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The Common Law and
English Jurisprudence
1760–1850

Michael Lobban

Common Law And English Jurisprudence 1760 1850

G. Blaine Baker, Donald Fyson



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The Common Law and English Jurisprudence, 1760-1850 Michael Lobban, 1991 In this book Michael Lobban argues that a proper understanding of English law and jurisprudence in the period is needed to clarify the nature of common law practice and the way in which it was envisaged by its practitioners He questions some commonly accepted views of the nature of the common law itself and argues that attempts notably those by Blackstone and Bentham to expound or to criticize common law in essentially theoretical terms were mistaken His approach is not a philosophically based one but he is concerned with the evolution and spread of judicial ideas which were grounded upon the work of moral and political philosophers and makes a valuable corrective contribution to our historical understanding of a critically important period in legal history

The British and Their Laws in the Eighteenth Century David Lemmings, 2005 New analysis and interpretation of law and legal institutions in the long eighteenth century Law and legal institutions were of huge importance in the governance of Georgian society legislation expanded the province of administrative authority out of all proportion while the reach of the common law and its communal traditions of governance diminished at least outside British North America But what did the rule of law mean to eighteenth century people and how did it connect with changing experiences of law in all their bewildering complexity This question has received much recent critical attention but despite widespread agreement about Law's significance as a key to unlock so much which was central to contemporary life as a whole previous scholarship has only offered a fragmented picture of the Laws in their social meanings and actions Through a broader brush approach *The British and their Laws in the Eighteenth Century* contributes fresh analyses of law in England and British settler colonies c 1680 1830 its expert contributors consider among other matters the issues of participation central local relations and the maintenance of common law traditions in the context of increasing legislative interventions and grants of statutory administrative powers Contributors SIMON DEVEREAUX MICHAEL LOBBAN DOUGLAS HAY JOANNA INNES WILFRED PREST C W BROOKS RANDALL MCGOWEN DAVID THOMAS KONIG BRUCE KERCHER

Saxon and Medieval Antecedents of the English Common Law Kurt von S. Kynell, 2000 This volume provides an interdisciplinary approach to legal history utilizing law linguistics cultural anthropology and social history to document and analyze the slow but steady growth of the English common law from Anglo Saxon times to the 19th century

Common Law and Enlightenment in England, 1689-1750 Julia Rudolph, 2013 The book demonstrates how the common law mind was able to meet the various challenges posed by Enlightenment rationalism and civic and commercial discourse revealing that the common law played a much wider role beyond the legal world in shaping Enlightenment concepts

Elgar Encyclopedia of Comparative Law, Second Edition J. M. Smits, 2012-01-01 Acclaim for the first edition This is a very important and immense book The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries It is a reference book for dipping into time and time again It is worth every penny and there is not another as comprehensive in its

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Essays in the History of Canadian Law George Blaine Baker, Donald Fyson, 2013-12-06 The essays in this volume deal with the legal history of the Province of Quebec Upper and Lower Canada and the Province of Canada between the British conquest of 1759 and confederation of the British North America colonies in 1867 The backbone of the modern Canadian provinces of Ontario and Quebec this geographic area was unified politically for more than half of the period under consideration As such four of the papers are set in the geographic cradle of modern Quebec four treat nineteenth century Ontario and the remaining four deal with the St Lawrence and Great Lakes watershed as a whole The authors come from disciplines as diverse as history socio legal studies women's studies and law The majority make substantial use of second language sources in their essays which shade into intellectual history social and family history regulatory history and political history

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The Revolution in Freedoms of Press and Speech Wendell Bird, Wendell R. Bird, 2020 This book discusses the revolutionary broadening of concepts of freedom of press and freedom of speech in Great Britain and in America in the late eighteenth century in the period that produced state declarations of rights and then the First Amendment and Fox's Libel Act The conventional view of the history of freedoms of press and speech is that the common law since antiquity defined those freedoms narrowly and that Sir William Blackstone in 1769 and Lord Chief Justice

Mansfield in 1770 faithfully summarized the common law in giving a very narrow definition of those freedoms as mere liberty from prior restraint and not liberty from punishment after something was printed or spoken. This book proposes to the contrary that Blackstone carefully selected the narrowest definition that had been suggested in popular essays in the prior seventy years in order to oppose the growing claims for much broader protections of press and speech. Blackstone misdescribed his summary as an accepted common law definition which in fact did not exist. A year later Mansfield inserted a similar definition into the common law for the first time, also misdescribing it as a long accepted definition and soon misdescribed the unique rules for prosecuting sedition as having an equally ancient pedigree. Blackstone and Mansfield were not declaring the law as it had long been but were leading a counter revolution about the breadth of freedoms of press and speech and cloaking it as a summary of a narrow common law doctrine that in fact was nonexistent. That conflict of revolutionary view and counter revolutionary view continues today. For over a century a neo Blackstonian view has been dominant or at least very influential among historians. Contrary to those narrow claims, this book concludes that the broad understanding of freedoms of press and speech was the dominant context of the First Amendment and of Fox's Libel Act and that it enjoyed greater historical support.

The Character of Credit Margot C. Finn, 2003-08-21 Table of contents

Logic and Experience William P. LaPiana, 1994

The 19th century saw dramatic changes in the legal education system in the United States. Before the Civil War, lawyers learned their trade primarily through apprenticeship and self-directed study. By the end of the 19th century, the modern legal education system, which was developed primarily by Dean Christopher Langdell at Harvard, was in place. A bachelor's degree was required for admission to the new model law school, and a law degree was promoted as the best preparation for admission to the bar. William P. LaPiana provides an in-depth study of the intellectual history of the transformation of American legal education during this period. In the process, he offers a revisionist portrait of Langdell, the Dean of Harvard Law School from 1870 to 1900, and the earliest proponent for the modern method of legal education, as well as portraying for the first time the opposition to the changes at Harvard.

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