

**DOWNLOAD PDF V. L. CASES IN THE COURT OF KINGS BENCH,
1742-1753.**

Chapter 1 : Reports of cases argued and adjudged in the King's courts at Westminster. [] - CORE

Book digitized by Google from the library of Oxford University and uploaded to the Internet Archive by user tpb.

She is a graduate of Hunter College and received her J. She received her undergraduate degree from Vassar College and her law degree from Fordham Law School. He received his undergraduate degree from Boston College and his J. Formerly appointed to the Interim Civil Court July Subsequently, she was a solo practitioner specializing in criminal defense. Judge Arriaga received his undergraduate degree from the University of Florida and his law degree from Brooklyn Law School. Back to Top Judge A. Kirke Bartley Judge A. He graduated from John Jay College and received his law degree from St. She is a graduate of St. Formerly appointed to the Interim Civil Court May She is a graduate of Yale University and received her J. He received his undergraduate degree from Fordham University and his law degree from Fordham University School of Law. Reappointed January ; January Reappointed December ; January Judge Calabrese received his undergraduate degree from the University of Notre Dame and received his law degree from Fordham Law School. He began his legal career with the Legal Aid Society and subsequently served as a court attorney to the Honorable Leslie Crocker Snyder. Formerly appointed to the Interim Civil Court February She is a graduate of Cornell University and received her J. He graduated from Johns Hopkins University and received his J. Back to Top Judge Toni M. Cimino Judge Toni M. She received her undergraduate degree from St. Formerly appointed to the Interim Civil Court June He was also an associate for a private firm as well as a law clerk to a federal judge. Fuchsberg Touro Law Center. She is a graduate of Brooklyn College and received her J. She formerly served as a law clerk for more than twenty years. Appointed December ; reappointed December and December Back to Top Judge Charlotte E. Davidson Judge Charlotte E. She is a graduate of Harvard University and received her J. Prior to that, she was an associate with a private firm. Appointed December ; reappointed January She graduated from St. Francis College and received her law degree from Brooklyn Law School. Upon graduation from law school, she was a law clerk to a federal judge and a litigation associate for private firms. She was subsequently appointed to the Criminal Court in November She received her undergraduate degree from the University of Rochester and her law degree from Columbia University School of Law. He is a graduate of Cornell University and received his J. He subsequently served for 23 years as an Assistant U. He received his undergraduate degree from the University of California and his law degree from Harvard Law School. He is a graduate of Rensselaer Polytechnic Institute and received his J. Formerly appointed to the Interim Civil Court January Judge Gerald received a B. Appointed to the Criminal Court December Appointed to the Interim Civil Court September She graduated from Hunter College and received her J. He received his undergraduate degree from York College and his law degree from St. Judge Grasso served with the New York City Police Department for almost 30 years, having started as a patrol officer while attending law school. He quickly rose through the ranks within various offices and served as Deputy Commissioner for Legal Matters and last served as First Deputy Police Commissioner. Appointed January ; reappointed January He received his undergraduate degree from Fordham University and his J. He graduated from Tufts University and received his J. He received a B. Reappointed November ; December Back to Top Judge Danielle L. Hartman Judge Danielle L. Hartman was appointed to the Criminal Court in May She is a graduate of Emory University and received her J. Back to Top Judge John T. Hecht Judge John T. He received his undergraduate degree from Yale College and his J. Prior to his appointment, he served as a Principal Court Attorney in Supreme Court, was a Supervising Attorney for the Legal Aid Society, was a litigation associate for private firms, and clerked for a federal judge. He was subsequently appointed to the Criminal Court in September Judge Hong received his undergraduate degree from Columbia College and his J. Appointed September ; reappointed January He graduated from S. Appointed January ; reappointed December He is a graduate of Fordham College and received his J. Reappointed December and December He is a graduate of New York University and received his J. Reappointed November ; November She received

**DOWNLOAD PDF V. L. CASES IN THE COURT OF KINGS BENCH,
1742-1753.**

her undergraduate degree from Barnard College and her J. Back to Top Judge David J. Kirschner Judge David J. He is a graduate of the University of Pennsylvania and received his J. She has been serving in Criminal Court. Judge Koenderman is a graduate of Barnard College and received her J. He was subsequently appointed to the Criminal Court in January He is currently an Acting Supreme Court Justice. Most of his legal career was spent serving with the Supreme Court, Appellate Division, Second Department as a law secretary. He was also an associate with a law firm. Reappointed January ; January ; January Judge John Latella, Jr. He is a graduate of Princeton University and received his J. She was subsequently appointed to the Criminal Court in December He graduated from American University and received his J. She is a graduate of Boston University and received her J. Formerly appointed to the Interim Civil Court September Judge William McGuire, Jr. He earned his B. Bonaventure University and J. She received her undergraduate degree from the University of Chicago and her J. Appointed February ; reappointed January Judge Meyer received a B. She graduated from Thomas More College and received her J. He graduated from the University of Arizona and received his law degree from St. Reappointed January and January

DOWNLOAD PDF V. L. CASES IN THE COURT OF KINGS BENCH, 1742-1753.

