

1. Record Nr.	UNINA9910451192303321
Titolo	The dearest birth right of the people of England : the jury in the history of the common law / edited by John W. Cairns and Grant McLeod
Pubbl/distr/stampa	Oxford ; Portland, Oregon, : Hart Publishing, 2002
ISBN	1-4725-5924-X 1-281-04208-0 9786611042080 1-84731-326-4
Edizione	[1st ed.]
Descrizione fisica	1 online resource (266 p.)
Disciplina	347.42/0752
Soggetti	Jury - England - History Common law - Great Britain - History Electronic books.
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	"This book ... arose out the Fourteenth British Legal History Conference ... held in Edinburgh in July 1999"--Pref
Nota di bibliografia	Includes bibliographical references and index
Nota di contenuto	1. "The Dearest Birth Right of the People of England": The Civil Jury in Modern Scottish Legal History -- JOHN W CAIRNS (Edinburgh) -- 2. Towards the Jury in Medieval Wales -- DAFYDD JENKINS (Aberystwyth) -- 3. Petit Larceny, Jury Lenity and Parliament -- ROGER D GROOT (Lexington) -- 4. The Jury in English Manorial Courts. -- MAUREEN MULHOLLAND (Manchester) -- 5. Jurors, Evidences and the Tempest of 1499 -- DAVID J SEIPP (Boston) -- 6. No Link: The Jury and the Origins of the Confrontation Right and the Hearsay Rule -- RICHARD D FRIEDMAN (Ann Arbor) -- 7. "A Quest of Thoughts": Representation and Moral Agency in the Early Anglo-American Jury -- J R POLE (Oxford) -- 8. Jury Research in the English Reports in CD-ROM -- JAMES OLDHAM (Georgetown) -- 9. The Limits of Discretion: Forgery and the Jury at the Old Bailey, 1818-21 -- PHILIP HANDLER (Leicester) -- 10. The Strange Life of the English Civil Jury, 1837-1914 -- MICHAEL LOBBAN (London) -- 11. The Fate of the Civil Jury in Late Victorian England: Malicious Prosecution as a Test Case -- JOSHUA GETZLER (Oxford)
Sommario/riassunto	While much fundamental research in the recent past has been devoted

to the criminal jury in England to 1800, there has been little work on the nineteenth century, and on the civil jury. This important study fills these obvious gaps in the literature. It also provides a re-assessment of standard issues such as jury lenity or equity, while raising questions about orthodoxies concerning the relationship of the jury to the development of laws of evidence. Moreover, re-assessment of the jury in nineteenth-century England rejects the thesis that juries were squeezed out by judges in favour of market principles. The book contributes a rounded picture of the jury as an institution, considering it in comparison to other modes of fact-finding, its development in both civil and criminal cases, and the significance, both practical and ideological, of its transplantation to North America and Scotland, while opening up new areas of investigation and research. Contributors: John W Cairns Richard D Friedman Joshua Getzler Roger D Groot Philip Handler Dafydd Jenkins Michael Lobban Grant McLeod Maureen Mulholland James C Oldham J R Pole David J Seipp
