

Outline of History of Law
January 20, 2014

SOCI>Law>History

Egyptian

law

Egypt

-3000

In myth, the god Thoth gave laws to Egyptians. Egypt had an enatic, matriarchal family system.

Manu law

lawgiver

India

-1500 to 200

Laws of Manu or Institutions of Manu [-1500 to 200]

By legend, Manu [-1500] wrote Manu-smriti (Laws of Manu or Institutions of Manu), which defined caste system and punishments. Manu-smriti is one of eighteen smritis of Dharma Sastra (Scriptural Texts of Righteous Conduct).

Egyptian

law

Egypt

-1400

Pharaohs negotiated trade and merchant treaties with other rulers.

Hebrew

law

Israel

-1000

Offending object was object of revenge. Old Testament relates that an ox that gored someone was killed and flesh not eaten.

Clans and families held all land. Every seventh year, it banned agriculture. Every 7 years times 7, 49 years, all leases ended, and all land redistributed.

Slavery increased with increase in agriculture and barter. Every 49 years, slaves became free.

Treaties regulated trade and merchants.

Laws prohibited money lending at interest, outlawed perjury and stealing, and used negligence.

Middle Eastern trade

broker

Middle East

-1000 to 1000

As caravans and pack trains crossed territories, brokers arranged trades and money exchanges.

olive branch/peace pipe

trader

Earth

-1000 to 1000

Olive branch or peace pipe showed peaceful intentions.

phratry

clan

Greece

-800

Before city-states, clans banded together to form brotherhoods {phratry} for religious rites. Councils formed, including priests and family leaders. Assemblies of all adult males formed.

Phoenician

law

Lebanon

-800 to -300

First maritime customs developed.

Zaleucus of Locri

lawgiver

Greece

-664

law code [-664]

He published first Greek law code.

hoplite

soldier

Greece

-650

Soldiers {hoplite} had armor, helmets, spears, shields, and formations.

Draco or Dracon

lawgiver

Athens, Greece

-621 to -620

law code [-621]

He gave more people right to vote, eliminated personal revenge, published a harsh criminal code prescribing death penalty for most crimes, and set property rights that favored upper class.

Curial

assembly

Rome, Italy

-600

Curia family groups began. A family-leader assembly {Curial Assembly} formed, in which curias had one vote. Curial Assembly witnessed wills and adoptions and formally gave imperium to officials but was not important in Roman Republic.

plebs

assembly

Rome, Italy

-600

A plebian citizen assembly {plebs} voted on private laws.

Solon

lawgiver

Athens, Greece

-594

ordinances [-594]

He lived -638 to -558 and codified laws that protected peasant lands from merchants, opened assembly to all free men, gave power to assembly, and created Council of the Four Hundred as trial jury [-594].

Demiurgoi selected Solon to reform law and to be dictator and forced eupatrids to approve. Solon declared amnesty, abolished all Draco's laws except for murder, and codified Greek law. Athenians had to take oaths not to alter his laws for 100 years, and his laws held for 50 years.

He established plutocracy. He reordered social classes based on property and taxed them accordingly. Social classes, from highest to lowest, were eligible for fewer and fewer offices.

He kept Council of Areopagus but reduced its powers. He gave assembly {ekklesia} power to elect the nine governors {archon}. He created council {boule, council} of 400 people, one hundred from each Attic tribe, to bring legislation before assembly.

He devalued currency and reduced or eliminated all debts. He freed citizens enslaved through debt and bought back citizens sold to foreigners. He ended making debtors slaves. He limited land owned by one person. He allowed citizens to indict any person. He allowed citizens to be on juries. He allowed man who had no sons to make will. He held state responsible to educate sons of men killed in battle. He legalized prostitution. He closely regulated behavior of women and conduct in society.

Aeropagus

assembly

Greece

-500

First city-state assemblies { Aeropagus } included all adult males. In assemblies, nobles and commoners had one vote each. Assemblies declared war, negotiated peace, banished people, and imposed death sentence.

King was leader, and council was priests and family patriarchs. Social classes were rigid. Aliens could not be citizens.

Greek patriarchy

law

Greece

-500

Families were patriarchal. Families had separate houses to ensure privacy of family gods, associated with hearth.

Ancestor burial places were sacred.

Private property arose. It recorded titles and leases. Sons got equal land shares. Neutral strips separated fields of different families. No alien owned land. There were many slaves.

In marriage, bride wore white, veil, crown, and gown. Groom had to carry his bride over threshold, against her mock resistance. They ate cake after the wedding to show union.

