

# Common law system

- Common law system differs England law from Continental system.
- English system is based on unwritten customs.
- Every judge did not follow any written statute, but he has to resolve it on his own.
- This process lead to create a precedental system.

- The main idea of this system is to follow previous precedents (court has to resolve same like the other court in similar case)
- Every resolution could be used later by the other court

# Historical development

- Before 1066, there were only local courts.
- There was not any common court for whole kingdom and it was pretty chaotic.
- After the Norman invasion system changed.
- There were some common judges, who crossed the land and extended a „**Common law**“ under the authority of the main court in London.
- Those judges were creating a big law system of local and common rules and customs which worked with principle of precedent.

# Principle of equity

- After some time, common law system has become inflexible.
- Many people appealed to higher instances (King or lord Chancellor) and asked for help in their cases.
- This lead to form of **principle of equity** .

- Principle was more flexible and useful, because it can resolve case in order to make the decision simpler and more equitable for both sides.
- e.g. precedent said that thief who stole a jewelery should be punished by cutting out his arm and by the principle of equity he should just get the jewelery back and pay the fine.
- Both sides were more satisfied than in case of precedent.
- General rule said so the principle of equity should prevail.

- But the same case could be resolved differently in the Common law court and the Court of equity!
- In 1873 both principles were unified.
- And even nowadays this system works.

# Statutes

- Besides those principles, there were also some legal principles created by the government or king.
- When the judge could not find any precedent, he could use a written statute, created by the legislative power.
- These written statutes are very important nowadays and they are often improved and revised.
- It has to be, because of high amount of new types of crime (computer crimes etc.)



# USA

- There we can see the mixture of all these principles and systems.
- The American system is even more chaotic, because of legislative power of every state in the USA.
- Because of that the Federal law is only a small part of all system of justice.

- Finally, the common law is very important type of law, because it influenced whole planet.
- Particularly, because of many colonies which Britain had.
- Particularly, because of great political influence of the USA, GB, Australia etc.

Thank you!