittal, conviction, or mistrial. Guilty pleas and requests for leniency by defendants can end trials. Trials can end by hung juries, nolo contendere, or appeals. Appeals can only allege law violations or improper court procedure.

### **evidence**

Physical evidence, documents, affidavits, hearsay evidence, circumstantial evidence, inadmissible evidence {evidence} can indicate proof {probative evidence} or judgment without cause {prejudicial evidence}.

## **SOCI>Law>Trial>Personnel**

### **judge**

People {judge} lead courtrooms and interpret laws.

### **clerk of court**

People {court clerk} {clerk of court}| manage court records and actions and can assist both parties, if necessary.

### **bailiff**

Officers {bailiff}| enforce courtroom rules.

## **SOCI>Law>Trial>Personnel>Lawyer**

### **attorney-at-law**

Bar members and court officers {attorney-at-law} can give legal advice and act in courts.

### **attorney-in-fact**

Authorized people {attorney-in-fact} can act for other people.

### **counselor in law**

lawyer {counsel, lawyer} {counselor, lawyer}| {lawyer}. Professional lawyers have a Juris Doctor (Doctor of Law) J.D. degree. Honorary lawyers have a Legum Doctor (Doctor of Laws) LL.D. degree. Academic lawyers have a Scientiae Juridicae Doctor (Doctor of Judicial Science) S.J.D. degree.

### **retainer as lawyer fee**

People can pay fees {retainer, lawyer} to lawyers for services.

## **SOCI>Law>Trial>Personnel>Lawyer>Litigants**

### **defendant**

Trials have accused persons {defendant}|. In trials, defendants give all facts to their lawyers. They try to be groomed, sincere, honest, and straightforward. They do not talk to others about case, unless their lawyers are present. They have nothing to do, unless strategy is for them to take witness stand and answer questions.

### **defense**

Defendants in civil cases try to prove no action or no damages or injuries. Defendants in criminal cases try to prove no crime or no involvement in crime. If defendants are guilty in criminal cases, defenses try to prove that defendants were not responsible for actions. If defendants are guilty in civil cases, defenses try to prove that plaintiffs were negligent. Ignorance of law is a defense.

### **rights**

People have right to trial by jury and to confront witnesses. People have right not to incriminate themselves. Guilty pleas waive both rights.

### **defense**

Lawyers {defense} can be for accused persons.

### **plaintiff**

Trials have persons {plaintiff}| with complaints. In English or American trials, burden of proof is on plaintiff. Plaintiffs in civil cases try to prove damages or injuries.

### **prosecutor**

States or plaintiffs have lawyers {prosecutor}|. In English or American trials, burden of proof is on prosecution. Prosecutors in criminal cases try to prove defendants committed crimes.

### **public defender**

Court-appointed lawyers {public defender}| represent defendants.

## **SOCI>Law>Trial>Court**

### **court**

In regulated settings {court}, lawyers argue law-breaking claims before judges. Local courts are small claims court, traffic court, and magistrate's court. State criminal courts are circuit courts and Supreme Court.

### **venue**

Courts have locations {venue}|.

## **SOCI>Law>Trial>Court>Kinds**

### **justice of the peace**

In earlier times, local magistrates {justice of the peace} heard small civil actions, performed marriages, and handled divorces.

### **small claims court**

County or city courts {small claims court} can hear cases involving less than \$1000, within months of filing. Courts have judge, plaintiff, and defendant. Both can have lawyers, but lawyers are too costly. Filing fees are small. Defendants pay no fee. Clerk of court manages court records and actions and can assist both parties, if necessary.

### **traffic court**

Courts {traffic court} can handle traffic violations. Defendants are typically guilty, unless arresting officers do not appear.

### **magistrate's court**

Local courts {magistrate's court} {court of original jurisdiction} hear civil and criminal cases.

### **probate court**

Courts {probate court} can rule that wills are valid.

### **superior court**

Courts can be municipal or county courts {superior court}.

### **trial court**

Courts {lower court} {trial court} can be first to hear cases.

### **state court**

Courts {state court} can be civil or criminal courts. State civil courts hear disputes between two individuals, businesses, or governments. State criminal courts conduct trials against accused state-law violators.

### **appellate court**

Appeals can only allege law violations or improper court procedures. Higher state courts {appellate court} {court of appellate jurisdiction} hear appeals. State appellate courts must consider all appeals and issue opinions.

### **federal court**

Courts {federal court} can hear Constitutional-law questions, federal-law questions, conflicts between states, and civil suits involving citizens of different states. Federal courts are district courts, appellate courts, and USA Supreme Court. Federal courts can refuse to hear appeals.

## **SOCI>Law>Trial>Documents**

### **affidavit**

People can swear to written statements {affidavit} before notary publics and other people with authority to hear oaths.

### **appeal in law**

Requests {appeal} can ask higher courts to review cases.

### **arrest warrant**

Court orders {arrest warrant} can order police to find someone and charge him or her with crime.

### **bench warrant**

Courts can issue warrants {bench warrant} to arrest someone for contempt of court or to fulfill indictments.

### **bill of indictment**

Grand juries make written indictments {bill of indictment}.

**bill of particulars**

Suit claims list details {bill of particulars}.

**bill of costs**

Lawsuit losers must pay itemized expenses and allowances {bill of costs}.

**brief in law**

Lawyers can present legal arguments {brief}|.

**calendar in law**

Courts have lists {calendar, law} {trial list} of cases to try in sequence each day.

**capias**

Writs {capias}| can authorize arrests.

**citation in law**

Courts can issue orders {citation, law}| to appear in court.

**construction of document**

Courts determine document meanings {document, construction} {construction of document}.

**court order**

Courts can issue written orders {court order}| that are not judgments: habeas-corpus writs, subpoenas, arrest warrants, and search warrants.

**decree**

Courts make final judgments {decree}.

**deposition in trial**

Witnesses can make written statements {deposition, trial} under oath.

**divorce decree**

Documents {divorce decree} can state divorce place and date.

**docket**

Courts have case date-and-time schedules {docket}|.

**grievance**

People can make formal complaints {grievance, law}| about problems or actions.

**indictment**

Grand juries issue criminal or civil charges {indictment}|, or written documents can charge people with crimes.

**injunction**

Court orders {injunction}| can tell persons or businesses to do or not do actions.

**judicial notice**

Courts can accept certain facts without evidence {judicial notice}|, such as geography, state laws, and history.

**pleading**

Parties in civil suits present written statements {pleading}|.

**satisfaction of judgment**

Documents {judgment, satisfaction} {satisfaction of judgment} can show that recorded judgments have been paid.

**scire facias**

Court documents {scire facias} can require party to appear and discuss case.

**search warrant**

Court orders {search warrant}| can allow entry into private property to look for specific items.

**subpoena court order**

Court orders {subpoena}| can require someone to appear as witness before court.

**subpoena ad testificandum**

Subpoenas {subpoena ad testificandum} can be for witness to appear and testify.

**subpoena duces tecum**

Subpoenas {subpoena duces tecum} can be to present evidence in person's possession.

**summons in law**

Written documents {summons}| can notify people that action has started and require them to appear in court to answer charge.

**venire summons**

Summons {venire} can be to prospective jurors.

**venire facias**

Court orders {venire facias} can tell sheriff to summon a jury.

**verification in law**

Affidavits {verification} can confirm document contents.

**warrant in law**

Courts can issue authorizations {warrant}|.

**writ in law**

Court orders {writ, court order}| can require public officials to perform specific acts.

**writ of habeas corpus**

Court orders {habeas corpus writ} {writ of habeas corpus}| can force jailers to explain why a person is in jail.

**SOCI>Law>Trial>Plea****plea in law**

Defendant statements {plea}| can answer claims in complaints or charges.

**demurrer**

Pleas {demurrer}| can admit truth of other party's claim but state that facts are not sufficient to uphold claim under law.

**disability in law**

People can lack legal capability {disability, law}|.

**innocence in law**

People can have no guilt for actions {innocence, law}|. Age, incompetence, or duty can cause people to be innocent. In USA and England, courts presume accused persons are innocent.

**nolo contendere**

Pleas {nolo contendere}| in criminal cases can state that defendant will make no defense but will admit no guilt.

**replication in law**

Plaintiffs can respond to pleas {replication, law} {reply, law}.

**SOCI>Law>Trial>Jury****jury**

Jurors {jury, law} independently judge cases, based solely on evidence presented in court. At trial conclusions, judges give instructions to juries, telling jurors law, case nature, what they must decide, and on which basis to decide. Jury trials require 12 peers of petit jury to unanimously judge innocence or guilt. Grand juries meet to determine who committed crimes.

**challenge in law**

Lawyers have right to object to juror selections {challenge, juror}.

**charge the jury**

Judges give instructions in law to juries {charge the jury}|, before juries retire to deliberate cases.

**hung jury**

Petit-jury verdicts must be unanimous, so jurors usually must compromise. If all jurors cannot agree on verdict {hung jury}|, court suspends case.

**juror**

Jurors {juror}| must be between 21 and 70 years old, be in good health, be sane, and be reasonably intelligent. They must have no felonies or misdemeanors involving moral turpitude. Jurors must not belong to radical parties. Government officials and professionals, including journalists, are exempt from jury duty.

**jury selection**

Courts draw up veniremen {jury selection}.

**veniremen**

Courts list possible jurors {veniremen} for trials.

**verdict**

Juries have private discussions to try to determine guilt or innocence {verdict}|. Petit-jury verdicts must be unanimous, so jurors usually must compromise.

**voir dire**

Lawyers question possible jurors {voir dire}| about case, to see if they have prior knowledge, personal prejudice, or relation to people involved, which can cause disqualification.

**SOCI>Law>Trial>Jury>Kinds****grand jury**

After hearing evidence from state prosecutors and deciding if evidence is sufficient to charge people with crimes, sworn groups {grand jury}| can make indictments.

**petit jury**

At trial, twelve or less people {petit jury}| {petty jury} decide civil cases and award damages or decide criminal cases.

**SOCI>Law>Trial>Witness****witness**

Courts can summon people {witness}|, who saw crimes or know something that can contribute to solving cases, to testify. Witnesses for prosecution or defense review facts with prosecuting or defense attorneys before trial.

**deposition of witness**

Attorneys for both parties can interview witnesses and record interviews word for word {deposition, witness}|.

**direct examination**

At trials, witnesses answer questions from calling attorney {direct examination}|.

**cross-examination**

At trials, witnesses answer questions from opposing attorney {cross-examination}|.

**redirect examination**

At trials, after cross-examination, witnesses answer questions from calling attorney {redirect examination}|.

**SOCI>Law>Trial>Witness>Testimony****attest**

Witnesses can sign {attest}| statements.

**averment**

Witnesses can testify about fact statements {averment}|.

**deponent**

People {deponent}| can make written statements under oath.

**friend of the court**

Courts can allow parties {amicus curiae} {friend of the court}| to give evidence or present arguments, because parties have interest in case. Friends of court have no right to do those things, only court permission. Lawyers can represent neither defendant nor plaintiff but present relevant evidence.

**hearsay**

Evidence {hearsay} can come from secondary sources.

**presentment in law**

People can make formal statements {presentment}|, or grand juries can report, to courts.

**state's evidence**

Accused persons can testify against another accused person {state's evidence}|.

**SOCI>Law>Trial>Decision****adjudication**

Courts decree or judge {adjudication}|.

**acquittal**

Judgments {acquittal}| can be not-guilty verdicts in criminal cases, release people from contract obligations, or dismiss charges on legal grounds.

**arrest of judgment**

Courts can postpone judgments {arrest of judgment}|.

**certiorari**

Court proceedings {certiorari} can review government-agency or lower-court decisions.

**continuance**

Courts can adjourn to another day {continuance}|.

**conviction**

Judges or juries can find defendants guilty {conviction}|.

**deportation**

Courts can expel people from countries {deportation}|.

**dictum**

Judges evaluate how current case differs from, and is similar to, previous cases {dictum}|.

**enjoin**

Courts can require acts or order someone to desist from acts {enjoin}|.

**joinder**

Courts can formally accept {joinder} questions.

**mistrial**

Trials can end by court-procedure errors {mistrial}|.

**nolle prosequi**

Prosecutors can decide on no prosecution {nol. pros.} {nolle prosequi}|.

**probable cause**

People are likely to be guilty for reasons {probable cause}|.

**proscription**

Courts can prohibit actions {proscription}|.

**remand**

Courts can send cases back to lower courts to correct mistakes {remand}|.

**SOCI>Law>Trial>Penalty****fine in law**

Losing party can pay the crime's monetary penalty {fine, penalty}|.

**court costs**

Losing party must pay court {court fee} {court costs}|.

**SOCI>Law>Kinds****blue law**

Governments can require businesses to close on Sundays or enact laws {blue law}| against certain pleasures.

**blue-sky law**

Laws {blue-sky law}| can control sales of risky or fraudulent securities.

**bylaw**

Organizations can have rules {bylaw}| for conducting internal work, such as electing officers, voting, administering, and controlling finances.

**constitution in law**

basic national law {constitution, law}|.

**grandfather clause**

Law clauses {grandfather clause}| can exempt people already doing something.

**martial law**

emergency military rule {martial law}|.

**ordinance**

local law {ordinance}|.

**positive law**

Law has natural, moral, just, and right parts, and parts that are human conventions {positive law}.

**statute of limitations**

Laws {statute of limitations}| {limitations statute} can limit time after crimes in which prosecution can begin.

**unwritten law**

Laws can be customs {unwritten law}.

**SOCI>Law>Kinds>Code****codification**

law systematization {codification}| {law code}.

**penal code**

Laws {penal code}| can list penalties about felonies and misdemeanors.

**SOCI>Law>Kinds>Case Law****case law**

New-case judgments depend on previous-case results {case law}.

**focal meaning**

Cases are similar to central cases, which define dispute essence {focal meaning} and are models of justice and morals.

**indeterminacy in law**

Legal positivism states that controversial cases have no correct answer, because past cases and laws do not apply {indeterminacy}, requiring new law. Legal realists state that no case has correct answer, because existing law and cases do not cover exact case and/or are inconsistent.

**precedent**

Judges decide cases {precedent}| to establish case law for future similar situations.

**stare decisis**

English legal system depends on the rule "stand by decided cases" {stare decisis}|, or law as established by previous decisions.

**SOCI>Law>Kinds>Statutory Law****statutory law**

European, Latin American, and Asian law {statutory law}| has statutes based on Napoleonic Code, with no common law. Statutory law includes civil law, public law, and criminal law. Napoleonic Code or Code Civil had statutes for all law branches. It derived from Roman law and Roman Catholic Church canon law. Many laws of England, United States, and Commonwealth countries are statutes or regulations.