The Greek goddess Themis controlled moral law and harmony. Her daughters were Dike, for divine law and morality, and Eunomia, for law and order.

Greek traders

trader

Athens, Greece

-500

Traders developed banking system, had religious corporations, and had trading syndicates and business groups, an idea borrowed from Babylonians.

metic

law

Greece

-500

citizens { metic }.

thesmoi

law

Greece

-500

Priest sacred rituals, customs, and practices { thesmoi } { thesmothetai } became laws { nomoi }, which local committees often revised.

pontifice

law

Rome, Italy

-500 to -300

Priests { pontifice } used rituals for proceedings and kept forms and rites secret. Priests conducted trials, and involved people consulted priests.

Roman tribe

tribe

Rome, Italy

-494

Roman territory had districts {tribe, Rome}. Property-owning citizens were in one tribe. Citizens who did not own property were not in tribe. Later, tribe membership became hereditary.

proconsul

assembly

Rome, Italy

-494 to -81

Magistrates {proconsul} {propraetorin} ruled provinces.

Senate

assembly

Rome, Italy

-494 to -81

Senate had 300 members elected for life, approved legislation passed by popular assemblies, and called emergencies. It controlled finances, religion, building, foreign affairs, law between cities, and law of aliens. It advised magistrates on bills that they presented for judgment. It extended magistrate terms. It appointed proconsuls to rule provinces.

Greek crime

law

Athens, Greece

-462

Criminal punishments were milder than in other countries. The state enforced criminal penalties. Greece did not imprison criminals much. In civil cases, victor had to enforce judgment himself.

Greek jury

jury

Athens, Greece

-462

Each year, lots selected 6000 citizens. Because there were many cases, jury duty was full-time job. Immediately before trial, to prevent bribery, lot selected 500 jurors to form jury {dicastery}. Litigant presented his case or hired orator. Evidence was also in writing. People {compurgator} swore that person was innocent or that plaintiff was right. Law advisors {exegetai} helped jury. Juries did not debate but only voted.

Ezra

scribe

Babylon/Jerusalem, Palestine

-459

Mosaic Law Additions [-459]

During reign of Cyrus the Great, he compiled Mosaic-Law additions by borrowing from Code of Hammurabi. From Babylon, he went back to Jerusalem [-459], taking 5000 Jews with him.

Decemviri or Ten Men

lawgiver

Rome, Italy

-451

Code of the Twelve Tables [-451: modified Roman law]

Twelve Tables included criminal, contract, tort, family, wills, succession, property, and sacred law. It had legal-action and court-procedure rules {procedural law}. It had laws {substantive law} about rights and justice. It included enforcement procedures, public punishments, and harsh liability penalties.

It prohibited private revenge, allowed immediate seizure by wronged person of claimed object or person, and fixed tariffs for injuries.

It distinguished willful from accidental homicide.

It limited interest rates, gave debtors harsh penalties, defined debtor's liabilities, and gave grace period to debtors.

It prohibited excessive funerals and excessive bequests.

Athens Constitution

constitution

Athens, Greece

-450 to -350

Constitution changed often, resulting in less authority, less religion, fewer customs, and new laws and principles for society.

lex Canuleia

law

Rome, Italy

-445

Law of Canuleius [-445]

Laws allowed connubium between patrician and plebian.

Nehemiah

governor

Jerusalem, Palestine/Shushan, Persia

-445 to -413

Mosaic Law Additions [-430]

He was governor of Judea under Persian Empire. During reign of Cyrus the Great, he compiled Mosaic-Law additions by borrowing from Code of Hammurabi.

Centurial

assembly

Rome, Italy

-400

Soldiers organized into 100-men centuries. The soldier assembly met only when called by tribune. Centuries cast one vote. Centurial Assembly selected magistrates, judged murder and treason cases, and declared war, in response to Senate proposals. After overthrow of kings, Centurial Assembly gained power as Curial Assembly lost power. Over time, plebians gained entrance into Centurial Assembly.

Gaius Licinius [Licinius, Gaius]/Lucius Sextus [Sextus, Lucius]

law

Rome, Italy

-367

Licinian-Sextian Law [-367]

Laws required at least one consul to be plebian.

Tribal

assembly

Rome, Italy

-357

Tribal assembly formed but met only when called by tribune.

Hui Shih or Hui Shi

philosopher

China

-350 to -330

He lived -380 to -300, belonged to Mingjia School of Names, studied rhetoric, and invented paradoxes. Ming-chia or Mingjia School of Names had dialecticians in Warring States period [-475 to -221].