Chapter 2 : L'Estrange v F Graucob Ltd [] 2 KB [wikiJuris]

J B Post, 'King's Bench clerks in the reign of Richard II', Bulletin of the Institute of Historical Research, XLVII (), pp. , is a detailed study of the court officials in that reign. C A F Meekings, 'King's Bench Files', in Legal Records and the Historian, ed. J H Baker (Royal Historical Society,), pp.

A judge of the Superior Court made an order denying motions of the defendants in a criminal case in the following words: The Superior Court as created by St. It is within the jurisdiction of the Superior Court to order a change of the place of trial of a person charged with a felony from one county to another, when satisfied that a fair and impartial trial cannot be had within the county where the venue is laid in the indictment. When it is plainly shown that an impartial trial of a person indicted for a crime cannot be had in the county where the venue is laid in the indictment, a record should be made of that fact, and an order should be made transferring the case for trial to another county at a regular sitting of the court there; but the indictment remains unaltered as to venue, and all proceedings upon the indictment except the trial by jury should be in the county where the indictment was found. The power of the Superior Court to order a change of the place of trial in a criminal case from one county to another is one which should be exercised with great caution and only after a solid foundation of fact has been established showing that the ends of justice require such a change. The petitioners were indicted for a felony. Seasonably they presented motions, suggesting that because of "local prejudice and other causes" they could not have an impartial trial in the county of Suffolk, and asking that the proceeding be removed to another county for trial. Thereafter, an order was entered by a judge of the Superior Court, [Note pStar] which as amended was as follows: It becomes necessary to determine the meaning of the indorsement made in the Superior Court upon the Page motions filed by the defendants there, who are the petitioners here. It is perhaps susceptible of two constructions, one that the court has considered the subject matter, and ruled as matter of law that it has no jurisdiction of such motions, the other that the court has abdicated its province and refused to exercise its judicial function, adding by way of parenthesis that its excuse is a belief that it has no jurisdiction in the premises. Ordinarily we should be loath to adopt the latter construction. But the language appears to be strongly phrased with an evident intent to convey that thought, and an examination of the papers discloses that, as originally entered, an unequivocal ruling of law was made disposing of the motion. If that had stood as the final action of the Superior Court, the only remedy of the defendants would have been by exception or appeal under R. But it did not so stand, and the action of that court was changed to a statement of declination even to hear the parties. We are constrained therefore to interpret the order as a refusal to act at all upon the motions. The writ of mandamus is an extraordinary remedy, and is usually granted only when no other adequate relief can be afforded. It cannot be employed to supersede an appeal or exceptions in ordinary cases, and does not lie to review a final judgment. Proceedings of inferior tribunals within their jurisdiction in the exercise of the power confided in them cannot be revised in this way. It does not lie to correct errors committed in the course of trial, even though there be no remedy by exception or appeal. *Selectmen of Gardner v. Templeton Street Railway, Mass. Street Commissioners, Mass. In re Key, U.* But one of the ancient offices of this writ was to compel action by lower judicial tribunals respecting matters properly before them and within their jurisdiction. If such courts decline to exercise their judicature or to decide matters pending before them, mandamus has always been regarded as the appropriate means by which to set in motion their jurisdictional power. It lies to compel the performance of whatever appertains to the duty of lower courts, where there has been for any reason a refusal to act. Its agency in cases of this class is confined to setting in motion the judicial activities so that a decision will be reached, but it does not extend to any direction as to what that decision ought to be. *Commissioners of Highways, 13 Pick. Morse, petitioner, 18 Pick. County Commissioners, 21 Pick. Boston, 1 Gray* See also *In re Winn, U.* It was the plain duty of the justices of the Superior Court to consider and exercise their judicial faculty upon the subject matter presented by the motions filed in that court, and either overrule them as matter

