

## 2 The legal systems: bodies of law

This is the table of contents of the Twelve Tables. Choose the table where you think the following excerpts were drawn up on:

- 1 TABVLA I (Civil procedure)
- 2 TABVLA II (Civil procedure)
- 3 TABVLA III (Debt)
- 4 TABVLA IV (Parents and children)
- 5 TABVLA V (Inheritance)
- 6 TABVLA VI (Property)
- 7 TABVLA VII (Real Property)
- 8 TABVLA VIII (Torts)
- 9 TABVLA IX (Constitutional principles)
- 10 TABVLA X (Funeral regulations)
- 11 TABVLA XI (Marriage)
- 12 TABVLA XII (Crimes)

| Excerpts from the Law of the Twelve Tables  | Which table was it drawn up on? |
|---|---------------------------------|
| Marriages between plebeians and patricians are forbidden.   | TABVLA XI (Marriage)            |
| No dead man may be cremated nor buried in the City.   |                                 |
| If someone is called to go to court, let him go. If he doesn't go, a witness should be called. Only then should he be captured.                 |                                 |
| If a slave has committed theft or harm. . . .   |                                 |
| Those who have sung an evil spell. . .  |                                 |
| Private laws must not be proposed.  |                                 |
| A person who admits to owing money or has been adjudged to owe money must be given 30 days to pay.  |                                 |
| One who seeks the testimony from an absent person should wait before his doorway every third day.   |                                 |
| If a person dies intestate without heirs, the nearest male kinsman shall inherit. If there is no near male kinsmen, his clansmen shall inherit. |                                 |
| When someone makes bond or conveyance and announces it orally, right shall be given.  |                                 |
| If a father sells his son into slavery three times, the son shall be free of his father.  |                                 |
| If rainwater does damage, he shall be made to fix it by the judge.  |                                 |

[http://en.wikipedia.org/wiki/Twelve\\_Tables](http://en.wikipedia.org/wiki/Twelve_Tables)

**Use the following expressions to complete the text:**

development jurists legacy to question summons rulings contracts to influence  
 succession decrees plaintiff weight of law defendant *judex* courts sentence trial

**Law of the Roman Republic and Empire**

Roman law has (1)..... the (2)..... of law in most of Western civilization. It dealt with matters of (3)..... (or inheritance), obligations (including (4).....), property (including slaves), and persons. Most laws were passed by assemblies dominated by the patrician families, though the (5)..... of magistrates were also important. Later emperors bypassed these forms and issued their own (6)..... The interpretations of (7)..... also came to have the (8)..... Though various attempts were made to gather and simplify existing laws (beginning with the Law of the Twelve Tables), by far the most successful effort was that of Justinian I, whose code superseded all previous laws and formed the Roman Empire's legal (9)..... Roman legal procedure is the basis for modern procedure in civil-law countries. In the early Republic, the (10)..... was required to call the (11)..... to court or to bring him by force. A magistrate then decided whether the case should go before a (12)....., or prominent layman. The *judex* heard arguments from advocates and (13)..... witnesses; he made a decision but had no power to execute it. In the later Republic, much greater power was placed in the hands of the magistrates and (14).....: the (15) ..... was issued by the court, the (16)..... was held only before a magistrate, and the court became responsible for the execution of the (17).....

Roman law. Britannica Concise Encyclopedia. Retrieved July 1, 2005, from Encyclopædia Britannica Premium Service.  
 <<http://www.britannica.com/ebc/article?tocId=9377125>

**Read about the development of Common law legal system and complete the text with the following phrases:**

|  |  |   |   |
|--|--|---|---|
| non-statutory law<br>precedent<br>civil disputes<br>guilt or innocence<br>sufficient redress<br>adversarial system | judgments<br>wrongful acts<br>reach a decision<br>criminal accusations<br>litigants<br>torts | petition<br>system of equity<br>unified system of law<br>statutes<br>criminal cases<br>civil claims | case-based reasoning<br>unwritten local customs<br>execution<br>jury system<br>verdict<br>supreme |
|--|--|---|---|

The common-law legal system forms a major part of the law of many countries, especially those with a history as British territories or colonies. It is notable for the inclusion of extensive (1)..... reflecting a consensus of centuries of (2)..... by working jurists. The common law originally developed under the auspices of the (3)..... in historical England from judicial decisions that were based in tradition, custom, and (4)..... The form of reasoning used in common law is known as casuistry or (5)..... Common law may be unwritten or written in (6)..... or codes. The common law, as applied in civil cases (as distinct from (7).....), was devised as a means of compensating someone for (8)..... known as (9)....., including both intentional torts and torts caused by negligence and as developing the body of law recognizing and regulating contracts. Today common law is generally thought of as applying only to (10).....; originally it encompassed the criminal law before criminal codes were adopted in most common law jurisdictions in the late 19th century. Before the institutional stability imposed on England by William the Conqueror in 1066, English citizens were governed by (11)..... that varied from community to community and were enforced in often arbitrary fashion. For example, courts generally consisted of informal public assemblies that weighed conflicting claims in a case and, if unable to (12)....., might require an accused to test (13)..... by carrying a red-hot iron or snatching a stone from a caldron of boiling water... If the defendant's wound healed within a prescribed period, he was set free as innocent; if not, (14)..... usually followed. In 1154, Henry II became the first Plantagenet king. Among many achievements, Henry institutionalized common law by creating a (15)..... "common" to the country through incorporating and elevating local custom to the national, ending local control and peculiarities, eliminating arbitrary remedies, and reinstating a (16)..... of citizens sworn on oath to investigate reliably (17)..... and (18)..... The jury reached its (19)..... through evaluating common local knowledge, not necessarily through the presentation of evidence, a distinguishing factor from today's civil and criminal court systems. As early as the 15th century, it became the practice that (20)..... who felt they had been cheated by the common-law system would (21)..... the King in person. For example, they might argue that an award of damages (at common law) was not (22)..... for a trespasser occupying their land, and instead request that the trespasser be evicted. From this developed the (23)....., administered by the Lord Chancellor, in the courts of chancery. By their nature, equity and law were frequently in conflict and litigation would frequently continue for years as one court countermanded the other, even though it was established by the 17th century that equity should prevail. In England, courts of law and equity were combined by the Judicature Acts of 1873 and 1875, with equity being (24).....in case of conflict.

[http://en.wikipedia.org/wiki/Common\\_law](http://en.wikipedia.org/wiki/Common_law)