Tribal

assembly

Rome, Italy

-312

Tribal Assembly began to elect lower ranking officials. Landless people and new citizens were in the four original urban tribes.

Gnaeus Flavius [Flavius, Gnaeus]

lawyer

Rome, Italy

-312 to -304

Civil Law [-312 to -304]

He published the oral court-action forms, which priests {pontifex} had kept secret before, but which were already public knowledge.

Law of the Hellenes

law

Greece

-300

Greek city-states established war rules. Rules protected prisoners, established method to formally declare war, described arbitration under treaty, forbid poisoning weapons, prohibited temple and embassy ransacking, established ambassador privileges, and established right of asylum.

Roman lawyers

lawyer

Rome, Italy

-300 to -50

The senatorial class began to offer free legal advice, supplanting priests. They gave evaluated case merits before cases went to praetors, suggested which formal oral proceeding to use, and served on praetor advisory councils.

Kung-sun Lung or Gongsun Long

lawyer

Chang'an (Xian), China

-290 to -270

Meaning and Things [-290 to -270]

He lived -320 to -250, belonged to Ming-chia School of Names, studied rhetoric, and invented paradoxes, such as "A white horse is not a horse".

Hortensius

law

Rome, Italy

-287

Hortensian law [-287]

Laws passed by the plebian Assembly became binding on all citizens.

Senate veto

assembly

Rome, Italy

-287

Senate lost right to veto laws passed by Assembly.

lex Aquilia

law

Rome, Italy

-286

Law of Aquilius or Law of Tort [-286]

Laws defined claims of masters against harmers of their slaves or animals.

Achaean League

league
Greece
-280
League joined city-states.

Aeolian League

league
Greece
-280
League joined city-states.

Roman law teachers

lawyer
Rome, Italy
-250
Roman lawyers taught their apprentices law.

Sanhedrin or Gerousía or Assembly of the Ancients

assembly
Israel
-250 to 135
Sanhedrin was highest legal assembly, with seven learned men chosen from scribes, priests, and great families. Small Sanhedrin had 23 judges and tried criminal cases. These courts usually modified the law's harsh penalties.

Roman praetor

law
Rome, Italy
-242
Senate elected a praetor to judge citizens and a second praetor to judge cases involving aliens.

Centurial

assembly
Rome, Italy
-241 to -218
35 tribes had one old and one young century, in five classes, making 350 centuries. Centurial assembly elected consuls, praetors, and censors and voted on bills proposed by consuls. It met when consuls summoned it.

Han Fei

lawyer
Chang'an (Xian), China
-234
Hanfeizi or Master Han Fei [-234]
He lived ? to -233, was Legalist, and studied prestige, laws, and punishments by rulers.

Marcus Porcius Cato Censorius [Cato Censorius, Marcus Porcius]

lawgiver
Rome, Italy
-214 to -185
On military things [-214 to -185]; Essay on Conduct [-214 to -185]; On filial piety [-214 to -185]; On Agriculture [-214 to -185: agriculture law]
He lived -234 to -149 and was Tribune [-214] and Censor [-185]. His son was Marcus Porcius Cato Licinianus, who wrote De iuris disciplina.

Sextus Papirius [Papirius, Sextus]

lawyer
Rome, Italy

-200

Pontifical Law or Law of Sacrificial Rites or Law of Papirius [-200: Roman traditional laws]

He collected Roman traditional laws {leges regiae}.

Tribal

assembly

Rome, Italy

-200

Tribal Assembly became more powerful than Centurial Assembly. Controlled by patricians, it met only when called by tribune. It established laws {maiestas} and rejected bills presented by officials.

Sextus Aelius Paetus [Paetus, Sextus Aelius] or Catus

lawgiver

Rome, Italy

-200 to -190

Three Parts of Law [-200 to -190: first systematic law book in west Europe was about Roman law actions and discussed the Twelve Tables]

He was Curule Aedile [-200], Consul [-198], and Censor [-194].

ius civile

law

Rome, Italy

-200 to 1

Civil-law code began.

ius praetorium

law

Rome, Italy

-200 to 1

Civil law developed.

Pharisees

sect

Israel

-200 to 135

Pharisees emphasized separation from heathens, strict law observance, and no violence. They used only written law and oral traditions. In higher schools, teaching method was like Socratic method.

Zealots

sect

Israel

-200 to 135

Zealots emphasized separation from heathens and strict law observance and used violence to establish state.

Manius Manilius [Manilius, Manius]

lawyer

Rome, Italy

-155 to -148

Roman Sales Contracts [-150]

He was Proconsul [-155 to -154] and Consul [-148] and invented Roman sales contracts.