**DOWNLOAD PDF V. L. CASES IN THE COURT OF KINGS BENCH,
1742-1753.**

of law or determine whether they ought to be granted. As we construe the indorsement of the Superior Court upon the motions to be a mere refusal to act, and not the expression of any opinion or ruling, the provisions of R. The issuance of the writ of mandamus is rarely, if ever, matter of right, and commonly rests in the sound judicial discretion of the court. It becomes necessary to determine whether the Superior Court in fact does have jurisdiction to entertain and decide the motions, for the reason that the writ ought not to issue when it can subserve no useful purpose to the petitioners. The question to be determined is whether the Superior Court has jurisdiction to order a change of the place of trial from one county to another, if and when satisfied that a fair and impartial trial cannot be had within the county where the venue is laid in the indictment. This inquiry has never before been expressly presented for consideration and determination in this Commonwealth. It is not covered by the terms of any statute, although certain relevant statutes will be referred to hereafter. The decision must rest upon the general common law power of the court. It can be determined only upon consideration of the powers of courts of general jurisdiction at common law and of our own courts in the Colony and Province of Massachusetts Bay and under the Constitution. It is essential first to examine the powers possessed and exercised by the courts of common law in England before the emigration of those who first settled this Commonwealth and brought with them as a part of their heritage the common law as it existed in England. We resort to a consideration of the common law of England previous to the grant of the Provincial Charter in 1780, because as was said in *Commonwealth v. The common law*, thus claimed, was the common law of their native country, as it was amended or altered by English statutes in force at the time of their emigration. Those statutes were never re-enacted in this country, but were considered as incorporated into the common law. Some few other English statutes, passed since the emigration, were adopted by our courts, and now have the authority of law derived from long practice. So much, therefore, of the common law of England, as our ancestors brought with them, and of the statutes then in force, amending or altering it, - such of the more recent statutes as have been since adopted in practice, - and the ancient usages aforesaid, - may be considered as forming the body of the common law of Massachusetts, which has submitted to some alterations by the acts of the Provincial and State Legislatures, and by the provisions of our constitution. This always has been the unquestioned law of the Commonwealth. The system of reporting decisions of the higher courts previous to the main emigration to this country between and before the granting of the second charter in 1780 and up to the Declaration of Independence was not so perfect as now, and, in order to ascertain what was the common law then and before the revolution, it is profitable and permissible to examine decisions of English courts since that date, not as binding authorities but as strongly persuasive of what the common law was, because they are determinations by men of experience and learning who have continued to live in the atmosphere of the home of the common law, seeking to expound its principles under the heavy responsibilities of a judicial office. It was the common law that the indictment for a crime must be found and tried in the county where it occurred, and ordinarily this principle was applied with great strictness. In *The King v. County of Nottingham*, 2 Lev. In *The Queen v. County of Wilts*, 6 Mod. See also *French v. Cowie*, 2 Burr, Page 101, [in 1761], Lord Mansfield said, "The law is clear and uniform, as far back as it can be traced. So in parts of England itself where an impartial trial cannot be had in the proper county, it shall be tried in the next; as 5 G. *County of the City of Norwich*, [1 Stra. This jurisdiction to change the venue.. We have reported cases, where the doctrine is laid down in emphatic language; we have the practice of the court of Queens Bench in England independently, of any practice of our own court. The general jurisdiction of the court, in a proper case, to change the venue from one county to any other, cannot be the subject of doubt. *County of Cumberland*, 6 T. Statements of similar import are found in *Proctor v. Philips*, Hardres [in 1761], ; *Anonymous*, Dyer, b 10; *Crouch v. See also Rex v. Nottingham*, 4 East, ; *The King v. Phelan*, 14 Cox C. Some of these decisions were made upon a petition for a writ of certiorari from the Court of Kings Bench to a lower court. The form of action, however, does not seem to be material. It is the general recognition of a power of removal for the purpose of securing a fair trial which is important. It is asserted in 1 Chit. We are able to find no dissent from this apparently universal current of authority asserting that the Court of Kings Bench in England possessed the power. This review of authorities

**DOWNLOAD PDF V. L. CASES IN THE COURT OF KINGS BENCH,
1742-1753.**

demonstrates that in the Court of Kings Bench in England had and in Page fact exercised the jurisdiction to remove causes from one county to another in order to secure an impartial trial. It remains to ascertain whether this right of removal for a fair trial was a part of the common law brought over by the forefathers. *Connecticut River Railroad v. County Commissioners, Mass.* It is not necessary to inquire, therefore, whether the Superior Court of Judicature had power to remove causes from the court of general sessions by writ of certiorari see *Cook, petitioner, 15 Pick.* As the express terms of the statute conferred upon the Superior Court of Judicature all the jurisdiction possessed by the Court of Kings Bench in England, the right to grant removal to another county, in order that a fair trial might be had, seems to have been given it. It is plain, from the terms of this statute and what appears to have been the undisputed practice in England prior to , that the Superior Court of Judi- Page cature possessed this right in Nothing can be found in the provincial statutes passed between and which curtailed or limited the jurisdiction conferred by the act by which the court was constituted. When the Constitution of Massachusetts was adopted in , c. When the Superior Court was established by St. This statute conferred upon the Superior Court powers of general jurisdiction theretofore exercised by the Superior Court of Ju- Page dicature and by the Supreme Judicial Court. The Superior Court became thereby a court of general criminal jurisdiction impliedly clothed as to matters placed within its original cognizance, with all those inherent attributes which the Supreme Judicial Court would have possessed as to the same matters. Speaking broadly, it possessed, as to the subjects within its original jurisdiction, the powers which courts of Kings Bench, Common Pleas and Exchequer had at common law in England before , and such as had become a part of our body of common law before our separation from England, as well as those expressly conferred upon it by statute. It is true that there are dicta in early cases to the effect that such power did not exist. In *Lincoln County v. This power we do not possess.* The force of the decision on the point decided was somewhat limited in *Gage v. It may be that as to causes arising in a court of that kind the power Page of the appellate court was thought to be restricted beyond what it would have been over a cause begun in a court of such general jurisdiction as the Superior Court is.* The court expressly declined to follow the general reasoning of this opinion, though this particular point was not adverted to in *Brown v. The statement in Cleveland v. These are the only cases in this Commonwealth in which there is any reference to the subject.* While dicta even of such a character are entitled to respect, they are not of binding authority, and uttered as these were without any apparent investigation respecting a question involving considerable historical research which fortunately has rarely arisen here, they are not to be regarded as of controlling significance. Special Provincial laws were passed making provision for a change in the usual course of trial in particular cases. Laws, setting forth in its preamble a complaint by "divers Indian sachems" on Nantucket that they could not secure fair trials in the usual courts. Jonathan Belcher, who had been Governor of the Province from to , petitioned that a cause in which he was interested pending in Bristol County might be removed to another county because of local interest, but the Legislature directed the summoning of jurors from the county of Suffolk to attend at Taunton in the county of Bristol. Laws, 55,, , , Similar action was taken in behalf of Ebenezer Salisbury, who had an action pending as to the same subject matter as Governor Belcher.

