

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For The Following Qualification:–

LL.B.

LL.B. Part II: History of English Law

COURSE CODE : LAWSII03

DATE : 19-MAY-06

TIME : 10.00

TIME ALLOWED : 3 Hours 15 Minutes

HISTORY OF ENGLISH LAW

Answer **FOUR** questions.

1. "The common law emerged in the twelfth century from the efficient and rapid expansion of institutions which existed in an undeveloped form before 1066." (Baker)

What were these institutions and how did they develop?

2. What explains the speedy adoption of the petty jury as a method of trial in the early thirteenth century?
3. What remedies were available before the nineteenth century to a litigant who considered that the decision at first instance was mistaken?
4. What systems of courts existed outside the King's Courts of Common Law in the period before 1857? What law did they apply?
5. "A holder of land in fee tail could transfer land free of the entail by means of a common recovery." (Biancalana)

Why was this necessary and how was it done?

6. What developments led, by the end of the sixteenth century, to the use by freeholders of the remedy known as ejectment?
7. What were the effects of the Statute of Uses 1536?
8. How and why did the remedies which existed in the early common law for the enforcing of agreements fall into disuse?
9. "The modern tort of negligence resulted from the confluence of two streams which had been separated in the first instance only by the jurisdictional division that produced 'trespass' and 'case'." (Milsom)

Explain this statement.

10. "The rule laid down at the bar as to what is or is not a good consideration in law goes upon a very narrow ground indeed: namely, that to make a consideration to support an *assumpsit* there must be either an immediate benefit to the party promising or a loss to the person to whom the promise was made. I cannot agree to that being the only ground of consideration to raise an *assumpsit*." (Lord Mansfield CJ in *Hawkes v. Saunders* (1782))

Did Mansfield have good historical grounds for his view?

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