**administrative law**

Executive and legislative government branches have procedures {administrative law}.

**civil law**

Statutory law includes private-affairs laws {civil law}|.

**criminal law**

Statutory law includes crime and punishment laws {criminal law}|.

**public law**

Statutory law includes government and commerce laws {public law}|.

**regulation as law**

England, United States, and Commonwealth country laws {regulation, law}| can be from executive branch.

**statute law**

England, United States, and Commonwealth-country laws {statute}| can be in law codes.

**SOCI>Law>History**

**Manu law**

lawgiver

India

-1500 to 200

Laws of Manu or Institutions of Manu [-1500 to 200]

By legend, Manu [-1500] wrote Manu-smriti (Laws of Manu or Institutions of Manu), which defined caste system and punishments. Manu-smriti is one of eighteen smritis of Dharma Sastra (Scriptural Texts of Righteous Conduct).

**Abu Hanifah Ne'man Ben Sabbet [Hanifah Ne'man Ben Sabbet, Abu] or al-A'zam Abu Hanifah [Hanifah, al-A'zam Abu] or Abu Hanifa [Hanifa, Abu] or Great Imam**

lawyer

Persia

767

Greater Understanding [767: Islamic law]

He started Islamic law study.

**SOCI>Law>History>Chinese Law**

**Hui Shih or Hui Shi**

philosopher

China

-350 to -330

He lived -380 to -300, belonged to Mingjia School of Names, studied rhetoric, and invented paradoxes. Ming-chia or Mingjia School of Names had dialecticians in Warring States period [-475 to -221].

**Kung-sun Lung or Gongsun Long**

lawyer

Chang'an (Xian), China

-290 to -270

Meaning and Things [-290 to -270]

He lived -320 to -250, belonged to Ming-chia School of Names, studied rhetoric, and invented paradoxes, such as "A white horse is not a horse".

**Han Fei**

lawyer

Chang'an (Xian), China

-234

Hanfeizi or Master Han Fei [-234]

He lived ? to -233, was Legalist, and studied prestige, laws, and punishments by rulers.

## **SOCI>Law>History>Egyptian Law**

### **Egyptian**

law

Egypt

-3000

In myth, the god Thoth gave laws to Egyptians. Egypt had an enatic, matriarchal family system.

### **Egyptian**

law

Egypt

-1400

Pharaohs negotiated trade and merchant treaties with other rulers.

## **SOCI>Law>History>Celtic Law**

### **Martia or Martia Proba or Martia the Just**

queen

London, England

200 to 300

Martian Statutes or Laws of Martia

She recorded Celtic laws. Later, Alfred and Edward the Confessor used these laws.

### **La Tene**

civilization

Ireland

200 to 700

Ireland had 150 kingdoms {tuath}, in five provinces, including Meath. Extended families {fine, family} were main social unit.

### **Dal**

assembly

Tara, Ireland

600

Tribal assemblies {dal} met.

## **SOCI>Law>History>Jewish Law**

### **Hebrew**

law

Israel

-1000

Offending object was object of revenge. Old Testament relates that an ox that gored someone was killed and flesh not eaten.

Clans and families held all land. Every seventh year, it banned agriculture. Every 7 years times 7, 49 years, all leases ended, and all land redistributed.

Slavery increased with increase in agriculture and barter. Every 49 years, slaves became free.

Treaties regulated trade and merchants.

Laws prohibited money lending at interest, outlawed perjury and stealing, and used negligence.

### **Ezra**

scribe

Babylon/Jerusalem, Palestine

-459

Mosaic Law Additions [-459]

During reign of Cyrus the Great, he compiled Mosaic-Law additions by borrowing from Code of Hammurabi. From Babylon, he went back to Jerusalem [-459], taking 5000 Jews with him.

### **Nehemiah**

governor

Jerusalem, Palestine/Shushan, Persia

-445 to -413

Mosaic Law Additions [-430]

He was governor of Judea under Persian Empire. During reign of Cyrus the Great, he compiled Mosaic-Law additions by borrowing from Code of Hammurabi.

### **Sanhedrin or Gerousía or Assembly of the Ancients**

assembly

Israel

-250 to 135

Sanhedrin was highest legal assembly, with seven learned men chosen from scribes, priests, and great families. Small Sanhedrin had 23 judges and tried criminal cases. These courts usually modified the law's harsh penalties.

### **Pharisees**

sect

Israel

-200 to 135

Pharisees emphasized separation from heathens, strict law observance, and no violence. They used only written law and oral traditions. In higher schools, teaching method was like Socratic method.

### **Zealots**

sect

Israel

-200 to 135

Zealots emphasized separation from heathens and strict law observance and used violence to establish state.

### **Essenes**

sect

Israel

-150 to 100

Essenes advocated law interpretation based on kindness and mercy and favored poverty, self-denial, and self-subordination.

### **Sadducees**

sect

Israel

-150 to 135

Priests and administrators sided with Greek and Roman administrators. They used only written law.

### **Hillel I or Hillel the Elder**

lawgiver

Jerusalem, Israel

-20 to 20

Prozbul or Document That Gives Supervision of a Loan to a Jewish Court [-20 to 20]

He lived ? to 20, codified the Mishnah based on rules {seven rules, Hillel}, and founded Beit Hillel or House of Hillel school. Do not do to people what you would not like them to do to you {golden rule, Hillel}.

### **Herodians**

sect

Israel

-20 to 135

Sadducees wanted to make secular state.

### **Shammai**

lawgiver

Jerusalem, Palestine

20 to 30

18 ordinances [20: rescinded in 70]

He lived ? to 30 and founded Beit Shammai or House of Shammai school, which favored mild restrictions.

### **SOCI>Law>History>Greek Law**

#### **phratry**

clan

Greece

-800

Before city-states, clans banded together to form brotherhoods {phratry} for religious rites. Councils formed, including priests and family leaders. Assemblies of all adult males formed.

#### **Zaleucus of Locri**

lawgiver

Greece

-664

law code [-664]

He published first Greek law code.

#### **hoplite**

soldier

Greece

-650

Soldiers {hoplite} had armor, helmets, spears, shields, and formations.

#### **Draco or Dracon**

lawgiver

Athens, Greece

-621 to -620

law code [-621]

He gave more people right to vote, eliminated personal revenge, published a harsh criminal code prescribing death penalty for most crimes, and set property rights that favored upper class.

#### **Solon**

lawgiver

Athens, Greece

-594

ordinances [-594]

He lived -638 to -558 and codified laws that protected peasant lands from merchants, opened assembly to all free men, gave power to assembly, and created Council of the Four Hundred as trial jury [-594].

Demiurgoi selected Solon to reform law and to be dictator and forced eupatrids to approve. Solon declared amnesty, abolished all Draco's laws except for murder, and codified Greek law. Athenians had to take oaths not to alter his laws for 100 years, and his laws held for 50 years.

He established plutocracy. He reordered social classes based on property and taxed them accordingly. Social classes, from highest to lowest, were eligible for fewer and fewer offices.

He kept Council of Areopagus but reduced its powers. He gave assembly {ekklesia} power to elect the nine governors {archon}. He created council {boule, council} of 400 people, one hundred from each Attic tribe, to bring legislation before assembly.

He devalued currency and reduced or eliminated all debts. He freed citizens enslaved through debt and bought back citizens sold to foreigners. He ended making debtors slaves. He limited land owned by one person.

He allowed citizens to indict any person. He allowed citizens to be on juries.  
He allowed man who had no sons to make will.  
He held state responsible to educate sons of men killed in battle.  
He legalized prostitution. He closely regulated behavior of women and conduct in society.

### **Aeropagus**

assembly  
Greece  
-500

First city-state assemblies {Aeropagus} included all adult males. In assemblies, nobles and commoners had one vote each. Assemblies declared war, negotiated peace, banished people, and imposed death sentence.

King was leader, and council was priests and family patriarchs. Social classes were rigid. Aliens could not be citizens.

### **Greek patriarchy**

law  
Greece  
-500

Families were patriarchal. Families had separate houses to ensure privacy of family gods, associated with hearth. Ancestor burial places were sacred.

Private property arose. It recorded titles and leases. Sons got equal land shares. Neutral strips separated fields of different families. No alien owned land. There were many slaves.

In marriage, bride wore white, veil, crown, and gown. Groom had to carry his bride over threshold, against her mock resistance. They ate cake after the wedding to show union.

The Greek goddess Themis controlled moral law and harmony. Her daughters were Dike, for divine law and morality, and Eunomia, for law and order.

### **Greek traders**

trader  
Athens, Greece  
-500

Traders developed banking system, had religious corporations, and had trading syndicates and business groups, an idea borrowed from Babylonians.

### **metic**

law  
Greece  
-500  
citizens {metic}.

### **thesmoi**

law  
Greece  
-500

Priest sacred rituals, customs, and practices {thesmoi} {thesmothetai} became laws {nomoi}, which local committees often revised.

### **Greek crime**

law  
Athens, Greece  
-462

Criminal punishments were milder than in other countries. The state enforced criminal penalties. Greece did not imprison criminals much. In civil cases, victor had to enforce judgment himself.

### **Greek jury**

jury

Athens, Greece

-462

Each year, lots selected 6000 citizens. Because there were many cases, jury duty was full-time job. Immediately before trial, to prevent bribery, lot selected 500 jurors to form jury {dicastery}. Litigant presented his case or hired orator. Evidence was also in writing. People {compurgator} swore that person was innocent or that plaintiff was right. Law advisors {exegetai} helped jury. Juries did not debate but only voted.

### **Athens Constitution**

constitution

Athens, Greece

-450 to -350

Constitution changed often, resulting in less authority, less religion, fewer customs, and new laws and principles for society.

### **Law of the Hellenes**

law

Greece

-300

Greek city-states established war rules. Rules protected prisoners, established method to formally declare war, described arbitration under treaty, forbid poisoning weapons, prohibited temple and embassy ransacking, established ambassador privileges, and established right of asylum.

### **Achaean League**

league

Greece

-280

League joined city-states.

### **Aeolian League**

league

Greece

-280

League joined city-states.

## **SOCI>Law>History>Roman Law**

### **Curial**

assembly

Rome, Italy

-600

Curia family groups began. A family-leader assembly {Curial Assembly} formed, in which curias had one vote. Curial Assembly witnessed wills and adoptions and formally gave imperium to officials but was not important in Roman Republic.

### **plebs**

assembly

Rome, Italy

-600

A plebian citizen assembly {plebs} voted on private laws.

### **pontifex**

law

Rome, Italy

-500 to -300

Priests {pontifex} used rituals for proceedings and kept forms and rites secret. Priests conducted trials, and involved people consulted priests.

**Roman tribe**

tribe

Rome, Italy

-494

Roman territory had districts {tribe, Rome}. Property-owning citizens were in one tribe. Citizens who did not own property were not in tribe. Later, tribe membership became hereditary.

**proconsul**

assembly

Rome, Italy

-494 to -81

Magistrates {proconsul} {propraetorin} ruled provinces.

**Senate**

assembly

Rome, Italy

-494 to -81

Senate had 300 members elected for life, approved legislation passed by popular assemblies, and called emergencies. It controlled finances, religion, building, foreign affairs, law between cities, and law of aliens. It advised magistrates on bills that they presented for judgment. It extended magistrate terms. It appointed proconsuls to rule provinces.

**Decemviri or Ten Men**

lawgiver

Rome, Italy

-451

Code of the Twelve Tables [-451: modified Roman law]

Twelve Tables included criminal, contract, tort, family, wills, succession, property, and sacred law. It had legal-action and court-procedure rules {procedural law}. It had laws {substantive law} about rights and justice. It included enforcement procedures, public punishments, and harsh liability penalties.

It prohibited private revenge, allowed immediate seizure by wronged person of claimed object or person, and fixed tariffs for injuries.

It distinguished willful from accidental homicide.

It limited interest rates, gave debtors harsh penalties, defined debtor's liabilities, and gave grace period to debtors.

It prohibited excessive funerals and excessive bequests.

**lex Canuleia**

law

Rome, Italy

-445

Law of Canuleius [-445]

Laws allowed connubium between patrician and plebian.

**Centurial**

assembly

Rome, Italy

-400

Soldiers organized into 100-men centuries. The soldier assembly met only when called by tribune. Centuries cast one vote. Centurial Assembly selected magistrates, judged murder and treason cases, and declared war, in response to Senate proposals. After overthrow of kings, Centurial Assembly gained power as Curial Assembly lost power. Over time, plebians gained entrance into Centurial Assembly.

**Gaius Licinius [Licinius, Gaius]/Lucius Sextus [Sextus, Lucius]**

law

Rome, Italy

-367

Licinian-Sextian Law [-367]  
Laws required at least one consul to be plebian.

#### **Tribal**

assembly  
Rome, Italy  
-357  
Tribal assembly formed but met only when called by tribune.

#### **Tribal**

assembly  
Rome, Italy  
-312  
Tribal Assembly began to elect lower ranking officials. Landless people and new citizens were in the four original urban tribes.

#### **Gnaeus Flavius [Flavius, Gnaeus]**

lawyer  
Rome, Italy  
-312 to -304  
Civil Law [-312 to -304]  
He published the oral court-action forms, which priests { pontifex } had kept secret before, but which were already public knowledge.

#### **Roman lawyers**

lawyer  
Rome, Italy  
-300 to -50  
The senatorial class began to offer free legal advice, supplanting priests. They gave evaluated case merits before cases went to praetors, suggested which formal oral proceeding to use, and served on praetor advisory councils.

#### **Hortensius**

law  
Rome, Italy  
-287  
Hortensian law [-287]  
Laws passed by the plebian Assembly became binding on all citizens.

#### **Senate veto**

assembly  
Rome, Italy  
-287  
Senate lost right to veto laws passed by Assembly.

#### **lex Aquilia**

law  
Rome, Italy  
-286  
Law of Aquilius or Law of Tort [-286]  
Laws defined claims of masters against harmers of their slaves or animals.

#### **Roman law teachers**

lawyer  
Rome, Italy  
-250  
Roman lawyers taught their apprentices law.

**Roman praetor**

law

Rome, Italy

-242

Senate elected a praetor to judge citizens and a second praetor to judge cases involving aliens.

**Centurial**

assembly

Rome, Italy

-241 to -218

35 tribes had one old and one young century, in five classes, making 350 centuries. Centurial assembly elected consuls, praetors, and censors and voted on bills proposed by consuls. It met when consuls summoned it.

