

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For the following qualifications :-

LL.B.

LL.B. Part II: History of English Law

COURSE CODE : **LAWSII03**

DATE : **16-MAY-02**

TIME : **10.00**

TIME ALLOWED : **3 hours 15 minutes**

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TURN OVER

HISTORY OF ENGLISH LAW

Answer **FOUR** questions.

1. How far is it true to say that without the institution of jury trial the common law would have developed very differently?
2. "Equity came not to destroy but to fulfil the law." (Maitland)

How far does our modern understanding of the development of Chancery jurisdiction accord with Maitland's famous saying?
3. Why did the Common Law take so long to develop an appeals procedure?
4. "Hobbes's conception of law as the product of the natural reason of the sovereign undermined the traditional conception of the common law as the fundamental law of England, to which king, lords, and commons were all equally subject."

Discuss.

5. "The development of the entail as a freehold estate in land is one of the most mysterious episodes in the history of English law." (Watkin)

What were the origins of the entail and what mechanisms were developed to counter its effects?
6. What were the immediate causes and what the consequences of the Statute of Uses 1536?
7. What remedies did the early Common Law provide to enable the enforcing of agreements? Why did they fall into disuse?
8. "If a man throws a log into the highway, and in that act it hits me; I may maintain trespass, because it is an immediate wrong; but if as it lies there I tumble over it, and receive an injury, I must bring an action on the case; because it is only prejudicial in consequence, for which originally I could have no action at all." (Fortescue, J. in *Reynolds v Clarke* (1725))

Why does Fortescue say that originally I had no action for a consequential harm, and why had the distinction he here elucidates arisen?
9. Assess the significance of the decision in *Williams v Holland* (1833) for the subsequent development of a remedy for negligent wrongs.

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