Essenes

sect

Israel

-150 to 100

Essenes advocated law interpretation based on kindness and mercy and favored poverty, self-denial, and self-subordination.

Sadducees

sect

Israel

-150 to 135

Priests and administrators sided with Greek and Roman administrators. They used only written law.

lex Aebutia de formulis

law

Rome, Italy

-149 to -125

Law of Aebutius or Aebutian Law Concerning the Lawful Forms of Private Actions [-149 to -125]

Laws allowed standard forms of presenting cases to trial judges for all cases, gradually ending legis actiones. Legal cases used written statements, containing facts, legal questions, and basis on which judge should decide.

Marcus Iunius Brutus [Brutus, Marcus Iunius]

lawyer

Rome, Italy

-142

Civil Law [-142]

He was Praetor [-142].

Publius Mucius Scaevola [Scaevola, Publius Mucius]

lawyer

Rome, Italy

-141 to -130

Complete Annals [-130]

He lived ? to -113 and was Tribune [-141] and Consul [-133].

Quintus Mucius Scaevola [Scaevola, Quintus Mucius] or Augur

lawyer

Rome, Italy

-106 to -95

Civil Law [-106 to -95: 18 volumes]; Single Book [-106 to -95: legal terms and basic principles]

He lived ? to -88, was Publius Mucius Scaevola's son, systematized Roman law, and taught Cicero. He was tribune [-106], aedile [-104], and consul [-95], when, with Licinius Crassus, Lex Licinia Mucia denied Roman citizenship to some people in Italy, later causing Social War. He was governor of Asia, publishing edict for provincial administration. He was pontifex maximus.

Roman praetors

governor

Rome, Italy

-100

Senate elected praetors to govern newly conquered provinces.

Roman quaestors

quaestor

Rome, Italy

-100

Twenty quaestors assisted consuls.

tribunes

official

Rome, Italy

-100

Tribe leaders increased to ten.

praetorian edict

law

Rome, Italy

-67

Praetors had to use standard format for edict {praetorian edict, praetor}.

Servius Sulpicius Rufus [Rufus, Servius Sulpicius]

lawyer

Rome, Italy

-65 to -51

Commentary on the Praetorian Edict [-65 to -51]; Commentary on the Twelve Tables [-65 to -51]

He lived ? to -43 and used dialectical method in law. He was Praetor [-65] and Consul [-51].

Aulus Ofilius [Ofilius, Aulus]

lawyer

Rome, Italy

-50

Praetorian Edict commentary [-50]

He was Rufus' student.

Quintus Aelius Tubero [Tubero, Quintus Aelius]

lawyer

Rome, Italy

-46

He tried to prosecute Quintus Ligarius [-46] for co-operation with Juba.

Publius Alfenus Varus [Varus, Publius Alfenus]

lawyer

Rome, Italy

-41 to -39

Digests [-40: 40 books]

He was Consul Suffectus [-39] and Rufus' student. He confiscated land for veterans, and he aided Virgil [-41].

Gaius Trebatius Testa [Testa, Gaius Trebatius]

lawyer

Rome, Italy

-30 to 1

Topics [-30 to 1: on ius civile and divine law]

He advised Augustus about informal codicil.

Marcus Antistius Labeo [Labeo, Marcus Antistius]

lawyer

Rome, Italy

-20 to 10

Pithana [-20 to 10: about Hittite king of Kussar in -1700]; Later Works [-20 to 10]

He lived -50 to 22 and provided the ideas of Proculian School of Roman law.

Hillel I or Hillel the Elder

lawgiver

Jerusalem, Israel

-20 to 20

Prozbul or Document That Gives Supervision of a Loan to a Jewish Court [-20 to 20]

He lived ? to 20, codified the Mishnah based on rules {seven rules, Hillel}, and founded Beit Hillel or House of Hillel school. Do not do to people what you would not like them to do to you {golden rule, Hillel}.

Herodians

sect

Israel

-20 to 135

Sadducees wanted to make secular state.

lex Julia

law

Rome, Italy

-17

Law of Julius [-17]

Lex Aebutia became mandatory, ending formal oral proceedings.

ius bellicum

law

Rome, Italy

1 to 300

War rules developed.

ius fetiale

law

Rome, Italy

1 to 300

Rome codified formal war declarations.

ius gentium

law

Rome, Italy

1 to 300

Laws governed conquered states and later all states.

Gaius Ateius Capito [Capito, Gaius Ateius]

lawyer

Rome, Italy

5

On public judgments [5]

He lived ? to 22, was consul [5], and provided the ideas of Sabinian or Cassian School.

