



What is the English Common Law System



What is English Common Law

- It is all about Fairness
- The rules for life
- The rules for trade
- The rules for agreement
- When someone claims to have been wronged
- It provides a method of Remedy
- Is practised in every British colony they established
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The Brief History of Law



King John
Birth 1166 Death 1216
Reign 1199 - 1216

A bit of history



- This was the time of Robin Hood
- King John had pissed off the Barons and Lords
- He had demanded higher taxes to pay for his disaster fighting the French
- The Barons and Lords revolted and created the Magna Carta
- The Magna Carta was the first legally binding document in English History



How to understand the Law

- ▶ The principle of Precedents
- ▶ The courts developed through time by taking up the principle of precedents.
- ▶ Each case can be referenced as a decision by the courts and used in cases
- ▶ This does away with the need to have written Laws
- ▶ Instead it came up with the idea of elements of a crime
- ▶ Developed Maxims (a irrefutable argument)
- ▶ Developed how a case should be argued.
- ▶ Developed what is allowed as evidence

The Principle of Jurisdiction

- There are three areas of jurisdiction
- You have god given jurisdiction over you body.
- You have god given jurisdiction over your property
- You create jurisdiction in a contract
- When you have jurisdiction then you make the rules.
- You can waiver your jurisdiction or Rights
- Organisations have the same jurisdiction as you (the body corporate)
- If your jurisdiction is breached then you can seek remedy through the court system

Courts Jurisdiction

- **Personal Jurisdiction:** Personal jurisdiction, also known as "in personam" jurisdiction, refers to a court's authority over the parties involved in a case. To exercise personal jurisdiction over a party, the court must have the power to require that party to appear before it. This is typically based on factors such as the party's residence, location, or business operations within the court's geographic jurisdiction.
- **Subject Matter Jurisdiction:** Subject matter jurisdiction, also known as "in rem" jurisdiction, pertains to a court's authority to hear cases of a particular type or involving specific subject matters. For example, federal courts in the United States have subject matter jurisdiction over cases involving federal laws or constitutional issues.
- **Territorial Jurisdiction:** Territorial jurisdiction relates to the geographic boundaries within which a court has authority. Courts generally have jurisdiction only within their defined geographic territories. For example, a state court typically has jurisdiction over matters that occur within the borders of that state.
- **Original Jurisdiction:** Original jurisdiction refers to a court's authority to hear a case when it is first filed. Some courts have original jurisdiction over certain types of cases, while others may only have appellate jurisdiction (see below).
- **Appellate Jurisdiction:** Appellate jurisdiction pertains to a court's authority to review decisions made by lower courts. Appellate courts do not conduct trials; instead, they consider legal arguments and review lower court decisions for errors of law or procedure.
- **Exclusive Jurisdiction:** Exclusive jurisdiction occurs when only one court has the authority to hear a particular type of case or matter. For example, certain federal agencies have exclusive jurisdiction over specific regulatory matters.
- **Concurrent Jurisdiction:** Concurrent jurisdiction exists when more than one court has the authority to hear a particular case or type of case. In such situations, the plaintiff (the party bringing the case) often has the option to choose which court to file the case in.
- **Limited Jurisdiction:** Limited jurisdiction courts are specialized courts that hear specific types of cases, such as small claims courts, traffic courts, and family courts. They have jurisdiction over a limited range of legal issues.
- **General Jurisdiction:** General jurisdiction courts have broader authority and can hear a wide range of civil and criminal cases. They are not limited to specific types of cases or subject matters.
- **Foreign Jurisdiction:** Foreign jurisdiction refers to the authority of a court in one country to hear and decide cases involving parties or issues from another country. International law and treaties often govern matters related to foreign jurisdiction.



The Courts (A Cause of Action)

- To seek remedy in the courts you must have to fulfil at least one element of a Cause of Action
- A cause of Action has five elements
- You must have caused harm or by action cause harm (criminal)
- You must have caused loss or by action caused loss (Criminal)
- You may have breached an agreement (civil)
- You have caused harm or loss unintentionally called a TORT (civil)
- You have breached jurisdiction of a individual or cooperation (civil)
- If someone has wronged you by breaching anyone of the above
- Then you can acquire standing in a court
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The court

- A court exercises Yours Jurisdiction as a plaintiff civil or complainant criminal
- You file a complaint (affidavit) in common law and a information in civil Law
- Common law has a jury and civil law a judge or judges
- A court jurisdiction is Territorial and subject matter
- The court has personam jurisdiction the accused jurisdiction.
- The judge administers the trial and has jurisdiction over the court
- Court is bound by maximums and precedents under common law even in civil court Common Law always superior
- The Clerk of the court. Handles all details of the trial.
- Stenographer takes notes on the trial or records everything said.
- The stand and the dock
- Minor courts and courts of record.
- High court and the Supreme court
- Highest court in the Land House of Lords.

The Court Case

- You must have an accuser and the right to face them.
- Was the act intentional or a unintentional act (Criminal or civil)
- A debate backed by evidence
- What is evidence - Physical, documentation, expert witness, person with first hand knowledge.(not hearsay)
- The rule of presumption – A presumption stands until rebutted
- Four outcomes Guilty, Not Guilty, No Contest, Nullification.
- Maximus
- The affidavit – fact in law till rebutted - Perjury (how you get in court)
- You are presumed innocent until proven guilty

Fighting your Case

- This is an argument based on evidence
- The burden of proof is on the accuser
- You are innocent until evidence proves you guilty
- Evidence - Physical, documentation, expert witness, person with first hand knowledge.
- The prosecution cannot ask leading questions
- The defendant can ask leading questions
- You must submit paperwork with your argument
- You can ask for any evidence that the accuser needs to prove their case (disclosure)
- You have the right to challenge jurisdiction first
- If jurisdiction is proven then you proceed to trial.
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The Government

If common Law states that one must cause loss or injury to
file a complaint

And

The government writes legislation that violates this.
How does the government have jurisdiction over you.

To enforce their legislation

THE CONSPIRACY