**Marcus Porcius Cato Censorius [Cato Censorius, Marcus Porcius]**

lawgiver

Rome, Italy

-214 to -185

On military things [-214 to -185]; Essay on Conduct [-214 to -185]; On filial piety [-214 to -185]; On Agriculture [-214 to -185: agriculture law]

He lived -234 to -149 and was Tribune [-214] and Censor [-185]. His son was Marcus Porcius Cato Licinianus, who wrote *De iuris disciplina*.

**Sextus Papirius [Papirius, Sextus]**

lawyer

Rome, Italy

-200

Pontifical Law or Law of Sacrificial Rites or Law of Papirius [-200: Roman traditional laws]

He collected Roman traditional laws {leges regiae}.

**Tribal**

assembly

Rome, Italy

-200

Tribal Assembly became more powerful than Centurial Assembly. Controlled by patricians, it met only when called by tribune. It established laws {maiestas} and rejected bills presented by officials.

**Sextus Aelius Paetus [Paetus, Sextus Aelius] or Catus**

lawgiver

Rome, Italy

-200 to -190

Three Parts of Law [-200 to -190: first systematic law book in west Europe was about Roman law actions and discussed the Twelve Tables]

He was Curule Aedile [-200], Consul [-198], and Censor [-194].

**ius civile**

law

Rome, Italy

-200 to 1

Civil-law code began.

**ius praetorium**

law

Rome, Italy

-200 to 1

Civil law developed.

**Manius Manilius [Manilius, Manius]**

lawyer

Rome, Italy

-155 to -148

Roman Sales Contracts [-150]

He was Proconsul [-155 to -154] and Consul [-148] and invented Roman sales contracts.

**lex Aebutia de formulis**

law

Rome, Italy

-149 to -125

Law of Aebutius or Aebutian Law Concerning the Lawful Forms of Private Actions [-149 to -125]

Laws allowed standard forms of presenting cases to trial judges for all cases, gradually ending legis actiones. Legal cases used written statements, containing facts, legal questions, and basis on which judge should decide.

**Marcus Iunius Brutus [Brutus, Marcus Iunius]**

lawyer

Rome, Italy

-142

Civil Law [-142]

He was Praetor [-142].

**Publius Mucius Scaevola [Scaevola, Publius Mucius]**

lawyer

Rome, Italy

-141 to -130

Complete Annals [-130]

He lived ? to -113 and was Tribune [-141] and Consul [-133].

**Quintus Mucius Scaevola [Scaevola, Quintus Mucius] or Augur**

lawyer

Rome, Italy

-106 to -95

Civil Law [-106 to -95: 18 volumes]; Single Book [-106 to -95: legal terms and basic principles]

He lived ? to -88, was Publius Mucius Scaevola's son, systematized Roman law, and taught Cicero. He was tribune [-106], aedile [-104], and consul [-95], when, with Licinius Crassus, Lex Licinia Mucia denied Roman citizenship to some people in Italy, later causing Social War. He was governor of Asia, publishing edict for provincial administration. He was pontifex maximus.

**Roman praetors**

governor

Rome, Italy

-100

Senate elected praetors to govern newly conquered provinces.

**Roman quaestors**

quaestor

Rome, Italy

-100

Twenty quaestors assisted consuls.

**tribunes**

official

Rome, Italy

-100

Tribe leaders increased to ten.

**praetorian edict**

law

Rome, Italy

-67

Praetors had to use standard format for edict {praetorian edict, praetor}.

**Servius Sulpicius Rufus [Rufus, Servius Sulpicius]**

lawyer

Rome, Italy

-65 to -51

Commentary on the Praetorian Edict [-65 to -51]; Commentary on the Twelve Tables [-65 to -51]

He lived ? to -43 and used dialectical method in law. He was Praetor [-65] and Consul [-51].

**Aulus Ofilius [Ofilius, Aulus]**

lawyer

Rome, Italy

-50

Praetorian Edict commentary [-50]

He was Rufus' student.

**Quintus Aelius Tubero [Tubero, Quintus Aelius]**

lawyer

Rome, Italy

-46

He tried to prosecute Quintus Ligarius [-46] for co-operation with Juba.

**Publius Alfenus Varus [Varus, Publius Alfenus]**

lawyer

Rome, Italy

-41 to -39

Digests [-40: 40 books]

He was Consul Suffectus [-39] and Rufus' student. He confiscated land for veterans, and he aided Virgil [-41].

**Gaius Trebatius Testa [Testa, Gaius Trebatius]**

lawyer

Rome, Italy

-30 to 1

Topics [-30 to 1: on ius civile and divine law]

He advised Augustus about informal codicil.

**Marcus Antistius Labeo [Labeo, Marcus Antistius]**

lawyer

Rome, Italy

-20 to 10

Pithana [-20 to 10: about Hittite king of Kussar in -1700]; Later Works [-20 to 10]

He lived -50 to 22 and provided the ideas of Proculian School of Roman law.

**lex Iulia**

law

Rome, Italy

-17

Law of Julius [-17]

Lex Aebutia became mandatory, ending formal oral proceedings.

**ius bellicum**

law  
Rome, Italy  
1 to 300  
War rules developed.

**ius fetiale**

law  
Rome, Italy  
1 to 300  
Rome codified formal war declarations.

**ius gentium**

law  
Rome, Italy  
1 to 300  
Laws governed conquered states and later all states.

**Gaius Ateius Capito [Capito, Gaius Ateius]**

lawyer  
Rome, Italy  
5  
On public judgments [5]  
He lived ? to 22, was consul [5], and provided the ideas of Sabinian or Cassian School.

**Augustus or Octavian**

emperor/lawgiver  
Rome, Italy  
14  
Julian laws [14: new family laws]  
He lived -63 to 14. Julian laws were new family laws.

**Sempronius Proculus [Proculus, Sempronius]**

lawyer  
Rome, Italy  
14 to 37  
Letters [14 to 37: 11 books for teaching]  
He lived -12 to 66, was Labeo's student, and founded Proculian School, which gave Roman-law interpretations for next 200 years.

**Massurius Sabinus [Sabinus, Massurius]**

lawyer  
Rome, Italy  
14 to 37  
Commentary on the Ius Civile [14 to 37: three books]  
He was Capito's student and founded Sabinian or Cassian School, which gave Roman-law interpretations for next 200 years.

**Gaius Cassius Longinus [Longinus, Gaius Cassius]**

lawyer  
Rome, Italy  
27  
Commentary on the Ius Civile [27]  
He was Capito's student.

**Pisonian conspiracy**

revolt  
Rome, Italy  
65  
Piso wanted to assassinate Nero [65].

#### **Lucius Neratius Priscus [Priscus, Lucius Neratius]**

lawyer  
Rome, Italy  
97  
Rules [97]; Book about Plautio [97]  
He lived ? to 117, was of later Proculian School, and was Consul Suffectus [97].

#### **legal opinions**

law  
Rome, Italy  
100 to 300  
Emperor gave right to give legal opinions to persons and then decreed opinions to be law.

#### **Publius Iuventius Celsus [Celsus, Publius Iuventius]**

lawyer/philosopher  
Rome, Italy  
106 to 129  
Digests [106 to 129: 39 books]  
He was of later Proculian School, was Middle Platonist, was praetor [106 or 107] and consul [129].

#### **Gaius Octavius Iavolenus Priscus [Priscus, Gaius Octavius Iavolenus]**

lawyer  
Rome, Italy  
110  
Letters [110: 16 books, standard Roman law text for next 300 years]  
He lived 43 to ?, was Consul Suffectus [97], and taught Emperor Julian about Roman law.

#### **Sextus Pomponius [Pomponius, Sextus]**

lawyer  
Rome, Italy  
117 to 161  
Handbook [117 to 161: introduction to law]; Commentary on the Edict [117 to 161]; Commentary about Quintus Mucius [117 to 161]  
He compiled laws and wrote history of Roman law.

#### **Salvius Julianus [Julianus, Salvius] or Julian**

lawyer  
Rome, Italy  
130 to 131  
Digests [130: codified Roman praetorian and equity law in 90 volumes]; Perpetual Edict [131]  
He was Sabinian School leader. Hadrian appointed him to codify Roman law. He prepared Hadrian's edict (Perpetual Edict), settling the praetorian law, including law of equity.

#### **Roman law schools**

law school  
Rome, Italy  
138  
Roman law schools of Albeo and Capito ended with Emperor Hadrian's death.

#### **Quintus Cervidius Scaevola [Scaevola, Quintus Cervidius]**

lawyer

Rome, Italy  
165 to 200  
Digests [170]  
He taught his student Papinian about Roman law.

#### **Ulpian [Ulpianus, Ulpian]**

judge  
Asia Minor/Rome, Italy  
170 to 180  
He lived 138 to 180 and studied Roman law. He was not Lucius Ulpian.

#### **Aemilius Papinianus [Papinianus, Aemilius] or Papinian**

lawyer  
Rome, Italy  
193 to 211  
Questions [193 to 211: law principles in 37 books]; Answers [193 to 211: 19 books]; Definitions [193 to 211: 2 books]; On Adultery [193 to 211]  
He lived ? to 212, was Scaevola's student, and looked for the principle and moral rule in law. He became Master of Petitions (Magister Libellorum) [193 to 211], whom commoners petitioned to be equites or to gain other duties. He later became General of the Guard (Praefectus Praetorii), assistant to emperor Severus.

#### **Julius Paulus or Paul**

lawyer  
Rome, Italy  
200  
Opinions [200]  
He wrote commentary on Perpetual Edict and analyzed Roman law logically.

#### **Domitius Ulpianus [Ulpianus, Domitius] or Ulpian**

lawyer  
Rome, Italy  
211 to 222  
Commentaries on Sabinus [211 to 222: 50 books about ius civile]; Commentaries on the Edicts [222: 83 books about edicts]; On the Office of Proconsul [211 to 222: 10 books about criminal law]  
He lived ? to 228, was prefect [222], and wrote a Perpetual-Edict commentary and a Roman-law summary.

#### **Roman officials**

lawyer  
Rome, Italy  
245  
Roman law scholars had to be officials.

#### **Cyrillus**

lawyer  
Beirut, Lebanon  
250  
He formed official law school to study classical authors' Roman-law opinions.

#### **Roman official law school**

law school  
Rome, Italy  
250  
Official law school formed in Rome to study classical authors' Roman-law opinions.

#### **Papinian/Paulus/Ulpian**

law

Rome, Italy  
250 to 350  
Vatican Fragments [250 to 350: Papinian, Paulus, and Ulpian opinions]  
Cardinal Angelo Mai discovered them in Vatican [1821].

#### **Arcadius Charisius [Charisius, Arcadius]**

lawyer  
Rome, Italy  
280 to 300  
Digests [280 to 300]  
He wrote about Roman law.

#### **Gregorius or Gregorianus**

lawyer  
Rome, Italy  
285 to 292  
Codex Gregorianus [292: collected imperial Roman-law opinions]  
He was magister libellorum under Diocletian [285 to 290].

#### **Hermogenianus**

lawyer  
Rome, Italy  
295  
Codex Hermogenianus [295: collected imperial Roman-law opinions]  
It associates with slightly earlier Codex Gregorianus.

#### **Beyrouth School**

law school  
Beirut, Lebanon  
300  
School included Patricius, Demosthenes, Eudoxius, Amblichus, and Leontius.

#### **Sentences of Paulus**

law  
Rome, Italy  
300  
Sentences of Paulus [300: 15 books based on Paulus' opinions]  
Visigoths used it.

#### **Ulpiani Regularum**

law  
Rome, Italy  
300  
Ulpian Rules [300: based on Gaius' opinions]  
Ulpian lived 160 to 228.

#### **Comparison of Mosaic and Roman Laws**

law  
Rome, Italy  
390 to 438  
Comparison of Mosaic and Roman Laws [390 to 438: compared Roman to Jewish law]  
It tried to show where they agreed.

#### **Constantinople**

law school  
Constantinople, Turkey

425

School formed to study classical authors' Roman-law opinions.

### **Tribonianus**

lawyer

Constantinople, Turkey

529 to 534

Body of Civil Law [534: edited Roman-law commentaries]; Institutes [534: Roman-law introduction based on Gaius' opinions, in four books]; Code of Justinian [534: imperial constitution and laws, in 12 books]

He lived ? to 545 and headed commission of 17 professors of the two official Eastern law schools to edit the many Roman-law commentaries. He was Justinian's quaestor sacri palatii. After five years, with nine others under appointment from Justinian, he codified law [529 to 534], based on Roman law.

### **Stephanus/Dorotheus of Beyrouth/Cyrillus of**

### **Beyrouth/Isidorus/Anthemius/Theodorus/Anatolius/Enantiophanes/Theophilus/Thalelaeus**

lawyer

Constantinople, Turkey

534 to 550

They copied, translated, or commented on Code of Justinian, but emperor banned them from pointing out Roman-law contradictions.

## **SOCI>Law>History>Feudal Law**

### **chivalry**

law

Europe

800 to 1100

Personal conduct rules {chivalry}| developed.

### **droit de seigneur**

law

Europe

800 to 1100

The legendary right of lord to spend the first night with new bride {droit de seigneur} probably was never reality.

### **Feudal manor courts**

court

Europe

800 to 1100

Manor fief courts were for local civil and criminal law but not for Church law.

### **Feudal marriage**

law

Europe

800 to 1100

The lord of the manor selected husbands for his female heirs {Feudal marriage}, was ward of infant heirs, and got land if tenants had no heirs.

### **primogeniture**

law

Europe

800 to 1100

First-born son inherited all deceased-father's real property {primogeniture, custom}|.

### **right of aid**

law

Europe

800 to 1100

Tenants contributed to pay lord's ransom, knight his son, or marry his daughter {aid right} {right of aid}|.

**right of relief**

law

Europe

800 to 1100

In first year, tenants gave lord one-year's income {relief right} {right of relief}|.

**territoriality**

law

Europe

800 to 1100

People were always under laws of where they were {territoriality, law}|, not of tribe or land of origin.

**SOCI>Law>History>German Law**

**law-speaker**

lawyer

Germany

600

Clan lawmen {law-speaker} knew oral law, advised at trials, and supervised trials.

**personal law**

law

Germany

600

German tribe members were always under tribe's law {personal law}. If two people from different tribes disputed, they used laws of tribe of person with dominant interest.

**dowry**

law

Germany

600 to 1000

Marriage required a money gift {dowry}|.