DOWNLOAD PDF V. L. CASES IN THE COURT OF KINGS BENCH, 1742-1753.

Chapter 3 : Cases - Law - Legal Citation Guide - Research Guides at University of British Columbia

Cases decided by the Court of King's Bench or Court of Queen's Bench in England. Pages in category "Court of King's Bench (England) cases" The following 61 pages are in this category, out of 61 total.

The Scottish Bar at the time was overcrowded, which made it difficult for a young barrister to build a reputation, yet qualifying for the English Bar was extremely expensive. They did not have children and took on care of their niece, Lady Elizabeth Murray b. Of half African descent, she was born into slavery in , the daughter of Maria Bell, an enslaved woman. Lindsay asked Murray to take on her care and education, and Elizabeth was baptized Dido Elizabeth Belle in in London. However, the House of Lords became the highest court of appeal in both English and Scottish law, and as a result, from Scottish cases on appeal from the Court of Session were sent there. To deal with these cases, a barrister had to be familiar with both Scottish and English law , and Murray found his niche, acting in Scottish cases in the House of Lords as early as In Edinburgh, it was traditional for criminals sentenced to death to be allowed to visit a church near the city jail the Sunday before the execution. Two criminals named Wilson and Robertson took this as an opportunity to escape, and although Wilson did not make it out of the church, Robertson escaped completely. With this added political influence, Murray hoped to be appointed to a government office, and when Sir John Strange resigned as Solicitor General , Murray was made a Member of Parliament for Boroughbridge on 15 December and immediately succeeded Strange as Solicitor General. He only served until 8 April, and there is no evidence of his performing anything more than the standard day-to-day duties. One of his first acts as Lord Chief Justice was to change the system for submitting motions. Judges from the Court of Appeal and High Court of Justice now give reserved judgments in only a minority of cases. The French did attack, and Boehm refused to fulfil the insurance claim. In his judgment Mansfield said that: Insurance is a contract based upon speculation. The special facts, upon which the contingent chance is to be computed, lie most commonly in the knowledge of the insured only; the underwriter trusts to his representation and proceeds upon the confidence that he does not keep back any circumstance in his knowledge, to mislead the underwriter into a belief that the circumstance does not exist, and to induce him to estimate the risque as if it did not exist. Good faith forbids either party by concealing what he privately knows, to draw the other into a bargain from his ignorance of that fact, and his believing the contrary. Gilbert 3 Doug , 99 ER , regarding the payment of an insurance claim for slaves killed when thrown overboard by the captain of a slave-ship " an event now known as the Zong massacre. But, new information was introduced in the case, and he ruled against the owners of the ship. In doing this, he achieved his aim of preventing maritime insurance law from becoming more complicated. Mansfield, sitting with three other judges, concluded that despite the Statute of Anne there was a perpetual common law copyright , and therefore that no works can ever be considered public domain. As his letters were wildly popular, the circulation of the Public Advertiser doubled in just five months. He was found guilty, although it is unclear in what fashion he was punished, if at all. Woodfall was tried on 13 June , by Mansfield and a jury. While Mansfield believed that the language used was libellous, the jury disagreed, and held that he was "guilty of printing and publishing only", and innocent of seditious libel. Stewart intended to sell him there. Following an adjournment, the case was not heard until 7 February When the case was heard, no fewer than five advocates appeared for the slave, speaking at three separate hearings between February and May. The arguments thus focused on legal details rather than humanitarian principles. The state of slavery is of such a nature, that it is incapable of being introduced on any reasons, moral or political; but only positive law , which preserves its force long after the reasons, occasion, and time itself from whence it was created, is erased from memory: Whatever inconveniences, therefore, may follow from a decision, I cannot say this case is allowed or approved by the law of England; and therefore the black must be discharged. Such an incident was recounted by Olaudah Equiano in in his autobiography, An Interesting Narrative Mansfield referred to slaves in his judgment in a later case. The primary legal question in the case was not this preexisting principle, which

DOWNLOAD PDF V. L. CASES IN THE COURT OF KINGS BENCH, 1742-1753.

applies only to children "born after marriage", but rather whether the child had been born before the marriage. He attended the Lords as Lord Speaker, and the last record of him attending other than his presence at the state opening of Parliament on 23 March [82] was in December. Mansfield clung to office until, despite not sitting in court for two years in the hope that the government would fall before he was forced to retire. In the summer, he was visited by groups of barristers who informed him of the goings-on at court. It is more revolting still if the grounds upon which it was laid down have vanished long since, and the rule simply persists from blind imitation of the past. His most important contributions were to commercial, merchant and common law. This is seen as particularly telling because this was the primary argument of Davy and Hargrave.

DOWNLOAD PDF V. L. CASES IN THE COURT OF KINGS BENCH, 1742-1753.