Augustus or Octavian

emperor/lawgiver

Rome, Italy

14

Julian laws [14: new family laws]

He lived -63 to 14. Julian laws were new family laws.

Sempronius Proculus [Proculus, Sempronius]

lawyer

Rome, Italy

14 to 37

Letters [14 to 37: 11 books for teaching]

He lived -12 to 66, was Labeo's student, and founded Proculian School, which gave Roman-law interpretations for next 200 years.

Massurius Sabinus [Sabinus, Massurius]

lawyer

Rome, Italy

14 to 37

Commentary on the Ius Civile [14 to 37: three books]

He was Capito's student and founded Sabinian or Cassian School, which gave Roman-law interpretations for next 200 years.

Shammai

lawgiver

Jerusalem, Palestine

20 to 30

18 ordinances [20: rescinded in 70]

He lived ? to 30 and founded Beit Shammai or House of Shammai school, which favored mild restrictions.

Gaius Cassius Longinus [Longinus, Gaius Cassius]

lawyer

Rome, Italy

27

Commentary on the Ius Civile [27]

He was Capito's student.

Pisonian conspiracy

revolt

Rome, Italy

65

Piso wanted to assassinate Nero [65].

Lucius Neratius Priscus [Priscus, Lucius Neratius]

lawyer

Rome, Italy

97

Rules [97]; Book about Plautio [97]

He lived ? to 117, was of later Proculian School, and was Consul Suffectus [97].

legal opinions

law

Rome, Italy

100 to 300

Emperor gave right to give legal opinions to persons and then decreed opinions to be law.

Publius Iuventius Celsus [Celsus, Publius Iuventius]

lawyer/philosopher

Rome, Italy

106 to 129

Digests [106 to 129: 39 books]

He was of later Proculian School, was Middle Platonist, was praetor [106 or 107] and consul [129].

Gaius Octavius Iavolenus Priscus [Priscus, Gaius Octavius Iavolenus]

lawyer

Rome, Italy

110

Letters [110: 16 books, standard Roman law text for next 300 years]

He lived 43 to ?, was Consul Suffectus [97], and taught Emperor Julian about Roman law.

Sextus Pomponius [Pomponius, Sextus]

lawyer

Rome, Italy

117 to 161

Handbook [117 to 161: introduction to law]; Commentary on the Edict [117 to 161]; Commentary about Quintus Mucius [117 to 161]

He compiled laws and wrote history of Roman law.

Salvius Julianus [Julianus, Salvius] or Julian

lawyer

Rome, Italy

130 to 131

Digests [130: codified Roman praetorian and equity law in 90 volumes]; Perpetual Edict [131]

He was Sabinian School leader. Hadrian appointed him to codify Roman law. He prepared Hadrian's edict (Perpetual Edict), settling the praetorian law, including law of equity.

Roman law schools

law school

Rome, Italy

138

Roman law schools of Albeo and Capito ended with Emperor Hadrian's death.

Quintus Cervidius Scaevola [Scaevola, Quintus Cervidius]

lawyer

Rome, Italy

165 to 200

Digests [170]

He taught his student Papinian about Roman law.

Ulpus Marcellus [Marcellus, Ulpus]

judge

Asia Minor/Rome, Italy

170 to 180

He lived 138 to 180 and studied Roman law. He was not Lucius Ulpus Marcellus.

Aemilius Papinianus [Papinianus, Aemilius] or Papinian

lawyer

Rome, Italy

193 to 211

Questions [193 to 211: law principles in 37 books]; Answers [193 to 211: 19 books]; Definitions [193 to 211: 2 books]; On Adultery [193 to 211]

He lived ? to 212, was Scaevola's student, and looked for the principle and moral rule in law. He became Master of Petitions (Magister Libellorum) [193 to 211], whom commoners petitioned to be equites or to gain other duties. He later became General of the Guard (Praefectus Praetorii), assistant to emperor Severus.

Julius Paulus or Paul

lawyer

Rome, Italy

200

Opinions [200]

He wrote commentary on Perpetual Edict and analyzed Roman law logically.

Martia or Martia Proba or Martia the Just

queen

London, England

200 to 300

Martian Statutes or Laws of Martia

She recorded Celtic laws. Later, Alfred and Edward the Confessor used these laws.

La Tene

civilization

Ireland

200 to 700

Ireland had 150 kingdoms {tuath}, in five provinces, including Meath. Extended families {fine, family} were main social unit.