**Leges Barbarorum**

law

Germany

600 to 1000

German law, collected by Romans, was mainly criminal law, with some tort law and few procedures. German law used principle of "an eye for an eye" {Wergild}. Family or clan exacted revenge, not individual. Most trials were about torts. Disputants themselves did pleadings. For accidental injury, offender paid injured person. German law did not recognize private real property. With no commercial laws, visiting traders needed patron's protection. Marriage was sacred and was mostly monogamous. Marriage required a money dowry and gift exchange.

**Thing or Ting**

assembly

Germany

600 to 1000

German clan assemblies began.

**corps**

law school

Germany

1200

University students organized into groups {corps, law}.

**Ritter Eike von Reggow [Repgow, Ritter Eike von]**

lawyer

Saxony

1209 to 1233

Mirror of the Saxons [1209 to 1233: north-Germany Saxon law]

German common law was not Saxon but Roman law.

**Franz von Zeiller [Zeiller, Franz von]**

lawyer

Vienna, Austria

1810

Austrian Civil Code [1810]

Martini lived 1726 to 1800. Zeiller lived 1751 to 1828. Maria Theresa of Holy Roman Empire asked for code of private law based on Roman law [1753]. Codex Thesianus [1866] was long and ambiguous.

**Karl Joseph Anton Mittermaier [Mittermaier, Karl Joseph Anton]**

lawyer

Landshut, Germany

1815 to 1824

Critique of a Scientific Treatment of German Private Law [1815]; Foundations of Intent in German Private Law [1824]

He lived 1787 to 1867. His writings about criminal procedure resulted in German-law reforms.

**SOCI>Law>History>Canon Law**

**Catholic jurists**

lawyer

Europe

800 to 1100

Catholic jurists used both ius gentium and canon law and applied moral standards to international law. Catholic Church, Charlemagne, and subsequent kings supported them.

**Gratian**

lawyer

Bologna, Italy

1140

Decrees [1140]

He was Benedictine monk and codified canon law at Bologna University.

**Bernard of Pavia**

lawyer

Rome, Italy

1187 to 1191

Digest of Early Papal Documents or First Ancient Compilation [1187 to 1191]

He wrote about papal decretals from Gregory IX [1150 to 1227] to Clement III [1187 to 1191].

**Petrus Collivacinus of Benevento [Collivacinus of Benevento, Petrus]**

lawyer

Rome, Italy

1210

Third Compilation [1210]

He wrote about papal decretals from the first twelve years of Innocent III [1198 to 1210].

**John of Wales or Johannes de Walesio [Walesio, Johannes de] or Walensis or Galensis**

lawyer

Rome, Italy

1210 to 1216

Third Compilation [1210 to 1216]

He wrote about papal decretals from Clement III and Celestine III [1191 to 1198].

**Decretals**

lawyer

Rome, Italy

1216

Fourth Compilation [1216]

Papal decretals came from Innocent III [1210 to 1215].

**Honorius III**

lawyer

Rome, Italy

1227

Decretals [1227]

He wrote about other papal decretals.

**Inquisition**

inquisition

France

1233

Inquisition under Pope Innocent III started against Albigenses sect in south France.

**Decretum of Gratian**

law summary

Rome, Italy

1234

Decrees of Gratian [1234: sanctified by Catholic Church]

Gratian taught canon law at University of Bologna and wrote canon law book [1140].

**Council of Constance**

conference

Constance, France

1417

Council ended Great Schism of Catholic Church. However, simony, indulgences, corruption, non-celibacy, poorly educated lower clergy, and emphasis on power and money continued.

**Spanish Inquisition**

inquisition

Spain

1478 to 1483

Inquisition started under Tomas de Torquemada. He enforced Catholic orthodoxy and censored books and art. Spain threw out Jews and Moors.

**Lateran Council**

conference

Rome, Italy

1485

Lateran Council under Pope Leo X (Giovanni de Medici) failed to approve reform.

**Inquisition**

inquisition

Naples, Italy  
1510  
Inquisition ended in Naples.

### **Inquisition**

inquisition  
Rome, Italy  
1542  
Inquisition moved to Holy Office, which decided faith, orthodoxy, and censorship matters.

### **First Council of Trent**

council  
Trent, Italy  
1545 to 1563  
Under Pope Paul IV, it reformed canon law, reformed church practices, and reorganized church. It condemned Pelagianism as heresy.

### **Second Council of Trent**

conference  
Trent, Italy  
1550 to 1551  
Under Pope Julius III, it reformed Roman Catholic practices.

### **Index**

inquisition  
Rome, Italy  
1557  
Inquisition listed banned books.

### **Third Council of Trent**

conference  
Trent, Italy  
1562  
Cardinal Charles Borromeo and Pope Pius IV reopened Council of Trent, which reformed clerical life and education and led Catholic Counter-Reformation.

### **Corpus Juris Canonici**

law  
Rome, Italy  
1582 to 1917  
Canon Law [1582: canon law new edition]  
It included Decree of Gratian [1141 to 1150], Decretals of Pope Gregory IX [1234], Sext, Clementines, Extravagants of John XXII, Common Extravagants, and Liber Sextus (Sixth Book) of Boniface VIII.

### **Spanish Inquisition**

inquisition  
Spain  
1820  
Spanish Inquisition ended in Spain.

### **Vatican Council**

council  
Rome, Italy  
1870  
Council stated that Pope was infallible on Roman Catholic Church matters.

**Benedict XIV**

pope

Rome, Italy

1917

Constitutions [1740 to 1758]

He lived 1675 to 1758.

**Codex Juris Canonici or Code of Canon Law**

law

Rome, Italy

1917

Codex Juris Canonici or Code of Canon Law [1917: new canon law code for church members]

Law, under Pope Benedict XV, replaced Corpus Juris Canonici [1582] of Pope Gregory XIII.

**SOCI>Law>History>European Law****Edict of Milan**

edict

Milan, Italy

313

Constantine the Great established Christianity in Roman Empire by ensuring religious tolerance.

**Irnerius**

lawyer

Bologna, Italy

1088 to 1120

Comments on the Corpus Juris [1088 to 1120]

He lived 1055 to 1130 and founded law school at Bologna [1088]. He studied Justinian Code, Institutes, and Digest and taught Martinus, Bulgarus, Iacobus, and Hugo.

**Lombard law schools**

university

Mantua, Italy/Verona, Italy/Bologna, Italy/Padua, Italy

1088 to 1626

University of Bologna began [1088]. University of Padua began [1222]. Duke Ferdinando [1589 to 1626] ruled Mantua [1613 to 1626] and founded University of Mantua [1626].

**Four Doctors**

lawyer

Bologna, Italy

1100 to 1200

Bulgarus, Martinus Gosia, Iacobus de Boragine or Iacobus, and Hugo de Porta Ravennate recreated Roman law and were pupils of Irnerius.

**Iacobus de Boragine or Iacobus**

lawyer

Bologna, Italy

1100 to 1200

He was one of the Four Doctors, who recreated Roman law.

**Italian law schools**

law school

Pavia, Italy/Ravenna, Italy

1100 to 1300

Students, who paid teachers directly and so controlled them, ran law schools. Students organized into groups {nation, student}, which fought each other and flouted civil law. Gradually, university authorities stated curricula and awarded degrees: bachelor, licentiate or masters, and doctorate.

### **Bulgarus**

lawyer

Bologna, Italy

1120 to 1158

On Regulations [1120 to 1158]

He lived ? to 1166 and was one of the Four Doctors, at University of Bologna law school or School of the Gloss-writers, who recreated Roman law. He was at diet of Roncaglia [1158].

### **Martinus Gosia**

lawyer

Bologna, Italy

1130 to 1160

Structure of the Institutes [1130 to 1160]

He lived 1100 to 1166 and was one of the Four Doctors, who recreated Roman law. Martinus led a school about equity of the purse {aequitas bursalis}.

### **Hugo de Porta Ravennate or Hugolinus de Porta Ravennate or Ugo de Alberico [Alberico, Ugo de]**

lawyer

Bologna, Italy

1165 to 1194

Summation on Fighting [1165 to 1194]

He lived ? to 1194 and was one of the Four Doctors, who recreated Roman law.

### **Accursius Azo of Bologna [Azo of Bologna, Accursius]**

lawyer

Bologna, Italy

1180 to 1210

Summary of Codes [1180 to 1210: systematized all law parts]; Distinctions [1180 to 1210: explained law-principle ramifications]; Lectures on Codes [1180 to 1210]

He lived 1150 to 1230 and was Glossator.

### **Golden Bull**

edict

Hungary

1222

Andrew II of Hungary proclaimed Golden Bull to check nobles.

### **Franciscus Accursius [Accursius, Franciscus] or Francesco Accorso [Accorso, Francesco]**

lawyer

Bologna, Italy

1230

Great Gloss [1230: described all Glossator commentaries on Justinian books]

He lived 1182 to 1260, was Azo's student, and was Glossator.

### **Glossators**

lawyer

Europe

1230 to 1340

Glossators studied Justinian laws and taught law but typically did not relate law to contemporary life.

### **Cortes of Leiria**

legislature

Portugal

1254

Alfonso III of Portugal convened Cortes of Leiria, first legislature to have commoners.

**Alfonso X or Alfonso the Wise or Alfonso el Sabio**

king

Castile/Leon

1255

Songs to the Virgin Mary [1252 to 1284: songs]; Royal Lawbook [1255: local laws and information about Roman laws]

He lived 1221 to 1284 and was king of Castile and Leon [1252 to 1284].

**Commentators or Postglossators**

lawyer

Perugia, Italy

1280 to 1450

Commentators combined Roman law, canon law, and Italian-city statutes. They theorized about conflict of laws. They applied Roman law to municipal, canon, feudal, customary, commercial, and criminal law cases.

**Bartolus de Saxoferrato**

lawyer

Perugia, Italy

1350

Theory of Statutes [1350: general law rules that reconciled conflicting legal systems]

He lived 1313 to 1357 and was Commentator. Laws of place in which action happened govern actions {territoriality, Bartolus de Saxoferrato}.

**Petrus Baldus de Ubaldis [Baldus de Ubaldis, Petrus]**

lawyer

Perugia, Italy

1360 to 1390

Commentary on the Book of Fees [1360 to 1390]

He lived 1327 to 1406, was of the Baldeschi, and was Commentator.

**Italian law schools**

law school

Italy

1400 to 1500

Law schools began historical law study.

**Aix-en-Provence**

university

Aix-en-Provence, France

1409

Aix-en-Provence is in southeast France.

**French**

court

France

1500 to 1600

Judges heard rational arguments and evaluated evidence presented by trained advocates.

**Jean Bodin [Bodin, Jean]**

lawyer

Paris, France

1576

Six Books of the Republic [1576: about state sovereignty]  
He lived 1530 to 1596 and belonged to Politiques. Family is basis of society. State is about material, not spiritual, things. State requires absolute sovereignty to prevent civil war.

### **French**

law  
Paris, France  
1580  
French Customary Laws [1580: codified north-France laws]  
French customary laws and canon law used Roman laws of contracts, property, wills, successions, domestic relations, and judicial procedures.

### **Robert Joseph Pothier [Pothier, Robert Joseph]**

lawyer  
France  
1748 to 1752  
Digest of Pandects of Justinian [1748 to 1752]  
He lived 1699 to 1772 and combined Roman law, customary law, and natural law.

### **Cesare Bonesana [Bonesana, Cesare] or Marchese di Beccaria [Beccaria, Marchese di]**

philosopher  
Beccaria, Italy  
1764  
Essay on Crimes and Punishments [1764: attacked penal and criminal systems]  
He lived 1738 to 1794. Punishment should fit crime's seriousness and should exact vengeance. Judiciary should be separate from legislature.

### **French Constitution**

constitution  
France  
1791  
Constitution included Declaration of the Rights of Man. It blocked Mirabeau's plan to have constitutional monarchy, and king fled. After capture, he accepted constitution [1791].

### **Codes of Prussia**

law  
Prussia  
1794  
Codes of Prussia depended on natural law.

### **Jean Jacques Regis Cambaceres [Cambaceres, Jean Jacques Regis]**

lawyer  
France  
1804  
Napoleonic Code [1804]  
He lived 1753 to 1824 and helped make Code Napoleon [1804] about private law.

### **Code Napoléon**

law  
France  
1804  
Code Napoleon has Civil Code, Criminal Code, Civil Procedure, and Criminal Procedure and is basis of Continental law.

### **Codes of France**

law

France  
1804  
Codes of France depended on natural law.

#### **Codes of Austria**

law  
Austria  
1811  
Austrian law code depended on natural law.

#### **Savoy-Piedmont**

constitution  
Italy  
1848.02  
Constitution modified kingdom.

#### **Tuscany**

constitution  
Tuscany  
1848.02  
Constitution modified kingdom.

#### **Austria**

constitution  
Austria  
1848.04 to 1848.10  
Austria wrote constitution after revolt in Vienna. In October, Windischgratz ended revolt in Vienna.

#### **SOCI>Law>History>English Law**

##### **Brehon Laws**

law  
Ireland  
200 to 1350  
Brehon Laws [700: written]  
Druid priests were also judges {brehon}. People shamed others into going to Druid judges. Edward III of England abolished Brehon Laws [1350].

##### **tithing**

clan  
England  
600 to 1035  
Clans declined. Clan-member rights became individual rights. Germanic clan assembly {folk moot} disappeared. Families divided into hundreds and tens {tithing}.

##### **English codes**

law  
England  
600 to 1035  
England law codes were mostly about torts and criminal law.

##### **English county courts**

court  
England  
600 to 1035

County courts tried difficult cases, with churchmen presiding. Local courts were formal and compurgators were typically the only witnesses. Petty cases had trials within families.

### **English land law**

law

England

600 to 1035

Land was held individually, with some feudalism.

### **Witan or Witenagemot**

assembly

England

600 to 1035

As clans decreased, a council {Witan} {Witenagemot} of Anglo-Saxon lords {thegn} replaced older folkmoot German clan assemblies.

### **servientes Regis ad Legem**

lawyer

London, United Kingdom

1050

Law profession {servientes Regis ad Legem} began.

### **English kings**

king

England

1100 to 1300

They gained right to make laws.

### **common law**

law

England

1164

Crown court judges developed law, which identified and validated customs and practices and which differed among geographic areas and social classes.

### **English crown courts**

court

England

1164

Crown courts used traveling judges {missi, judge}, and county courts decreased [1164]. Most crimes "broke the king's peace" and so justified crown courts. In crown courts, lawyers talked to judge while jurors listened. They had no witnesses. Lawyers gave no summations.

### **grand jury**

jury

England

1164

grand jury [1164]

Grand juries started when citizens investigated crimes and charged persons. Petit juries judged trials. Jurors found facts by any agreed method. Verdicts had to be unanimous. If jurors did not reach unanimous verdict, court appointed more jurors until twelve agreed. If jury had decided wrongly, court penalized jurors strongly. After wrong decision, 24 knights heard case.