Chapter 4 : Court of King's Bench records - The National Archives

Get this from a library! Reports of cases argued and adjudged in the King's courts at Westminster. []. [George Wilson; Great Britain. Court of King's Bench.];

She claimed for the return of her deposit, alleging total failure of consideration, breach of implied conditions, and breach of an implied warranty of fitness for purpose. Graucob counterclaimed for the balance of the purchase price, and sought to rely on an express term which read: This agreement contains all the terms and conditions under which I agree to purchase the machine specified above and any express or implied condition, statement, or warranty, statutory or otherwise not stated herein is hereby excluded. These cases have no application when the document has been signed. When a document containing contractual terms is signed, then, in the absence of fraud, or, I will add, misrepresentation, the party signing it is bound, and it is wholly immaterial whether he has read the document or not. The plaintiff in this case did not plead fraud, and misrepresentation was not made out. Moreover, whether the plaintiff was or was not told that the document was an order form, it was in fact an order form, and an order form is a contractual document. It may be either an acceptance or a proposal which may be accepted, but it always contains some contractual terms. There is no evidence that the plaintiff was induced to sign the contract by misrepresentation. In this case the plaintiff has signed a document headed "Sales Agreement," which she admits had to do with an intended purchase, and which contained a clause excluding all conditions and warranties. That being so, the plaintiff, having put her signature to the document and not having been induced to do so by any fraud or misrepresentation, cannot be heard to say that she is not bound by the terms of the document because she has not read them. Lord Scrutton accordingly found that the express terms excluded any implied conditions or warranties, and found for Graucob. Maugham LJ Lord Maugham began by stating his regret: I regret the decision to which I have come, but I am bound by legal rules and cannot decide the case on other considerations. Lord Maugham described the contract: It was an elaborate form containing a number of clauses, and among them certain terms and conditions in regrettably small print but quite legible. The plaintiff having signed that document gave it to a canvasser of the defendants, who took it away. It had been filled up in ink by the canvasser before she signed it. Another document called an order confirmation dated February 9, , was sent to her by the defendants. In my opinion the contract was concluded not when the brown order form was signed by the plaintiff but when the order confirmation was signed by the defendants. If the document signed by the plaintiff was a part of a contract in writing, it is impossible to pick out certain clauses from it and ignore them as not binding on the plaintiff. Maugham LJ was clearly uneasy with this conclusion, noting that: I may add, however, that I could wish that the contract had been in a simpler and more usual form. It is unfortunate that the important clause excluding conditions and warranties is in such small print. I also think that the order confirmation form should have contained an express statement to the effect that it was exclusive of all conditions and warranties.

DOWNLOAD PDF V. L. CASES IN THE COURT OF KINGS BENCH, 1742-1753.

Chapter 5 : Facts and Case Summary - New Jersey v. T.L.O. | United States Courts

v. 1. Cases in the Court of King's Bench, v. 2. Cases in the Court of Common Pleas, v. 3. Cases in the Court of Common Pleas, Mode of access: Internet.

Attorney s appearing for the Case Charles B. Allan Rosenberg, Washington, D. Joseph Forer, Washington, D. Collons, New York City, for defendant Hiskey. David Rein, Washington, D. Friedman, New York City, for defendant Nelson. The above defendant was one of sixteen indicted by the Grand Jury of this Court for contempt of Congress, 2 U. The defendants have filed motions to dismiss and alternative motions in the several cases for a bill of particulars and to have a hearing to show bias and prejudice on the part of members of the Grand Jury which returned these indictments. Upon consideration of the argument of counsel, the indictment, and the several motions and memoranda filed herein, it is by the Court, this 26th day of January, , Adjudged, ordered and decreed as follows: United States, , 83 U. United States, , U. United States Trumbo v. United States , , 85 U. United States; United States v. United States; Morford v. United States; Trumbo v. United States and Lawson v. It is a good example of a "plain, concise and definite written statement of the essential facts constituting the offense charged. It should enable the defendant to understand the nature of the accusation; it affords adequate notice of the offense with which defendant is charged; it gives defendant the information needed to prepare his defense, and makes it possible for him to plead a judgment in bar of another prosecution for the same offense, and is accordingly legally sufficient. Wood, , U. It has been suggested that the Court take judicial notice of the proceedings before Congress. However, since the indictment is under attack by a motion to dismiss, the Court will not go outside the record at this time to judicially notice such matters. All other matters not heretofore expressly ruled upon or reserved for further consideration which have been raised in the several motions to dismiss are accordingly overruled.

DOWNLOAD PDF V. L. CASES IN THE COURT OF KINGS BENCH, 1742-1753.

Chapter 6 : UNITED STATES v. EMSPAK | 95 www.nxgvision.com () | upp | www.nxgvision.com

Book digitized by Google and uploaded to the Internet Archive by user tpb. v. l. Cases in the Court of King's Bench, v. 2. 2. Cases in the Court of Common Pleas, v.