Brehon Laws

law

Ireland

200 to 1350

Brehon Laws [700: written]

Druid priests were also judges {brehon}. People shamed others into going to Druid judges. Edward III of England abolished Brehon Laws [1350].

Domitius Ulpianus [Ulpianus, Domitius] or Ulpian

lawyer

Rome, Italy

211 to 222

Commentaries on Sabinus [211 to 222: 50 books about ius civile]; Commentaries on the Edicts [222: 83 books about edicts]; On the Office of Proconsul [211 to 222: 10 books about criminal law]

He lived ? to 228, was prefect [222], and wrote a Perpetual-Edict commentary and a Roman-law summary.

Roman officials

lawyer

Rome, Italy

245

Roman law scholars had to be officials.

Cyrillus

lawyer

Beirut, Lebanon

250

He formed official law school to study classical authors' Roman-law opinions.

Roman official law school

law school

Rome, Italy

250

Official law school formed in Rome to study classical authors' Roman-law opinions.

Papinian/Paulus/Ulpian

law

Rome, Italy

250 to 350

Vatican Fragments [250 to 350: Papinian, Paulus, and Ulpian opinions]

Cardinal Angelo Mai discovered them in Vatican [1821].

Arcadius Charisius [Charisius, Arcadius]

lawyer

Rome, Italy

280 to 300

Digests [280 to 300]

He wrote about Roman law.

Gregorius or Gregorianus

lawyer

Rome, Italy

285 to 292

Codex Gregorianus [292: collected imperial Roman-law opinions]

He was magister libellorum under Diocletian [285 to 290].

Hermogenianus

lawyer

Rome, Italy

295

Codex Hermogenianus [295: collected imperial Roman-law opinions]

It associates with slightly earlier Codex Gregorianus.

Beyrouth School

law school

Beirut, Lebanon

300

School included Patricius, Demosthenes, Eudoxius, Amblichus, and Leontius.

Sentences of Paulus

law

Rome, Italy

300

Sentences of Paulus [300: 15 books based on Paulus' opinions]

Visigoths used it.

Ulpiani Regularum

law

Rome, Italy

300

Ulpian Rules [300: based on Gaius' opinions]

Ulpian lived 160 to 228.

Edict of Milan

edict

Milan, Italy

313

Constantine the Great established Christianity in Roman Empire by ensuring religious tolerance.

Comparison of Mosaic and Roman Laws

law

Rome, Italy

390 to 438

Comparison of Mosaic and Roman Laws [390 to 438: compared Roman to Jewish law]

It tried to show where they agreed.

Constantinople

law school

Constantinople, Turkey

425

School formed to study classical authors' Roman-law opinions.

Tribonianus

lawyer

Constantinople, Turkey

529 to 534

Body of Civil Law [534: edited Roman-law commentaries]; Institutes [534: Roman-law introduction based on Gaius' opinions, in four books]; Code of Justinian [534: imperial constitution and laws, in 12 books]

He lived ? to 545 and headed commission of 17 professors of the two official Eastern law schools to edit the many Roman-law commentaries. He was Justinian's quaestor sacri palatii. After five years, with nine others under appointment from Justinian, he codified law [529 to 534], based on Roman law.

Stephanus/Dorotheus of Beyrouth/Cyrillus of

Beyrouth/Isidorus/Anthemius/Theodorus/Anatolius/Enantiophanes/Theophilus/Thalelaeus

lawyer

Constantinople, Turkey

534 to 550

They copied, translated, or commented on Code of Justinian, but emperor banned them from pointing out Roman-law contradictions.

Dal

assembly

Tara, Ireland

600

Tribal assemblies {dal} met.

law-speaker

lawyer

Germany

600

Clan lawmen {law-speaker} knew oral law, advised at trials, and supervised trials.

personal law

law

Germany

600

German tribe members were always under tribe's law {personal law}. If two people from different tribes disputed, they used laws of tribe of person with dominant interest.

dowry

law

Germany

600 to 1000

Marriage required a money gift {dowry}|.

Leges Barbarorum

law

Germany

600 to 1000

German law, collected by Romans, was mainly criminal law, with some tort law and few procedures. German law used principle of "an eye for an eye" {Wergild}. Family or clan exacted revenge, not individual. Most trials were about torts. Disputants themselves did pleadings. For accidental injury, offender paid injured person. German law did not recognize private real property. With no commercial laws, visiting traders needed patron's protection. Marriage was sacred and was mostly monogamous. Marriage required a money dowry and gift exchange.

Thing or Ting

assembly

Germany

600 to 1000

German clan assemblies began.