### **Ranulf de Glanville [Glanville, Ranulf de]**

judge

London, England

1190

Treatise on the Laws and Customs of England [1190]

He lived ? to 1190, was Chief Justiciar of England under Richard I [1172], and wrote about written appeals {writ, appeal} to crown courts.

### **chancery**

court

England

1200 to 1300

Before Edward I, king granted authority to Chancellor and Chancellor's court. The chancellor or chancery court required defendant or petitioner to provide equity.

### **king's court**

court

England

1200 to 1300

Before Edward I, Court of Common Pleas heard common law cases at Westminster. Court of the King's Bench {king's court} heard civil and criminal cases. Court of the Barons of the Exchequer heard cases about king's finances. In shires, knights appointed by king, called Conservators of the Peace, presided over national courts.

### **equity law**

law

England

1200 to 1300

People can petition king or his chancellor for justice {equity law}, even without existing law. England published chancery-court equity decisions {law of equity}, which used Roman and canon law. Chancery law and equity law rectified unjust common laws.

### **king's conscience**

law

England

1200 to 1300

King had right to make law and to right wrong {king's conscience}.

### **Parliament**

assembly

England

1200 to 1300

Before Edward I, Parliament had only barons and churchmen and had only right to refuse money to king.

### **Henri de Bracton [Bracton, Henri de]**

lawyer

London, England

1268

On English Laws [1268: standardized English law for next 200 years]

He lived 1210 to 1268 and relied on common-law precedents. He said that people can petition king, who must act justly.

### **Model Parliament**

legislature

England

1295

King Edward I assembled clergymen and aristocrats but also added others.

### **deodand**

law

England

1300

People no longer used objects that had contributed to injury {deodand}.

### **habeas corpus**

law

England

1300

Leaders presented written causes to hold people, to courts.

### **Inns of Court**

lawyer

London, United Kingdom

1300 to 1350

Lawyer guilds began. Apprentices learned English law in mock trials. Inns had Handbooks of English law. There have been up to 14 Inns of Court, but now are four: Lincoln's Inn, Gray's Inn, Inner Temple, and Middle Temple.

### **writ of prohibition**

court

England

1300 to 1400

Chancery courts no longer forced new trial. Appeals asking for second trial by 24 knights ended.

Church and crown courts competed for jurisdiction. Clergy tried to keep right {benefit of clergy} to use church courts to settle disputes. Lay courts issued decrees {writ of prohibition} to stop church courts from taking over jurisdiction. Crown courts began to hear cases submitted by written complaints {complaint, writ} {writ of complaint}, which stated complaint, plaintiff, and defendant. Writ use increased, and trial by combat and trial by ordeal decreased.

Assizes county courts heard cases not heard by crown courts.

### **John Fortescue [Fortescue, John]**

judge

England

1463 to 1471

On Praiseworthy English Laws [1463]; Difference between an Absolute and Limited Monarchy [1471]

He lived 1394 to 1476 and was Chief Justice [1442 to 1461].

### **Thomas Littleton [Littleton, Thomas] or Thomas Lyttelton [Lyttelton, Thomas] or Thomas Lyttleton [Lyttleton, Thomas]**

judge

London, England

1466 to 1470

Tenures [1470: real property law]

He lived 1422 to 1481 and was judge at Court of Common Pleas [1466].

### **English written pleadings**

law

England

1500

Courts began to use English for written pleadings, which later became more formal and accurate.

### **Rule against Perpetuities**

law

England

1540

Act ended perpetual land ownership.

### **Statute of Uses**

law  
England  
1540  
Act prohibited land use without land title. Chancery then allowed land trusts.

### **Statute of Wills**

law  
England  
1540  
Act allowed land disposition by will.

### **law merchant**

law  
England  
1550  
England established commercial law {law merchant}.

### **Edmund Plowden [Plowden, Edmund] or Edward Plowden [Plowden, Edward]**

judge  
London, England  
1571  
Commentaries or Reports [1571: first modern law reports emphasized sense of laws]  
He lived 1518 to 1585.

### **Edward Coke [Coke, Edward]**

lawyer/judge  
London, England  
1592 to 1641

Treatise on Bail and Mainprize [1592: about depositing money to avoid jail while awaiting trial and ordering sheriffs to take bail]; Fines [1597: about penalties]; Beverley's Case [1603]; Book of Entries [1614: about writs and pleading]; Complete Copyholder [1630: about tenancy at will]; Institutes [1641: First volume was on common law, second was on ancient statutes, third was on criminal law, and fourth was on court jurisdiction]

He lived 1552 to 1644. He defended common law in Shelley's case, became Solicitor General of the Realm [1592], entered Parliament [1593], became Attorney General [1594], and later became Parliament Speaker. He became Chief Justice of Court of Common Pleas, the highest possible judge office, and became Chief Justice of the King's Bench under King James [1613 to 1616]. He refused to stay an action for the king, because it was against the law, and the king suspended him from Privy Council and then discharged him from office. He rejoined Privy Council [1617] and then entered Parliament again. He fought for constitutional rights and upheld Parliament against king [1620]. He became Baron Veculam and then Viscount St. Albans.

In Fuller case, he won common law courts right to issue prohibition writs. He blocked King James I from changing law, establishing that only Parliament was able to change law. He blocked King James's proclamation to stop using grain for starch, because Parliament had not proclaimed it. He worked against monopolies. He defended common law or civil law. He wrote about bail, mainprize, and copyhold estate.

He was always at legal and personal odds with Francis Bacon.

### **Psychology**

Insane people do not know what they do and cannot have criminal intent. Insanity is not a defense if people know right from wrong {right-wrong test}. Drunkards, idiots, or fools can be insane at the time [1604].

### **Edward Poynings [Poynings, Edward]**

law  
Ireland  
1594 to 1595  
He lived 1459 to 1521. Poynings' Law gave all legislation for Ireland to England.

### **English jury**

jury

England

1600

Juries judged after hearing evidence and used evidence rules, including prohibiting hearsay evidence and indirect knowledge.

### **free speech**

law

England

1600

James I granted right of free speech to Parliament.

### **Darnell's case or Darnell case**

case

England

1610

It tested right to habeas-corporis writ and decreased this right.

### **John Selden [Selden, John]**

lawyer

London, England

1610 to 1618

Judicial Combat [1610]; England's Philosopher [1610]; Reverse of the English Janus [1610: on constitution]; Titles of Honor [1614]; Fabulous Gods [1617: about Oriental gods]; History of Tithes [1618]; Territorial Waters [1618]

He lived 1584 to 1654, helped draft Petition of Right, tried to block royal authority, and was against freedom of seas.

### **Petition of Right**

law

England

1628

Initiated by Edward Coke, a law {Petition of Right} stated that taxes, imprisonment, and quartering of soldiers in homes needed due cause or Parliament consent. It did not allow billetry. It said that people had right to habeas-corporis writ. It stated that imprisonment required cause and opportunity to answer charge. It required Parliament consent to order anyone to pay money to state. It gave Parliament right of free speech. It reduced martial law punishments.

### **Richard Zouche [Zouche, Richard]**

lawyer

England

1649 to 1657

Exposition of Fecial Law and Procedure or Exposition of Law of War and Peace [1649: international law]; Solutions to Old and New Questions, Ways of Mediating Late Competent Justice [1657]

He lived 1590 to 1661. He discussed laws between nations {ius inter gentes} based on actual legal practices and founded positivist or historical school of international law.

### **House of Commons**

legislature

England

1660

House of Lords and House of Commons formed during Stuart Restoration.

### **Test Act**

law

Ireland

1673

Act imposed laws on Irish Catholics.

### **Habeas Corpus Amendment**

law  
England  
1679  
Act increased right to habeas-corpus writ.

### **John Holt [Holt, John]**

judge  
London, England  
1681 to 1710  
Ashby v. White and Others [1681 to 1710]; Case of John Paty and Others [1681 to 1710]  
He lived 1642 to 1710. As Chief Justice [1681 to 1710], he added bailment law to English law, from Continental law.

### **English judges**

court  
England  
1688  
After Revolution, judges held office for life, as long as they maintained good conduct.

### **Act of Settlement**

law  
Great Britain/Ireland  
1701  
Act tried to stop Jacobites from making Stuart Catholic king. It designated Protestant Hanover king and limited king's power. It imposed laws on Irish Catholics.

### **William Blackstone [Blackstone, William]**

lawyer  
England  
1723  
Commentaries on the Laws of England [1723: basis of USA law study before law schools]  
He lived 1723 to 1780, was conservative aristocrat, opposed American freedom, and was protégé of Mansfield.

### **Intolerable Acts**

law  
USA/England  
1750  
Intolerable Acts passed by English Parliament levied more taxes in American colonies.

### **William Murray, Lord Mansfield [Mansfield, William Murray, Lord]**

judge  
London, England  
1756 to 1788  
Somerset case [1772: against slavery in England]; On the Right to Tax America [1776]  
He lived 1705 to 1793 and established modern English commercial law, using Roman and customary law. He was Chief Justice [1756 to 1788] and opposed American freedom.

### **English voting**

law  
England  
1770  
Only male property holders voted, so only one person in 30 voted.

### **Poor Laws/Statute of Artificers**

law  
England

1770

They regulated prices and fixed wages. All people had to work. They established houses of correction for people that refused to work. Poor houses for disabled began.

### **Intolerable Acts**

law

Massachusetts/England

1773

Intolerable Acts passed by English Parliament reduced freedom in Massachusetts.

### **Edmund Burke [Burke, Edmund]**

lawyer/politician

Ireland/London, England

1775 to 1796

Conciliation with America [1775]; Nabob of Arcot's Debts [1785]; Reflections on the French Revolution [1790]; Appeal from the Old to the New Whigs [1791]; Letters on a Regicide Peace [1795]; Letter to a Noble Lord [1796]

He lived 1729 to 1797 and was conservative Whig. He believed in maintaining current institutions and social customs, deciding on evidence not theory, and being skeptical. He exposed East India Company injustices in India, during Hastings trial. He opposed French-Revolution Jacobites. He tried to improve policies about America and wanted to free Ireland. He wanted to free House of Commons from King George III.

### **Politics**

Political power is to preserve order. Society coheres through habit, emotional bonds, conventions, loyalty, communal feeling, and tradition {conservatism, Burke}, not by reason, rights, or law. Institutions can reform by small steps, keeping essence, rather than change too much or quickly.

People should be dutiful, loyal to traditions, bound by social relations, and fitted into roles. Moral tradition is more important than rational morality. Individuals should be free and independent, to judge and choose for best advantage and to be responsible for their families. Human nature causes inequalities in society, but justice must prevail.

Government should use power legally. Government should only maintain security and order, because it often abuses power. Bureaucracy and interference reduce human energies. Institutions should fit culture. Institutions should be free and independent. Changes should be slow and subject to change, because human frailty can make everything worse.

### **bankruptcy**

law

England

1780

New bankruptcy laws began.

### **divorce**

law

England

1780

New divorce laws and new rights for married women began.

### **English death penalty**

law

England

1780

It reduced number of crimes carrying death penalty.

### **property**

law

England

1780

Real-property law reform began.

### **Irish Parliament**

legislature  
Ireland  
1782  
Henry Grattan led legislature.

### **Lord Stowell [Stowell, Lord] or William Scott [Scott, William]**

judge  
England  
1798 to 1827  
Dalrymple v. Dalrymple [1798 to 1827]; Evans v. Evans [1798 to 1827]  
He lived 1745 to 1836 and was High Court of the Admiralty judge [1798 to 1827].  
In Dalrymple case, he decided that law of marriage location, not court location, decided validity.  
He determined legality of capturing prize vessels at sea.  
Domicile in peace is not necessarily the same as domicile in war. In war, neutral persons can be enemies. During war, citizen in enemy country is enemy.

### **Act of Union**

law  
Ireland  
1800  
England and Scotland union added Ireland, by Act of Union, after Wolf Tone of Ireland rebelled.

### **Slave Trade Act**

law  
England  
1807  
Wilburforce's efforts ended slave trading in British Empire.

### **Emancipation Act**

law  
Britain  
1821  
Donald O'Connell in Ireland and Robert Peel in England led agreement that allowed Catholics in Britain and Ireland to be free and repealed Test Act.

### **Catholic Emancipation Act**

law  
England  
1830  
Duke of Wellington, Prime Minister, passed it.

### **John Austin [Austin, John]**

lawyer  
London, England  
1832  
Province of Jurisprudence Determined [1832]  
He lived 1790 to 1859 and founded science of law in England. Laws are sovereign's commands, with threat of punishment. Subjects must obey. Permission from sovereign or obligation cancellation grants rights.

### **Great Reform Act**

law  
England  
1832  
Act increased voters by 50%.

### **Slavery Act**

law  
England  
1832 to 1834  
Britain ended slavery in empire.

### **Corn Law Repeal**

law  
England  
1846  
Act repealed Corn Laws, allowing free trade.

### **Reform Laws**

law  
England  
1850  
Laws gave right to vote to all citizens. Lord Shaftesbury introduced laws to stop women and children from working in coal mines, to have ten-hour workdays, and to create insane asylums.

### **Civil Service**

law  
England  
1860  
Britain's Civil Service formed.

### **Henry Maine [Maine, Henry]**

lawyer  
London, England  
1861  
Ancient Law [1861: law history]  
He lived 1822 to 1888 and studied change from status system to contract system.

### **Reform Act**

law  
England  
1867  
Act changed Penal Laws.

### **Land Act**

law  
England  
1870  
Act resolved some Irish Land Question problems. Charles Parnell and Michael Davitt led Home Rule party in Parliament and encouraged violence in Ireland.

### **Judicature Acts**

law  
England  
1875  
Laws joined common law and equity.

### **common law courts**

court  
England  
1876  
Courts used equity, so equity prevailed over common law.

**Land Act**

law

England

1881

Act gave Irish farmers good rent, fixed tenure, and land-sale control.

**First Home Rule Bill**

law

England

1886

Ireland had home rule.

**Second Home Rule Bill**

law

England

1893

Ireland gained increased home rule from England.

**Wyndham Act**

law

England

1903

Act allowed land purchases by tenants.

**Amended Land Purchase Act**

law

England

1909

Act allowed land purchases by tenants.

**Third Home Rule Bill**

law

England

1912

Ireland gained increased home rule.

**Balfour Declaration**

law

England

1917

Act pledged to form Jewish state in Palestine. 100,000 Jews then lived in Palestine.