Why use this guide? If you are researching a person or place between the 13th and 17th centuries these records are very valuable. These records are a rich source of information on: The records of appointments of attorneys by litigants give extensive information about their careers and clientele and can be indicative of local social networks. Essential search information The records consist of various rolls and files which are either: Plea side " a case between two private parties Crown side " a case between the Crown and subject They are rich in information but difficult to navigate because there are relatively few finding-aids to their contents there are no indexes at all to the files, and very few to the rolls after some of them are not yet completely sorted or catalogued they are written in abbreviated Latin Frequently the only practical way of searching the rolls not covered by published finding aids is to browse by county and date. See the further reading section and section 6 for finding aids. There was an on-going conflict between the Kings Bench and Common Pleas courts over their respective shares of civil litigation. This was only settled after For further background see section They consist of writs strung together with twisted parchment. These documents are sometimes in a poor condition. File survival is nowhere near as complete as that of the plea rolls, but it improves in the later 14th century and again in the 16th. Only isolated examples survive from before See section 7 5. Plea rolls and subsidiary rolls The plea rolls, traditionally called Coram Rege rolls in KB 27 contain the records of proceedings for each case for a given term. They are in formulaic Latin with many abbreviations for stock procedural phrases. From the first half of the 14th century each roll incorporates, in the following order: During the 14th century the fines and forfeitures become noticeably longer during sessions away from Westminster, as the issues of Justices of the Peace and other county officials were entered. The records of the deliveries are filed in the rolls. Earlier roles for are in KB Essoin rolls These rolls record the essoins which are allowable excuses for non-attendance. They begin as separate rolls, KB , from about examples for before are in KB Despite the recovery and rapid growth of civil business in the 15th and 16th centuries, essoins continued to decline because cases were based on litigation by bill, in which essoins were not allowed. After there are only two rolls, one for the whole reign of Henry V and another, covering the period from to except for one membrane for For a detailed account of these rolls, see Various Common Law Records further reading. Controlment rolls c Controlment rolls in KB 29 were annual memoranda rolls kept for the clerk of the crown so he could check on the crown cases he was concerned with. They were at the core of his reference system, and are cross-referenced in other documents. They begin to survive in , although they may have been begun earlier, and they continue into the s. In their fully developed form in existence essentially by the reign of Henry VIII they have three main sections for each term. From You can use the judicial writs on files see section 6 to a limited extent as an index to the plea rolls. Once you have ordered a roll, the only practical way of searching within the rolls not covered by the above publications is by county and date. In the rolls, county headings are given in the left-hand margin, so going through even a large roll looking for cases for a particular county is relatively quick, especially for a small county or one far from Westminster. Once you find an entry for a particular case, you can follow it through the rolls backwards to its commencement and forwards to its resolution or, more often, its disappearance. From For this period there are quite extensive means of reference to Plea Side roll entries, which were created by court officials for their own use. To find civil pleas there are Docket Rolls: Trinity and Hilary , Michaelmas , and Hilary Both are available in the reading rooms, Kew. The number of file series grew at first slowly but after very rapidly, reaching their peak about There are huge gaps, for varying periods, in most series after Many of those that have survived and have been identified are only partial, and what remains is sometimes badly damaged. To identify whether there is a surviving file for the date required, browse or search the various series of files see suggested series below by date in our

DOWNLOAD PDF V. L. CASES IN THE COURT OF KINGS BENCH, 1742-1753.

catalogue. Once ordered, the files usually have an established county order see section 8. What information can they contain? Finding file material for a case can add much rich detail to information from the rolls. Plea Side writ files: Their survival is patchy. There are gaps in the sequence of reference-numbers which may later be filled in by as yet uncatalogued material. Check the KB catalogue description to find out how much of a file survives and has so far been identified. How are they arranged? The modern numbering of these files reflects the structure of the series, arranged by reign, year, term and return-day. From about one file often covered up to four return days. From there are term files, usually two for each term, reducing to one per term in In the 13th and 14th centuries the writs within the files are arranged in a fixed county order, which was modified in the 15th century. The original filing order was: The fifteenth century modifications were: The earliest file so far identified is from The files included both Plea Side and Crown Side recorda, but the latter eventually came to predominate and from it became a Crown Side file. Many of the filings which came from broken Recorda files attracted the interest of archivists from the 17th to midth centuries, who arranged them in artificial collections such as KB and C 47 without realising their provenance. For the period between about and , the Recorda files each had a smaller file called Precepta Recordum, attached to its parent by a linking thong, to hold smaller process documents. Only three tethered examples have survived, but many of the separated Precepta files survive and are also in KB Panella files KB c. Justices returned their verdicts in the form of a Postea, together with names of the people serving on the jury panel, which gave the files their name. Between and the Posteas were removed and arranged in county packets tied with parchment and labelled. Later the contents of the packets mostly became dispersed, and are unsorted, with only a small proportion in their original arrangements. These files are not accessible at the moment. After , and especially between and , much of the documentation for litigation by bill, principally initiated by what became known as a bill of Middlesex, followed by a writ of latitat, had out-grown the Panella files. The Panella file had become large and unwieldy, and its now varied contents were hived off into several separate series of files now KB for convenience. From the period after you need to examine an increasing number of files to trace fully the documentation of a particular case. From the point of view of the general research value of the material, the Declarations, the Bille and the Panella are much the most important of these series. Splitting of the Panella files onwards In about the common bills of Middlesex and their related precepts were removed from the Panella files to a new series, the Bille Commune files, KB Then, about , the Panella files lost all their remaining bill material, mainly real Middlesex actions, to another new series of Bille files, KB Panella files stripped of nearly all their content, carried on until about before ceasing to be kept. Between about and the Bille files also took over: Splitting of the Bille Commune files The Bille Commune series in KB also underwent many changes because of the gradual hiving off of many of its contents to new dedicated file series. KB ends in about , presumably because the entirely formal and purely fictional nature of the remaining contents were considered not worth keeping. This subdivision process was long and complex. This series ends in about , probably because these writs were not worth keeping. They are of little interest unless they happen to mention a person of whom no other record survives. The continuing Bille files continued to carry supporting process relating to bills, and were renamed Brevia Billarum files KB They included the jury panels, which made the files increasingly large. In they were removed to a new series of Panella Billarum files in KB The cases that the juries were impanelled to decide normally went to nisi prius sessions at the Lent and summer assizes, so the preceding Hilary and Trinity KB term files became huge. These two were reorganised in into 38 coverless files, one for each county, labelled with county and term, and wrapped around with thongs to group counties with the same initial letter with separate groupings for the less-used letters, 10 in all. The files with panels are important as a source for the study of juries, because they give neat collections of juries for a particular county for a short and defined period. In they lost the writs of Capias ad Satisfaciendum to another new file series KB Subdivision of the Bille files onwards The Bille files, having become the main file for bill business, then became subdivided itself. This development may have come about as a result of the appointment of a former filazer, Richard Haywode, as joint chief clerk in That year the most important

