

1. Record Nr.	UNINA9910778946503321
Titolo	Judges and judging in the history of the common law and civil law : from antiquity to modern times // edited by Paul Brand and Joshua Getzler [[electronic resource]]
Pubbl/distr/stampa	Cambridge : , : Cambridge University Press, , 2012
ISBN	1-107-23102-7 1-139-21021-1 1-280-48546-9 1-139-22322-4 9786613580443 1-139-21842-5 1-139-22494-8 1-139-21533-7 1-139-09361-4 1-139-22151-5
Descrizione fisica	1 online resource (xv, 349 pages) : digital, PDF file(s)
Classificazione	LAW060000
Disciplina	347/.0109
Soggetti	Judges - History Judicial process - History Judicial review - History Courts - History
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Title from publisher's bibliographic system (viewed on 05 Oct 2015).
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	; pt. I. Common law -- Judges and judging, 1176-1307 / Paul Brand -- Formalism and realism in fifteenth-century English law : bodies corporate and bodies natural / David J. Seipp -- Early-modern judges and the practice of precedent / Ian Williams -- Bifurcation and the bench : the influence of the jury on English conceptions of the judiciary / John H. Langbein -- Sir William Scott and the law of marriage / Rebecca Probert -- The politics of English law in the nineteenth century / Michael Lobban -- Judges and the criminal law in England, 1808-61 / Phil Handler -- Bureaucratic adjudication : the internal appeals of the

Inland Revenue / Chantal Stebbings -- ; pt. II. Continental law -- Remedy of prohibition against Roman judges in civil trials / Ernest Metzger -- The spokesmen in medieval courts : the unknown leading judges of the customary law and makers of the first Continental law reports / Dirk Heirbaut -- Superior courts in early-modern France, England and the Holy Roman Empire / Ulrike Muessig -- The Supreme Court of Holland and Zeeland judging cases in the early 18th century / A.J.B. Sirks -- ; pt. III. Imperial law -- 11,000 prisoners : habeas corpus, 1500-1800 / Paul D. Halliday -- Some difficulties of colonial judging : the Bahamas, 1886-1893 / Martin J. Wiener -- Australia's early High Court, the fourth Commonwealth Attorney-General and the 'Strike of 1905' / Susan Priest -- Judges and judging in colonial New Zealand : where did native title fit in? / David V. Williams.

Sommario/riassunto

In this collection of essays, leading legal historians address significant topics in the history of judges and judging, with comparisons not only between British, American and Commonwealth experience, but also with the judiciary in civil law countries. It is not the law itself, but the process of law-making in courts that is the focus of inquiry. Contributors describe and analyse aspects of judicial activity, in the widest possible legal and social contexts, across two millennia. The essays cover English common law, continental customary law and *ius commune*, and aspects of the common law system in the British Empire. The volume is innovative in its approach to legal history. None of the essays offer straight doctrinal exegesis; none take refuge in old-fashioned judicial biography. The volume is a selection of the best papers from the 18th British Legal History Conference.