**Fourth Home Rule Bill**

law

England

1920

Northern Ireland became part of Great Britain.

**England nationalization**

law

England

1947

England nationalized many industries under Labor Party.

**diminished responsibility**

law

England/USA

1957

Currently, English law allows defense of lower accountability {diminished responsibility} for crime. Accused was not in control of his mind and so was not responsible for his or her physical acts. Diminished responsibility includes irresistible impulses and mental states different from those of ordinary human beings. Defense must prove diminished responsibility. Successful defense requires verdict of culpable homicide, instead of murder.

## **SOCI>Law>History>American Law**

### **colonial**

law

USA

1600 to 1750

English common law and equity combined in colonial law and later in state law.

### **Mayflower Compact**

law

Plymouth, Massachusetts

1608

Agreement among Pilgrims set up government. Pilgrims were Separatists from Church of England that had left England to come to Plymouth Colony in New England.

### **House of Burgesses**

legislature

Virginia

1619

First American legislature started in Virginia.

### **John Cotton [Cotton, John]**

lawyer

Boston, Massachusetts

1630 to 1648

Divine Right to Occupy the Land [1630]; Democracy as Detrimental to Church and State [1636]; Model of Moses His Judicials [1636: about theocracy]; Way of the Churches of Christ in New England [1645]; Spiritual Milk for Babes [1646]; Way of Congregational Churches Cleared [1648]

He lived 1595 to 1652 and wrote about theocratic government by religious leaders.

### **Thomas Hooker [Hooker, Thomas]/John Haynes [Haynes, John]/Roger Ludlow [Ludlow, Roger]**

lawyer

Connecticut

1639

They published the Fundamental Orders constitution. Thomas Hooker lived 1586 to 1647. John Haynes lived 1594 to 1654. Roger Ludlow lived 1590 to 1664. All were from England.

### **Nathaniel Ward [Ward, Nathaniel]**

lawyer

Boston, Massachusetts

1641 to 1647

Body of Liberties [1641: about individual rights in theocracy]; Simple Candler of Aggawam [1647]

He lived 1578 to 1652. Puritans used his ideas in law codes.

### **James Harrington [Harrington, James]**

writer

USA

1656

Commonwealth of Oceana [1656: power comes from property]

He lived 1611 to 1677.

**John Wise [Wise, John]**

clergyman  
USA  
1680

He lived 1652 to 1725, wrote about democracy, and resisted English tax collectors.

**Molasses Act**

law  
USA  
1733

Molasses Act passed by English Parliament placed duties on rum and molasses in American colonies, but England did not enforce it.

**Billeting**

law  
USA  
1750

Law passed by English Parliament allowed troop billeting in homes in American colonies.

**Patrick Henry [Henry, Patrick]**

lawyer/statesman  
USA  
1750 to 1765

He lived 1736 to 1799. In Maury case [1750], he successfully defended merchants against tobacco tax, which supported Anglican clergy. Virginia House of Burgesses had replaced tobacco tax with cash payment, but king vetoed payment. In 1765, he entered House of Burgesses and became leader. He said [1776], "Give me liberty or give me death." From 1789, he worked for Bill of Rights.

**Albany Congress**

conference  
USA  
1754

Benjamin Franklin suggested that colonies unite {Plan of Union} to fight American Indians.

**James Otis [Otis, James]**

lawyer  
Boston, Massachusetts  
1764

Rights of the British Colonies Asserted and Proved

He lived 1725 to 1783 and claimed that Americans were British citizens, that Parliament must conform to Constitution, and that taxation required representation. From 1761 to 1769, he led colonies until severe head injury. He tried to defend merchants from general search warrants {assistance, writ} {writ of assistance}.

**Townshend Acts**

law  
USA  
1767

Laws passed by English Parliament put customs duties on imports into American colonies.

**First Continental Congress**

congress  
USA  
1774

First Continental Congress stated colony grievances against England, declared basic personal rights, and approved resolutions to alter commerce with England.

### **Second Continental Congress**

congress

USA

1775 to 1783

Congress met throughout Revolutionary War, printed worthless money, and borrowed heavily.

### **Declaration of Independence**

independence

Philadelphia, Pennsylvania

1776.0702

USA declared independence from Britain on July 2. Thomas Jefferson wrote Declaration, with Benjamin Franklin's help. John Hancock, Second Continental Congress president, signed his name in large letters.

### **Articles of Confederation**

law

USA

1777 to 1781

Thomas Paine, Thomas Jefferson, James Madison, and Alexander Hamilton drafted Articles of Confederation, which Second Continental Congress adopted [1777]. Colonies ratified the Articles [1781]. States were sovereign. State legislatures selected and paid for delegates to Congress. In Congress, states had one vote each, and passing laws required nine votes. Federal government had no taxing power and no executive.

### **James Madison [Madison, James]/Alexander Hamilton [Hamilton, Alexander]/John Jay [Jay, John]**

lawyer

USA

1783

Federalist Papers [1787 to 1788]

Madison lived 1751 to 1836. Hamilton lived 1755 to 1804. Jay lived 1745 to 1829. They wrote to gain support to ratify new Constitution.

### **Indian Reservation**

reservation

USA

1784

First reservation created.

### **Annapolis**

conference

Annapolis, Maryland

1786

Maryland and Virginia discussed waterway rights and invited other states to send delegates to Annapolis. Five states came. Delegates called for constitutional convention in Philadelphia.

### **William Patterson [Patterson, William]**

lawyer

New Jersey

1787

He lived 1745 to 1806 and proposed New Jersey Plan for constitution at Constitutional Convention, which was similar to Articles of Confederation, but senators and executives had life terms, like limited elected monarchy.

### **Edmund Randolph [Randolph, Edmund]**

lawyer

Virginia

1787

He lived 1753 to 1813 and proposed Virginia Plan for constitution at Constitutional Convention. Bicameral legislature has two parts. Executive or judiciary can veto state laws that violate Constitution.

### **Constitutional Convention**

congress

Philadelphia, Pennsylvania

1787.05 to 1787.09

Madison, Franklin, and Washington led Constitutional Convention. Washington presided. Madison wrote the mostly adopted Virginia Plan. Paterson wrote New Jersey Plan. Madison was chief Bill of Rights writer and supporter and wrote Virginia Resolution for states' rights. James Monroe was against Federalists.

### **Oliver Ellsworth [Ellsworth, Oliver]**

lawyer

USA

1789 to 1800

Judiciary Act of 1789

He lived 1745 to 1807. First Congress required one Chief Justice and five Associate Justices for Supreme Court. Supreme Court was to try cases involving state relations, ambassadors, ministers, and consuls and to hear appeals from lower courts. President appointed judges, with Senate's consent. Judges had life terms. Only trial in Senate, needing two-thirds majority, can remove judge {impeachment, judge}. Judiciary Act also established fifteen District Courts and two Circuit Courts, which were higher than District Courts but lower than Supreme Court. He lived 1745 to 1807 and became USA Supreme Court Chief Justice [1796 to 1800] after John Jay resigned to run for Governor of New York. He resigned in 1800.

### **USA Constitution**

constitution

USA

1789

The states ratified Constitution, Delaware first.

### **John Jay [Jay, John]**

chief justice

USA

1789 to 1791

He lived 1745 to 1829 and was first USA Supreme Court Chief Justice. He signed Jay's Treaty [1791] between USA and Britain over freedom of navigation, trade restrictions in West Indies, and evacuation of British Northwest forts, but it did not stop naval impressment. He resigned to run for Governor of New York [1791].

### **Supreme Court**

court

USA

1789 to 1795

First Supreme Court favored strong central government and judicial review of legislation, which is not in Constitution.

### **Chisholm vs. Georgia**

case

USA

1793

Case allowed citizen of one state to sue another state in Supreme Court.

### **Fugitive Slave Act**

law

USA

1793

Act required federal agents to recapture runaway slaves. Northern states that had passed personal liberty laws did not enforce it.

**John Taylor of Caroline [Taylor of Caroline, John]**

lawyer

USA

1794 to 1823

Definition of Parties: Or the Political Effects of the Paper System Considered [1794]; Inquiry into the Principles and Policy of Government [1814]; New Views of the Constitution of the United States [1823]

He lived 1753 to 1824, had same ideas as Jefferson, and believed in farming communities with no aristocracy.

**John Marshall [Marshall, John]**

judge/chief justice

USA

1797 to 1820

Marbury v. Madison [1803]; Fletcher v. Peck [1816]; McCulloch v. Maryland [1819]; Dartmouth College v. Woodward [1819]; Cohens v. Virginia [1821]; Gibbons v. Ogden [1824]

He lived 1755 to 1835, was at Constitutional Convention, defended Jay Treaty, went on X.Y.Z. mission to France [1797], entered Congress, became Secretary of State [1800], and was USA Supreme Court Chief Justice [1801 to 1820]. He increased Supreme Court power by insisting on its right to judge constitutionality of all laws. He allowed expansion of federal powers in opposition to states' rights. He did not like Thomas Jefferson or his ideas and interpreted federal government power broadly.

**bankruptcy**

law

USA

1800

USA allowed bankruptcy.

**corporation**

law

USA

1800

USA allowed corporations.

**property**

law

USA

1800

USA reformed property and estate laws.

**mandamus**

law

USA

1801

Judiciary Act of 1801

Act allowed Supreme Court to issue writs {mandamus} ordering officials to do legal acts.

**Marbury vs. Madison**

case

USA

1803

In case of Marbury vs. Madison, Chief Justice John Marshall held that courts could not issue writs ordering officials to do legal acts, because it was unconstitutional. This was the first case in which USA Supreme Court ruled on law constitutionality. Dred Scott case was the next.

### **Supreme Court**

court  
USA  
1807

Number of judges on USA Supreme Court increased from six to seven.

### **voting law 1**

law  
USA  
1809

Maryland gave vote to all male adults. New York and Massachusetts soon followed.

### **Fletcher vs. Peck**

case  
USA  
1810

John Marshall, USA Supreme Court Chief Justice, declared a Georgia-legislature act unconstitutional. This was the first case in which USA Supreme Court ruled on state-law constitutionality.

### **James Kent [Kent, James]**

lawyer  
USA  
1814 to 1824

Commentaries on American Law [1814]

He lived 1763 to 1847, was conservative Chancellor of New York State, and founded American equity system.

### **Daniel Webster [Webster, Daniel]**

lawyer/senator  
USA  
1816 to 1850

Dartmouth College v. Woodward [1819]; Gibbons v. Ogden [1821]; McCulloch v. Maryland [1824]; Webster-Ashburton Treaty [1842]

He lived 1782 to 1852, believed in Alexander Hamilton's ideas, was Whig, and argued Dartmouth College case about contracts and McCulloch vs. Maryland case about states' rights. He backed Compromise of 1850 to preserve union.

### **Trustees of Dartmouth College vs. Woodward [Dartmouth College vs. Woodward, Trustees of]**

case  
USA  
1819

John Marshall, USA Supreme Court Chief Justice, declared New-Hampshire act that altered Dartmouth's charter unconstitutional, because it changed contract.

### **McCulloch vs. Maryland**

case  
USA  
1819

John Marshall, USA Supreme Court Chief Justice, declared Maryland had no right to tax notes of National-Bank Baltimore branch or to tax federal government parts. He asserted that Congress had right to establish National Bank [created 1791]. This decision curbed states' rights and limited state sovereignty.

### **Pan-Americanism**

doctrine  
USA  
1820

Henry Clay promulgated act.

**Henry Clay [Clay, Henry] or Great Pacificator or Great Compromiser**

lawyer

USA

1820 to 1850

Missouri Compromise [1820]; Compromise of 1850 [1850]

He lived 1797 to 1852 and believed in Alexander Hamilton's ideas. He favored strong central government, high tariffs for business protection, Bank of USA, Missouri Compromise, and Compromise of 1850.

**Missouri Compromise**

law

USA

1821

Act established slave and free areas, admitted Missouri and Maine to union, allowed both slave and free states to enter Union, and opened Utah Territory and New Mexico Territory to slavery.

**Monroe Doctrine**

law

USA

1823 to 1826

USA did not allow Europe to conquer or make colonies in Americas [1823]. Act prohibited foreign intervention in Americas [1826], but USA expanded into South America, causing resentment.

**Gibbons vs. Ogden**

case

USA

1824

John Marshall, USA Supreme Court Chief Justice, established that the federal government had exclusive, not just concurrent, power to regulate interstate commerce and that states can only regulate interstate commerce under federal law.

**Brown vs. Maryland**

case

USA

1826

John Marshall, USA Supreme Court Chief Justice, declared that Maryland not tax goods in state that held by importer just as received, because interstate commerce was under federal control.

**New York**

code

USA

1827

New York State codified laws. Most states then adopted law codes.

**Francis Leiber [Leiber, Francis]**

lawyer

Germany/USA

1829 to 1863

Encyclopaedia Americana [1829 to 1833: translated from Brockhaus encyclopedia]; Manual of Political Ethics [1838]; Essays on Property and Labor [1841]; On Civil Liberty and Self-Government [1853]; Instructions for the Government of Armies of the United States in the Field or General Order No. 100 [1863]

He lived 1800 to 1872 and established war rules for USA Civil War.

**income**

tax

USA

1830

Income taxes began in some states.

### **Indian Removal Act**

law

USA

1830

Cherokee and four other tribes had to move from east to Indian Territory in Oklahoma.

### **Cherokee Nation vs. Georgia**

case

USA

1831

Supreme Court denied right of American natives to sue states or set up nations.

### **debt**

law

USA

1832

Congress ended imprisonment for debt.

### **Worcester vs. Georgia**

case

USA

1832

Supreme Court allowed American natives to use their own law and land.

### **John C. Calhoun [Calhoun, John C.]**

lawyer/senator/vice-president

South Carolina

1832 to 1850

On the Clay Compromise Measures [1850]

He lived 1782 to 1850 and believed in balanced powers and states' rights. In a tariff case {tariff of abominations}, he supported state right to declare federal law unconstitutional {nullification, Calhoun}. Vice-president and senator championed states' rights of veto and secession.

### **Joseph Story [Story, Joseph]**

lawyer

Boston, Massachusetts

1833 to 1834

Commentaries on the Constitution of the United States [1833]; Commentaries on the Conflict of Laws [1834]

He lived 1779 to 1845 and wrote about bailments [1832], equity jurisprudence [1835 to 1836], equity pleadings [1838], agency [1839], partnership [1841], bills of exchange [1843], and promissory notes [1845].

### **Roger B. Taney [Taney, Roger B.]**

chief justice

USA

1836 to 1864

He lived 1777 to 1864 and became USA Supreme Court Chief Justice [1836 to 1864].