English codes

law

England

600 to 1035

England law codes were mostly about torts and criminal law.

English county courts

court

England

600 to 1035

County courts tried difficult cases, with churchmen presiding. Local courts were formal and compurgators were typically the only witnesses. Petty cases had trials within families.

English land law

law

England

600 to 1035

Land was held individually, with some feudalism.

tithing

clan

England

600 to 1035

Clans declined. Clan-member rights became individual rights. Germanic clan assembly {folk moot} disappeared. Families divided into hundreds and tens {tithing}.

Witan or Witenagemot

assembly

England

600 to 1035

As clans decreased, a council {Witan} {Witenagemot} of Anglo-Saxon lords {thegn} replaced older folk moot German clan assemblies.

Law of Rhodes or Rhodian Law

law

Rhodes, Greece

600 to 1453

Rhodian Law or Law of Rhodes [600 to 700: Byzantine-Empire trade and navigation regulations]

Maritime customs developed from Digest of Code of Justinian [600] and from Rhodes' ancient maritime customary law.

Abu Hanifeh Ne'man Ben Sabbet [Hanifeh Ne'man Ben Sabbet, Abu] or al-A'zam Abu Hanifah [Hanifah, al-A'zam Abu] or Abu Hanifa [Hanifa, Abu] or Great Imam

lawyer

Persia

767

Greater Understanding [767: Islamic law]

He started Islamic law study.

Catholic jurists

lawyer

Europe

800 to 1100

Catholic jurists used both ius gentium and canon law and applied moral standards to international law. Catholic Church, Charlemagne, and subsequent kings supported them.

chivalry

law

Europe

800 to 1100

Personal conduct rules {chivalry} developed.

droit de seigneur

law

Europe

800 to 1100

The legendary right of lord to spend the first night with new bride {droit de seigneur} probably was never reality.

Feudal manor courts

court

Europe

800 to 1100

Manor fief courts were for local civil and criminal law but not for Church law.

Feudal marriage

law

Europe

800 to 1100

The lord of the manor selected husbands for his female heirs {Feudal marriage}, was ward of infant heirs, and got land if tenants had no heirs.

primogeniture

law

Europe

800 to 1100

First-born son inherited all deceased-father's real property {primogeniture, custom}.

right of aid

law

Europe

800 to 1100

Tenants contributed to pay lord's ransom, knight his son, or marry his daughter {aid right} {right of aid}.

right of relief

law

Europe

800 to 1100

In first year, tenants gave lord one-year's income {relief right} {right of relief}.

territoriality

law

Europe

800 to 1100

People were always under laws of where they were {territoriality, law}, not of tribe or land of origin.

Table of Amalfi

law

Amalfi, Italy

1000 to 1100

Table of Amalfi [1000 to 1100]

Amalfi was one of four Maritime republics, but Pisa ended it [1135].

servientes Regis ad Legem

lawyer

London, United Kingdom

1050

Law profession {servientes Regis ad Legem} began.

Irnerius

lawyer

Bologna, Italy

1088 to 1120

Comments on the Corpus Juris [1088 to 1120]

He lived 1055 to 1130 and founded law school at Bologna [1088]. He studied Justinian Code, Institutes, and Digest and taught Martinus, Bulgarus, Iacobus, and Hugo.

Lombard law schools

university

Mantua, Italy/Verona, Italy/Bologna, Italy/Padua, Italy

1088 to 1626

University of Bologna began [1088]. University of Padua began [1222]. Duke Ferdinando [1589 to 1626] ruled Mantua [1613 to 1626] and founded University of Mantua [1626].

Four Doctors

lawyer

Bologna, Italy

1100 to 1200

Bulgarus, Martinus Gosia, Jacobus de Boragine or Iacobus, and Hugo de Porta Ravennate recreated Roman law and were pupils of Irnerius.

Jacobus de Boragine or Iacobus

lawyer

Bologna, Italy

1100 to 1200

He was one of the Four Doctors, who recreated Roman law.

Venice maritime

law

Venice, Italy

1100 to 1200

Maritime customs developed.

English kings

king

England

1100 to 1300

They gained right to make laws.

Italian law schools

law school

Pavia, Italy/Ravenna, Italy

1100 to 1300

Students, who paid teachers directly and so controlled them, ran law schools. Students organized into groups {nation, student}, which fought each other and flouted civil law. Gradually, university authorities stated curricula and awarded degrees: bachelor, licentiate or masters, and doctorate.