**DOWNLOAD PDF V. L. CASES IN THE COURT OF KINGS BENCH,
1742-1753.**

documents in the Bille files, the real bills themselves, were removed into a separate files, which soon came to be known as the Declarationes files, KB The individual bills in them are undated until , but then they became dated; by they were even numbered. Smaller letters were grouped, creating 17 terms per file. Auxiliary files There are also four series of auxiliary files for litigation by bill. At that point, many cases leading to bail were still initiated by writ and the bail notes are in an already established form. Afterwards, as common bail in bill cases became very frequent, the files became too large to have covers and vulnerable to splitting into chunks and loose membranes. By the files were re-named Baillia communia files. The individual bails are returnable on precise dates, so you can establish the working dates during each term. Within dates, the bails are filed in alphabetical order of attorneys. From docket rolls called Ballia Communia, KB , record the issue of bails. In special i.

DOWNLOAD PDF V. L. CASES IN THE COURT OF KINGS BENCH, 1742-1753.

Chapter 7 : LexisNexis(R) | Research Help

*Reports of Cases argued and Determind in the Court of King s Bench with tables of the names of cases and the principal matters Vol V [R V and Adolphus, J L Barnewall] on www.nxgvision.com *FREE* shipping on qualifying offers.*

If the abbreviations include both upper and lower case letters, you will need to leave spaces where appropriate. e. If a case was decided in chambers, include that information e. The neutral citation indicates that the case is from the British Columbia Court of Appeal so you do not need to add this information again in parentheses. Since this case is published in the British Columbia Law Reports, you know the jurisdiction; however, you must let the reader know that it is from the Supreme Court SC. You need to indicate both the jurisdiction and court because this information is not found in the CanLII database identifier. This case has several parallel citations. If the jurisdiction and court are not obvious from the first reference to the case, you should include both at the end of all of the references, as shown in this example. Judge If it is relevant to the point you are making, you may add the name of the judge to the footnote, along with an indication for dissenting opinions. Use the last name of the judge followed by the abbreviation for the office e. Case History At times, it will be important to let the reader know the full history of a case. For example, if you are discussing a case from the British Columbia Court of Appeal, you may want to let the reader know where to find the trial level decision as well as that the case went to the Supreme Court of Canada. There are three possible ways to sequence a case history; use the most appropriate format given your circumstances. Prior History Use prior history if you are discussing the decision of the highest court the case has reached and want to refer to the lower court decisions. Note that the punctuation after the treatment is important. If the citation following the signal used e. If the citation following the signal used does not indicate the year of the decision, you must add the year of the decision in parentheses, followed by a comma. The following two examples should make this clear. This citation indicates that the Supreme Court of Canada decision is reversing the decision of the Ontario Court of Appeal. Subsequent History Use subsequent history if you are discussing the decision of a case that has since gone to a higher court level. The signals always refer back to the earliest decision cited. See explanation in the Prior History section above. Prior and Subsequent History Use prior and subsequent history if you are discussing an appeal that was later appealed. Follow all of the rules for prior and subsequent history above. Remember that each treatment signal refers back to the first case cited. Here, you are discussing the Ontario Court of Appeal decision and you want to let the reader know that this decision is affirming the decision made by the Arbitration Board, while reversing the decision of the Divisional Court. Leave to Appeal If a case has been appealed and the case has yet to be heard, or will not be heard, you would generally want to let the reader know. Append this information to the case citation. Citation of decision for which leave is requested, court and decision if available, citation to the decision if available. Administrative Decisions Decisions in Printed Reporters Use the same citation rules as for cases above. If the administrative body is not clear from the name of the print reporter, include it in parentheses as you would for the jurisdiction and court for cases. Use the abbreviation that the administrative body uses; if there is no abbreviation, spell out the name in full Examples: The neutral citation before the printed reporter indicates that this is a decision of the British Columbia Human Rights Tribunal. Cite to these as for cases see Electronic Services above. If you find the decision on the administrative board website, use the following format: Style of Cause date , decision number if available, online: Arguments and Documents You may wish to let the reader know that you are not simply referring to a case, but to a particular aspect of that case. This could be a factum, oral argument, evidence, etc. The particular document or other aspect of the case should be added parenthetically.