### **Supreme Court**

court

USA

1837

Number of judges increased from seven to nine.

**Isaac Ray [Ray, Isaac]**

lawyer

USA

1838

Treatise on Medical Jurisprudence of Insanity [1838]

He lived 1807 to 1881 and developed Doe-Ray insanity tests. Insanity is a fact for juries to decide.

**McNaughton Rules or M'Naghten Rules**

law

England/USA

1843 to 1857

Judges of House of Lords allowed defense of insanity against responsibility for crime [1843]. Insanity is mental disease that causes defect of reason, which causes defendant either not to know act's nature and quality or to know what he was doing but not that it was wrong.

**Admiralty Law**

law

USA

1845 to 1860

Admiralty Law changed to include all navigable water. Federal jurisdiction extended to all tidal waters.

**commerce**

law

USA

1845 to 1860

Public interest laws regulating railroads, canals, and banks began.

**judges**

law

USA

1845 to 1860

Judicial terms shortened. People elected judges, rather than having appointed judges.

**property**

law

USA

1845 to 1860

Women received more property rights.

**normal school**

school

USA

1845 to 1860

States began to pay for public education and trained teachers in special schools.

**reformatories**

prison

USA

1845 to 1860

Reformatories began for minors.

**right to sue**

law

USA

1845 to 1860

Third-party beneficiary had right to sue.

**voting**

law

USA

1845 to 1860

Law ended voting and office-holding restrictions based on religion or property.

**Compromise of 1850**

law

USA

1850

Act allowed both slave and free states to enter Union. California became a free state, and Utah and New Mexico became territories.

**Kansas-Nebraska Act**

law

USA

1854

Congress repealed Missouri Compromise, opening whole Louisiana Territory to slavery if territory voted for slavery. Texas, Indian Territory (Oklahoma), Missouri, Kentucky, Virginia, and all southern states were already slave states.

**Dred Scott vs. Sandford**

case

USA

1857

USA Supreme Court ruled that slaves were always slaves, unless bought out, that Scott was not a citizen, though he had lived free for several years, and that Missouri Compromise was unconstitutional. Ruling increased tension between north and south USA.

**Oliver Wendell Holmes, Jr. [Holmes, Jr., Oliver Wendell]**

chief justice/inventor

USA

1862 to 1932

stereoscope [1862]; Common Law [1881]

He lived 1841 to 1935. As USA Supreme Court Chief Justice [1902 to 1932], he emphasized human rights over property rights.

**Homestead Act**

law

USA

1862 to 1976

It entitled people to 160 acres of undeveloped land, to build homes. It replaced Preemption Act [1941]. It ended, except in Alaska, with Federal Land Policy and Management Act [1976]. Alaska ended homesteading [1986].

**Supreme Court**

court

USA

1863

Number of judges increased from nine to ten.

**13th Amendment**

constitution

USA

1865

Amendment abolished slavery.

**Amnesty Proclamation**

law

USA

1865

Act allowed South to organize itself, so North's military withdrew.

**Black Codes**

law

USA

1865

After Civil War, southern states prohibited intermarrying, required special labor contracts, apprenticed blacks under 18 without self-sufficient parents, imprisoned or apprenticed unemployed blacks over 18, and prohibited blacks from carrying firearms or knives.

**Freedman's Bureau**

department

USA

1865

Department helped freed slaves and war refugees.

**Civil Rights Act**

law

USA

1866

All Negroes became citizens.

**Supreme Court**

court

USA

1866

Number of judges decreased from ten to seven.

**Reconstruction Acts**

law

USA

1867

Laws placed military governments in Southern states. Congress had no southerners.

**Tour of Office Act**

law

USA

1867

Act required President to obtain Senate's consent to remove officials appointed with Senate consent.

**Supreme Court**

court

USA

1869

Number of judges increased from seven to nine.

**Henry George [George, Henry]**

lawyer

USA

1870 to 1877

Our Land and Land Policy [1870]; Progress and Poverty [1877]

He lived 1839 to 1897, was against laissez-faire, and favored taxing only real estate.

**Civil Rights Act**

law

USA

1875

Act tried to end discrimination against blacks.

**railway workers**

strike

USA

1877

Baltimore & Ohio Railroad workers reacted to pay cuts that followed Panic of 1873. Then national railroad workers also struck. Pittsburgh and Chicago had rioting, and workers seized St. Louis and Toledo, until federal troops intervened.

**Knights of Labor**

labor union

USA

1880

First labor union in USA began.

**Chinese Exclusion Act**

law

USA

1882

Act ended right of Chinese to come to USA.

**Indian Territory**

territory

Oklahoma/Arkansas

1882 to 1907

After Indian Removal Act [1830], Indian Intercourse Act [1834] established a territory. Cherokee, Chickasaw, Choctaw, Creek, and Seminole, the Five Civilized Tribes, of the South moved there along Trail of Tears and built Tulsa, Ardmore, Tahlequah, and Muskogee. Delaware, Cheyenne, and Apache also relocated there. Oklahoma Territory began [1890] in west Oklahoma. Indian Territory ended when Oklahoma became state [1907].

**Civil Rights**

case

USA

1883

Supreme Court declared Civil Rights Act unconstitutional, because it was about social, rather than legal, rights.

**Civil Service Act**

law

USA

1883

Act based government service more on competency than patronage.

**Ex Parte Yarborough**

case

USA

1884

USA Supreme Court allowed black people to seek relief for hindrance of voting rights.

**Nixon vs. Heindon or Texas White Primary Case**

case

USA

1885

USA Supreme Court established right of blacks to vote in primary elections.

**Dawes General Allotment Act**

law

USA

1887

Act put American natives under legal protection and permanently gave families several hundred acres [increased in 1904].

**labor-management**

law

USA

1888

Federal commission mediated labor-management disputes.

**Sioux Act**

law

USA

1889

Lakota reservations delineated.

**Classic vs. U.S.**

case

USA

1890

USA Supreme Court established right of blacks to vote in primary elections.

**Smith vs. Allwright**

case

USA

1890

USA Supreme Court established right of blacks to vote in primary elections.

**voting**

law

Wyoming

1890

Women gained right to vote.

**union**

law

USA

1890 to 1920

Old rule in common law was to enjoin combinations that restrained trade. Court injunctions stopped picketing and boycotting.

**initiative**

law

USA

1897 to 1898

initiative [1897]

States allowed citizens to gather signatures to put statutes directly before voters {initiative}. Nebraska was the first locally, and South Carolina the first statewide.

**referendum**

law

USA

1897 to 1898

referendum [1897]

States allowed citizens to gather signatures to allow voters to judge statute {referendum}]. Nebraska was the first locally, and South Carolina the first statewide.

**Open Door Policy**

law

USA

1900

Act guaranteed equal trading rights for all nations in China.

**common carrier**

law

USA

1906

Common carriers became responsible for injuries to employees, even if there was no negligence.

**Hepburn Act**

law

USA

1906

Act expanded Interstate Commerce Commission (ICC) power.

**railway workers**

law

USA

1906

Congress limited work hours of trainmen and telegraphers.

**Roscoe Pound [Pound, Roscoe]**

lawyer

USA

1906 to 1936

Causes of Popular Dissatisfaction with the Administration of Justice [1906]; Theory of Interests [1921]

He lived 1870 to 1964 and was dean of Harvard Law School [1916 to 1936]. He wrote about patterns of living together of actual people. Law must determine between conflicting interests. Law is tool for social engineering.

**child labor**

law

USA

1906 to 1950

Child labor laws were held unconstitutional, until 1950's.

**Australian**

ballot

USA

1908

By 1908, all states used secret ballot {Australian ballot}.

**Gentleman's Agreement**

law

USA

1908

Act provided that Japan only issue emigration papers to USA-citizen relatives or to people who manage businesses.

**minimum wage law**

law

USA

1908

Congress passed law for minimum wage for women in industry, but Supreme Court declared it unconstitutional.

**Muller vs. Oregon**

case

USA

1908

USA Supreme Court, under Brandeis, said that law that prohibited women from working more than ten hours a day was constitutional.

**recall**

law

USA

1908

recall [1908]

Oregon and then other states allowed citizens to gather signatures to allow voters to remove official from office {recall from office}].

**Mann-Elkins Act**

law

USA

1910

Act expanded Interstate Commerce Commission (ICC) power.

**workmen's compensation**

law

USA

1910

All states had workmen's compensation laws by 1910.

**Charles Evans Hughes [Hughes, Charles Evans]**

judge

USA

1910 to 1941

Supreme Court of the United States [1928]

He lived 1862 to 1948 and was USA Supreme Court Associate Justice [1910 to 1916 and 1930 to 1941].

**Department of Labor**

department

USA

1913

It prepares workers for new and better jobs and protects workers. It includes Bureau of Labor Statistics.

**Adamson Act**

law

USA

1916

Act limited railway workers to eight work hours a day.

**Louis D. Brandeis [Brandeis, Louis D.]**

judge

USA

1916 to 1939

Erie Railroad Co. v. Tompkins [1938]

He lived 1856 to 1941 and was liberal USA Supreme Court Associate Justice [1916 to 1941] concerned about social justice. Constitution allows experimentation. Justices need to use what public thinks its interest is, not just law or policy.

### **Espionage Act**

law

USA

1917

Act suppressed dissent.

### **Immigration Law**

law

USA

1917

Act required literacy test and set quotas.

### **Sedition Act**

law

USA

1918

Act suppressed dissent.

### **16th Amendment**

constitution

USA

1919 to 1933

Amendment prohibited alcohol sale, starting Prohibition. Organized crime started to make and sell alcohol. Democratic Party split over issue.

### **18th Amendment**

constitution

USA

1920

Amendment gave women right to vote. Some women voted in England in 1918, and all in 1939. Women voted in France in 1946.

### **Clayton Anti-Trust Act**

law

USA

1920

Act was against monopolies.

### **Industrial Rehabilitation Act**

law

USA

1920

Act protected injured workers.

### **Seamen's Act**

law

USA

1920

Act exempted labor from anti-trust law. Senator LaFollette wrote it.

**Duplex Printing Press Co. v. Deering**

case

USA

1921

USA Supreme Court allowed injunctions against unions.

**Immigration Law**

law

USA

1921

Act required literacy test and set quotas.

**Sheppard-Tower Act**

law

USA

1921

Act gave federal aid for childbirth care.

**Truax vs. Corrigan**

case

USA

1921

USA Supreme Court allowed injunctions against unions.

**Act of Congress**

law

USA

1924

Native Americans became citizens.

**Immigration Act**

law

USA

1924

Act revised immigration quotas.

**Clarence Darrow [Darrow, Clarence]**

lawyer

USA

1924 to 1934

He lived 1857 to 1938 and defended at Leopold-Loeb trial [1924], Scopes "monkey trial" [1925], and Massie trial [1934].

**Learned Hand**

judge

USA

1924 to 1951

I Am an American Day Speech [1944]

He lived 1872 to 1961.

**Scopes Trial or Scopes Monkey Trial**

trial

USA

1925

Trial prosecuted teaching evolution in schools. Clarence Darrow defended Scopes. William Jennings Bryan helped prosecute.

**Benjamin Cardozo [Cardozo, Benjamin]**

judge

USA

1932 to 1938

Nature of the Judicial Process [1921]

He lived 1870 to 1938 and was Supreme Court Associate Justice [1932 to 1938].

**Banking Act**

law

USA

1933

Act reformed banking. Gold standard ended.

**Emergency Housing Division**

department

USA

1933

Housing Corporation helped build houses.

**Emergency Relief Act**

law

USA

1933

Act set up aid to unemployed and purchased surpluses.

**National Industrial Recovery Act**

law

USA

1933

Act formed industry trade associations, to establish fair-trade laws. It set up collective bargaining, minimum wage, maximum hours, and import controls. Supreme Court declared it unconstitutional.

**Norris-LaGuardia Act**

law

USA

1933

Act prohibited injunctions against unions.

**Public Works Administration**

department

USA

1933

Department was for dams and other projects.

**Resettlement Administration**

department

USA

1933

Department was for rural housing.

**Social Security Act**

law

USA

1933

Act granted retirement and disability benefits.

**Unemployment Relief Act/Civilian Conservation Corps**

law

USA

1933

Act created Civilian Conservation Corps.

**Wagner-Connally Labor Relations Act or Wagner Act**

law

USA

1933

Act compelled collective bargaining, stopped employer tampering with union, and formed Labor Relations Board. It allowed labor leaders to talk to workers but not employers. It did not put controls on entrenched union leadership and did not require public incorporation or accounting.

**Civil Works Administration**

department

USA

1933 to 1934

Agency employed construction workers to build public buildings and bridges.

**Agricultural Adjustment Act**

law

USA

1933 to 1935

Act established price supports for food products and paid for reducing supplies. Supreme Court declared it unconstitutional [1935].

**Civilian Conservation Corps**

law

USA

1933 to 1942

Agency did outdoor work in camps by employing young men, who had to send money home to their families.

**Indian Reorganization Act**

law

USA

1934

All tribes became self-governing.

**Securities Act/Securities and Exchange Act**

law

USA

1934

Act created Securities and Exchange Commission and required information disclosure. Sarbanes-Oxley Act [2002] added to it.

**kidnapping**

law

USA

1936

Men kidnapped Charles Lindbergh's son and killed him, leading to federal laws against kidnapping.

**Walsh-Healy Government Contracts Act**

law  
USA  
1936  
Act set wage and hours controls for government contract work.

**Hugo Black [Black, Hugo]**

judge  
USA  
1937 to 1971  
Adamson v. California [1947]; Dennis v. United States [1951]; Engel v. Vitale [1962]; Gideon v. Wainwright [1963]  
He lived 1886 to 1971 and was USA Supreme Court Associate Justice [1937 to 1971].

**Food, Drug, and Cosmetic Act**

law  
USA  
1938  
It revised the 1906 Food and Drugs Act. Food and Drug Administration Modernization Act [1997] updates law.

**Felix Frankfurter [Frankfurter, Felix]**

judge  
Austria/USA  
1939 to 1962  
He lived 1882 to 1965 and was USA Supreme Court Associate Justice [1939 to 1962].

**Lend-Lease Act**

law  
USA  
1941  
Act lent and leased equipment to Allies.

**Truman Proclamation**

law  
USA  
1945  
Act gave USA sovereignty over continental shelf and fisheries.

**Taft-Hartley Act**

law  
USA  
1948  
Act replaced Wagner Act labor laws.

**Hoover Commission**

commission  
USA  
1949  
Herbert Hoover headed commission to study executive branch.

