

# Lecture 1 - The English Legal System

## Features of the English Legal System

- Common Law
- Custom
- No Legal Code or Constitution
- Law was originally mainly made by Judges
- Importance of Procedure
- Absence of Roman Law
- Adversarial System of Trial

## Problems with Common Law

- The court which dealt with claims was the Kings Bench.
- The only common law remedy was damages.
- Claimants needed to issue proceedings by obtaining a writ.
- The system was very inflexible.

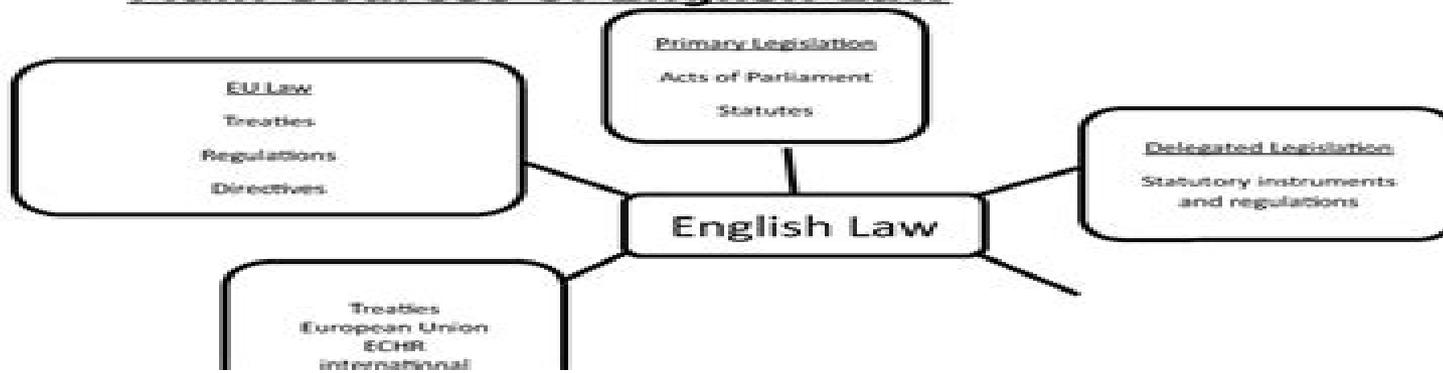
## Equity

- People were allowed to petition the king directly for a remedy.
- The petitions were delegated to the Lord Chancellor who heard the claims in the court of Chancery.
- Decisions were based more upon fairness, morality and natural justice.
- Equity developed its own legal principles and remedies.
- If there was a conflict between common law and equity then equity prevailed.

## Classification of English Law

- Public Law and Private Law
- Criminal Law and Civil Law
- Common Law and Equity

## Main Sources of English Law



# English Legal System Lecture Notes

**KJ Lindholm-Leary**



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