DOWNLOAD PDF V. L. CASES IN THE COURT OF KINGS BENCH, 1742-1753.

Chapter 8 : William Murray, 1st Earl of Mansfield - Wikipedia

The Court of King's Bench was the highest court of law in England during the Middle Ages and the Renaissance. It was called 'the Queen's Bench' during the reign of Elizabeth I, and 'the Upper Bench' during Cromwell's Protectorate.

It also applies to the conduct of public school officials. Thus, the Fourth Amendment applies to their actions. The Court also held that students have some legitimate expectation of privacy at school. As such, school authorities do not need to obtain a warrant or have probable cause that a crime occurred before searching a student. Rather, the reasonableness of a search, under all circumstances, will determine its legality. The Court established the following test to determine the reasonableness of a search: Finally, the Court evaluated the facts of T. First, the Court concluded that the search was justified at its inception. The initial report from the teacher that T. Second, the Court noted that the discovery of rolling paper provided reasonable suspicion that T. In a concurrence, Justice Blackmun agreed with the majority. Justice Brennan, joined by Justice Marshall, concurred in part and dissented in part. Justice Stevens, in his concurrence in part and dissent in part, noted that the Court should address the original issue, i. Justice Stevens concluded that the search was not justified at its inception because the school administrator had no reason to believe that T. Thus, the search violated the Fourth Amendment and the evidence should be suppressed. This activity is meant to help high school students understand, as part of their civics education, the key facts and holdings of a well-known U. A link is provided to the Supreme Court decision. This activity is not meant to provide a legal analysis of this case or any related matters. It in no way provides legal advice or guidance on this or other issues. In , the Fourteenth Amendment was ratified. Incorporation of the Fourth Amendment In several cases, the U. Supreme Court has incorporated various provisions of the Fourth Amendment, and related judicial rulings, to the states. For instance, in *Mapp v. Also applicable to the states was the exclusionary rule a remedy by which evidence seized in violation of the Fourth Amendment is inadmissible in court. As a result of these incorporations, the U. Supreme Court had the authority to decide whether the actions of the school administrator in T. Importance of State Constitutions Each state has its own Constitution, including some form of a state Bill of Rights, as well as laws. The states are free to interpret their Constitutions and laws in a manner that gives more protections to individuals than the U. However, they cannot interpret them in a manner that gives less protection. Constitution as applied to the states through the 14th Amendment. In Footnote 10 of the majority opinion, Justice White makes this point, saying: In that case, this court would not purport to be applying the Fourth Amendment when they invalidate a search.*

DOWNLOAD PDF V. L. CASES IN THE COURT OF KINGS BENCH, 1742-1753.

Chapter 9 : Category: Court of King's Bench (England) cases - Wikipedia

Reports of Cases Argued And Adjudged in the Court of King's Bench in the Latter Part of the Reign of George the Second [].

Common law records Litigation is not a modern invention, and the medieval law courts contributed their fair share to the bulk of the surviving public records. The English legal system was a complex one, and remained in a continual, and rather chaotic, process of evolution throughout the medieval and early modern period. This section treats only the main courts of common law - which are complex enough in themselves. The courts of equity - which developed in late medieval times to deal with cases where the common law could offer no remedy - are dealt with in a separate section. Another separate section deals with Feet of fines, which record the transfer of property by means of fictitious common law suits. Both the Exchequer and the Chancery also had limited common law jurisdictions, but these remained relatively unimportant in medieval times. Records of local courts from medieval times have survived only sporadically. The functions of the old county courts were severely curtailed, but they retained jurisdiction over some minor civil cases. From the 14th century they were known as justices of the peace, and their hearings, four times a year, were known as the quarter sessions - in practice their jurisdiction was inferior to that of the assizes. For the counties palatine of Chester, Durham and Lancaster - which were in many ways exempt from direct royal jurisdiction - there were separate courts of common law, mostly with structures similar to those of the royal courts. Their procedure Most medieval records can be used as genealogical evidence without a detailed understanding of the administrative processes that produced them. Although this is still true of legal records to some extent, it is probably less so than for any of the other types of source material. The process of the common law was intricate and cumbersome - in civil causes it began with the plaintiff obtaining from the Chancery a writ addressed to the sheriff of the appropriate county. A selection of different kinds of writs was available, according to the nature of the case - and each type had its own Latin name. The process continued by means of a further series of writs issued by the court itself, until the defendant finally appeared. Delays were frequent, often because of the failure of the defendant - or of jurors - to appear. Many entries record essoins - excuses for non-appearance at court. The record of the outcome, when the case was finally heard, was usually relatively brief. Often much of the hearing was taken up with oral pleadings on points of law, of which no official record was made. However, beginning in the 14th century, many pleadings were recorded unofficially, for the benefit of lawyers. The resulting transcripts in French are known as the year books, and extend until the s, although similar reports continued to be made after this. Their emphasis is on legal technicalities rather than the people involved, to the extent that the names of parties are often omitted, or represented by initials. Nevertheless, they can contain valuable information, particularly if other sources are available to fill in the gaps. Law and the genealogist Unfortunately, legal records are not the most accessible of sources for the family historian: It is well worth checking the printed editions that are available, particularly the modern series of Curia Regis Rolls covering the first half of the 13th century.