**Administrative Procedures Act**

law  
USA  
1950  
Act established uniform laws for dealing with government agencies.

**arbitration**

law

USA  
1950  
Arbitration laws began.

**declamatory judgment**

law  
USA  
1950  
Law allowed suit settlement by giving facts {declamatory judgment} but making no final judgment.

**minors**

law  
USA  
1950  
Minors began to have special courts.

**small claims**

court  
USA  
1950  
Small claims courts began.

**Grenville Clark [Clark, Grenville]**

attorney  
USA  
1950 to 1958  
Plan for Peace [1950]; World Peace through World Law [1958: with Louis Sohn]  
He lived 1882 to 1967.

**Checkers Speech**

speech  
USA  
1952  
Richard Nixon spoke about involvement in the Alger Hiss case against Whittaker Chambers, because he investigated Communists.

**Earl Warren [Warren, Earl]**

chief justice  
USA  
1953 to 1969  
He lived 1891 to 1974 and was USA Supreme Court Chief Justice [1953 to 1969]. USA Supreme Court ended legal segregation, forced one man-one vote legislatures, and defended rights of accused people.

**Uniform Commercial Code**

law  
USA  
1960  
Act is business law in all states, except for Louisiana.

**Civil Rights Act**

law  
USA  
1965  
Act discontinued segregation.

**American Indian Civil Rights Act**

law  
USA  
1968

Act is Title II of Civil Rights Act of 1968. USA has more than 550 Native-American nations.

### **Code of Professional Responsibility**

law  
USA  
1969

Code of Professional Responsibility [1969]

Code of Professional Responsibility requires lawyers to keep all conversations between lawyer and client confidential and has other duties.

### **Warren Burger [Burger, Warren]**

chief justice  
USA

1969 to 1986

He lived 1907 to 1995 and was USA Supreme Court Chief Justice [1969 to 1986].

### **William Rehnquist [Rehnquist, William]**

judge  
USA

1978 to 2005

He lived 1924 to 2005 and was USA Supreme Court Justice [1972 to 1986] and Chief Justice [1986 to 2005].

### **American lawyers**

lawyer  
USA  
1990

Lawyers in USA number 350,000, with two-thirds in private practice.

### **SOCI>Law>History>International Law**

#### **Middle Eastern trade**

broker  
Middle East  
-1000 to 1000

As caravans and pack trains crossed territories, brokers arranged trades and money exchanges.

#### **olive branch/peace pipe**

trader  
Earth  
-1000 to 1000

Olive branch or peace pipe showed peaceful intentions.

### **Ulrich Zasius [Zasius, Ulrich] or Faber Stapulensis [Stapulensis, Faber]**

lawyer  
Netherlands/Freiberg, Germany  
1506 to 1521

Statutes of the City of Freiburg [1506 to 1530]

He lived 1461 to 1536 and was international lawyer.

### **Francisco de Vitoria [Vitoria, Francisco de]**

lawyer  
Salamanca, Spain  
1510 to 1539

On Indians [1532]; On Law of War [1532]; Theological Reflections [1539: natural and international law]  
He lived 1483 to 1546, was Dominican, and was at Salamanca. He wrote about natural and international law, especially as applied to American native peoples.

**Andreas Alciatus of Milan [Alciatus of Milan, Andreas]/Viglius ab Aytta [Aytta, Viglius ab]**

lawyer

Milan, Italy

1514

Commentary on the laws and canons of the Church of England [1514]

Alciatus lived 1492 to 1550, wrote about international law, and founded Bourges University. He tried to discover pure Roman law from commentaries and added good other laws.

**Jacques Cujas [Cujas, Jacques] or Jacques de Cujas [Cujas, Jacques de] or Cujacius**

lawyer

Paris, France

1550 to 1580

Criticisms and Observations [1550 to 1580]; Additional Commentary [1550 to 1580: on Digest and Code of Justinian, especially Ulpian and Paulus]

He lived 1520 to 1590 and helped establish Continental law and international law, using original sources. He studied law at Bourges University, was Alciati's pupil's student, and studied law's relations to history and literature.

**Gabriel Van der Muyden [Muyden, Gabriel Van der] or Mudaeus**

lawyer

Belgium

1570

He lived 1500 to 1560, was international lawyer, was Alciatus' pupil, and founded Louvain University.

**Antoine Favre [Favre, Antoine] or Antonius Faber [Faber, Antonius]**

lawyer

Netherlands/Lyon, France

1581 to 1607

Conjectures on Civil Law [1581: three books]; On Practical Errors and Law Interpretation [1598]; Codex Fabrianus [1607]

He lived 1557 to 1624 and was international lawyer.

**Hugo Doneau [Doneau, Hugo] or Hugo Donellus [Donellus, Hugo] or Hugo D'Onneau [D'Onneau, Hugo] or Hugues Doneau [Doneau, Hugues]**

lawyer

Leyden, Netherlands

1587

Commentaries on the Civil Law [1587]

He lived 1527 to 1591, was international lawyer, and studied law at Bourges University.

**Albericus Gentilis [Gentilis, Albericus] or Albericius Gentilis [Gentilis, Albericius]**

lawyer

London, England

1589

On the Laws of War [1589]

He lived 1552 to 1608 and emphasized that contemporary situations required new international law rules.

His ideas came into use in approximately 1900.

He established peace-treaty rules, neutrality rules, and war rules. He established justifications for war, especially self-defense.

Licenses for reprisal against another nation's vessels {letters of marque} are unlawful, because they lead to piracy. Travelers in peacetime have freedom of passage, especially over seas.

Diplomatic personnel have immunity from prosecution, have right of passage, and have right of property and person protection. Rulers cannot reject embassies but can return particular ambassadors. All nations, no matter what governmental system or ruler, are in society of nations.

### **Epistemology**

Rights and laws based on reason are true for all people at all times.

### **Hugo Grotius [Grotius, Hugo] or Huig de Groot [Groot, Huig de]**

lawyer

Netherlands/Paris, France

1625 to 1645

On the Laws of War and Peace [1625]

He lived 1583 to 1645 and was the "father of international law". He described current international law, basing his ideas on natural law, reason, and Roman *ius gentium*.

### **Ethics**

Moral precepts are true even without God, are rational, and are social.

### **Law**

International law depends on natural law, customs, and agreements. Natural law comes from man's social nature and needs, is absolute, is power and authority basis, and protects property and life rights. Law gives rights and justice by the ruled's consent.

### **Politics**

People have natural rights, which government should guarantee. State is social contract. Aristocratic republic is best.

### **Samuel Puffendorf [Puffendorf, Samuel]**

lawyer

Lund, Germany

1672

On Natural Law and Law of Nations [1672]

He lived 1632 to 1694.

### **Law**

Laws define what to do or not do and prescribe punishment. Travelers have freedom of seas, except in territorial waters.

### **Politics**

Man's natural duties, defined by natural law, are examples of state duties. Authority has legitimate power to limit freedom and punish people to make people secure or better. Authority can also be legitimate if people have consented. People have obligation to obey superiors. Social relations aid individual self-preservation. Theocracy is not good. Taking booty is sovereign's right, and it is then his property. Treaty or danger {necessity} can allow nations to prevent actions they normally allow.

### **Christian Thomasius [Thomasius, Christian]**

lawyer

Germany

1691 to 1705

Introduction to the Theory of Pure Reason [1691]; Fundamentals of Natural Law and Law of Nations [1705]

He lived 1655 to 1728, was international lawyer, and helped found natural law.

### **Cornelius Van Bynkershoek [Bynkershoek, Cornelius Van]**

lawyer

Leyden, Netherlands

1721 to 1737

Sovereignty of the Sea [1721]; Questions of Public Law [1737]

He lived 1673 to 1743 and emphasized actual law practice. He established neutral country protections, blockade rules, and contraband rules. One cannon shot, three miles, is territorial-waters limit. High seas are free to all. Ambassadors should have full protection. War declarations are unnecessary.

### **Emmerich de Vattel [Vattel, Emmerich de]**

lawyer

Germany

1758

Rights of People or Principles of Natural Law [1758: natural law]

He lived 1714 to 1767, was international lawyer, and believed in natural law. Nations are like moral persons, so ethics is a consideration in law.

#### **Declaration of Pillnitz**

edict

Pillnitz, Germany

1792

Act called on Europe to restore Louis XVI of France.

#### **Friedrich Karl von Savigny [Savigny, Friedrich Karl von]**

lawyer

Germany

1803 to 1842

Law of Possession [1803]; System of Present Day Roman Law [1840 to 1849]; History of Roman Law in the Middle Ages [1815 to 1831]

He lived 1779 to 1861, was international lawyer, and started Historical School [1810 to 1842]. He emphasized Roman law and customs as the law basis. He first recreated classical law, contrasted Roman law to natural law, and tried to show how law had evolved.

#### **Rudolf von Jhering [Jhering, Rudolf von]**

lawyer

Germany

1852 to 1889

Spirit of Roman Law [1852 to 1878]; Struggle for Justice [1872]; Instrument of Law or Law as a Means to an End [1877 to 1883]; Jurisprudence in Jest and in Earnest [1884]; Intent to Possess [1889]

He lived 1818 to 1892 and was an international lawyer and Roman-law scholar.

#### **Theodor Mommsen [Mommsen, Theodor]**

lawyer/historian

Berlin, Germany

1855 to 1885

History of Rome [1855 and 1885]

He lived 1817 to 1903 and was an international lawyer and Roman-law historian.

#### **Declaration of Paris**

law

Paris, France

1856

Act was first international law code. It described naval war rules, ended privateering, established contraband rules, and established blockade rules. Most sea-faring nations signed.

#### **Geneva Convention**

law

Geneva, Switzerland

1864

Act established rules for wounded soldiers. Nine states signed.

#### **Declaration of St. Petersburg [St. Petersburg, Declaration of]**

law

St. Petersburg, Russia

1868

Act established rules about explosive or inflammable projectiles.

**Brussels Conference**

conference  
Brussels, Belgium  
1874

Conference used war rules of Francis Lieber for USA Civil War and proclaimed Declaration of Brussels. It prohibited pillage and bombardment of open towns and established occupation rules and prisoner-treatment rules. Britain did not ratify it, and it failed. Later, nations adopted its ideas.

**Second Peace Conference**

conference  
The Hague, Netherlands  
1900

Conference revised war rules by the Hague Declarations.

**Declaration of London**

law  
London, United Kingdom  
1908

Act established blockade, contraband, and naval war rules, but England did not ratify it.

**World Court or Permanent Court of International Justice**

court  
Switzerland  
1920

League of Nations established court.

**Aristide Briand [Briand, Aristide]/Frank B. Kellogg [Kellogg, Frank B.]**

law  
Paris, France  
1928

Briand-Kellogg Pact or Pact of Paris [1928]

Open to all nations, it prohibited war and forced peaceful settlements to be sought.

**Nuremberg**

trial  
Nuremberg, Germany  
1946

Nuremberg Nazi-war-criminal trials changed international law. They used laws passed after the acts {ex post facto law} {nullum crimen nulla poena sine lege}. They had no precedents. Aggressive war is crime. Aggressive-nation leaders are responsible for war, because people have duties to conscience that are higher than duties to state.

**Universal Declaration of Human Rights**

law  
Earth  
1948  
United Nations declared it.

**SOCI>Law>History>Japanese Law****Japanese**

law  
Japan  
1868 to 1912

During Meiji period, Japan modernized law based on French and German law.

**Japan constitution**

constitution  
Japan  
1889  
Constitution formed a parliament.

## **SOCI>Law>History>Maritime Law**

### **Phoenician**

law  
Lebanon  
-800 to -300  
First maritime customs developed.

### **Law of Rhodes or Rhodian Law**

law  
Rhodes, Greece  
600 to 1453  
Rhodian Law or Law of Rhodes [600 to 700: Byzantine-Empire trade and navigation regulations]  
Maritime customs developed from Digest of Code of Justinian [600] and from Rhodes' ancient maritime customary law.

### **Table of Amalfi**

law  
Amalfi, Italy  
1000 to 1100  
Table of Amalfi [1000 to 1100]  
Amalfi was one of four Maritime republics, but Pisa ended it [1135].

### **Venice maritime**

law  
Venice, Italy  
1100 to 1200  
Maritime customs developed.

### **Code of Oleron**

law  
Oleron Island, France  
1191  
Code of Oleron [1191]  
Richard I published maritime customs, and British, Scotch, and Normans used them.

### **Pisa maritime**

law  
Pisa, Italy  
1200 to 1300  
Maritime customs developed.

### **Sea Laws of Gotland**

law  
Wisley, Germany  
1240  
Sea Laws of Gotland or Visby Laws [1240: maritime customs based on Code of Oleron]  
Gotland is largest island in Baltic Sea. Visby was a chartered Hanseatic town [1000]. Twenty tings sent elected judges to meetings {alting} {Gutnaltinget}.

### **Consulado del Mar [Mar, Consulado del] or Code of Barcelona**

law

Barcelona, Spain

1283

Maritime customs were in use for five centuries.

### **Hansa Code**

law

Bremen, Germany/Lübeck, Germany

1358 to 1367

Hanseatic League (Hansa) developed maritime customs based on Sea Laws of Gotland and Lübeck laws. German merchants formed associations {Hansa}. German and Scandinavian merchants founded Hanseatic League [1150], including Lübeck, Westfalia, Saxony, and Gotland. It added Bremen and Livonia [1200 to 1220]. Lübeck and Hamburg united [1241], then Lübeck and Visby (Gotland) united [1280], starting Hansa towns. Towns were Saxon, Wendish, Prussian, and Livonian. Members met at Lubeck [1358]. Hansa united to war with Waldemar Atterdag of Denmark [1361]. Cologne Confederation [1367] had cities from Holy Roman Empire, Netherlands, and area controlled by Teutonic Knights.

### **Bank of St. George**

bank

Genoa, Italy

1407

Maritime law changed as bank issued first bills of exchange and first insurance [1407].

### **Europe maritime**

law

Europe

1600 to 1700

National maritime law codes began, disunifying maritime law.

### **York-Antwerp Rules**

law

York, England/Antwerp, Belgium

1890 to 1950

Laws were about insurance losses [1890 and 1950].

### **Hague Rules**

law

Brussels, Belgium

1924

Hague Rules [1924]

International maritime code developed.

### **Hague-Visby Rules**

law

Wisley, Germany

1968

Hague-Visby Rules or Brussels Protocol of Amendments to the Hague Rules [1968: Visby Amendments added to Hague Rules]

It increased limitation amounts in general and for containers. Visby is largest city on Gotland Island, which belongs to Sweden.