Bulgarus

lawyer

Bologna, Italy

1120 to 1158

On Regulations [1120 to 1158]

He lived ? to 1166 and was one of the Four Doctors, at University of Bologna law school or School of the Gloss-writers, who recreated Roman law. He was at diet of Roncaglia [1158].

Martinus Gosia

lawyer

Bologna, Italy

1130 to 1160

Structure of the Institutes [1130 to 1160]

He lived 1100 to 1166 and was one of the Four Doctors, who recreated Roman law. Martinus led a school about equity of the purse {aequitas bursalis}.

Gratian

lawyer

Bologna, Italy

1140

Decrees [1140]

He was Benedictine monk and codified canon law at Bologna University.

common law

law

England

1164

Crown court judges developed law, which identified and validated customs and practices and which differed among geographic areas and social classes.

English crown courts

court

England

1164

Crown courts used traveling judges {missi, judge}, and county courts decreased [1164]. Most crimes "broke the king's peace" and so justified crown courts. In crown courts, lawyers talked to judge while jurors listened. They had no witnesses. Lawyers gave no summations.

grand jury

jury

England

1164

grand jury [1164]

Grand juries started when citizens investigated crimes and charged persons. Petit juries judged trials. Jurors found facts by any agreed method. Verdicts had to be unanimous. If jurors did not reach unanimous verdict, court appointed more jurors until twelve agreed. If jury had decided wrongly, court penalized jurors strongly. After wrong decision, 24 knights heard case.

Hugo de Porta Ravennate or Hugolinus de Porta Ravennate or Ugo de Alberico [Alberico, Ugo de]

lawyer

Bologna, Italy

1165 to 1194

Summation on Fighting [1165 to 1194]

He lived ? to 1194 and was one of the Four Doctors, who recreated Roman law.

Accursius Azo of Bologna [Azo of Bologna, Accursius]

lawyer

Bologna, Italy

1180 to 1210

Summary of Codes [1180 to 1210: systematized all law parts]; Distinctions [1180 to 1210: explained law-principle ramifications]; Lectures on Codes [1180 to 1210]

He lived 1150 to 1230 and was Glossator.

Bernard of Pavia

lawyer

Rome, Italy

1187 to 1191

Digest of Early Papal Documents or First Ancient Compilation [1187 to 1191]

He wrote about papal decretals from Gregory IX [1150 to 1227] to Clement III [1187 to 1191].

Ranulf de Glanville [Glanville, Ranulf de]

judge

London, England

1190

Treatise on the Laws and Customs of England [1190]

He lived ? to 1190, was Chief Justiciar of England under Richard I [1172], and wrote about written appeals { writ, appeal } to crown courts.

Code of Oleron

law

Oleron Island, France

1191

Code of Oleron [1191]

Richard I published maritime customs, and British, Scotch, and Normans used them.

corps

law school

Germany

1200

University students organized into groups { corps, law }.

chancery

court

England

1200 to 1300

Before Edward I, king granted authority to Chancellor and Chancellor's court. The chancellor or chancery court required defendant or petitioner to provide equity.

equity law

law

England

1200 to 1300

People can petition king or his chancellor for justice { equity law }, even without existing law. England published chancery-court equity decisions { law of equity }, which used Roman and canon law. Chancery law and equity law rectified unjust common laws.

king's conscience

law

England

1200 to 1300

King had right to make law and to right wrong { king's conscience }.

king's court

court

England

1200 to 1300

Before Edward I, Court of Common Pleas heard common law cases at Westminster. Court of the King's Bench {king's court} heard civil and criminal cases. Court of the Barons of the Exchequer heard cases about king's finances. In shires, knights appointed by king, called Conservators of the Peace, presided over national courts.

Parliament

assembly

England

1200 to 1300

Before Edward I, Parliament had only barons and churchmen and had only right to refuse money to king.

Pisa maritime

law

Pisa, Italy

1200 to 1300

Maritime customs developed.

Ritter Eike von Repgow [Repgow, Ritter Eike von]

lawyer

Saxony

1209 to 1233

Mirror of the Saxons [1209 to 1233: north-Germany Saxon law]

German common law was not Saxon but Roman law.

Petrus Collivacinus of Benevento [Collivacinus of Benevento, Petrus]

lawyer

Rome, Italy

1210

Third Compilation [1210]

He wrote about papal decretals from the first twelve years of Innocent III [1198 to 1210].

John of Wales or Johannes de Walesio [Walesio, Johannes de] or Walensis or Galensis

lawyer

Rome, Italy

1210 to 1216

Third Compilation [1210 to 1216]

He wrote about papal decretals from Clement III and Celestine III [1191 to 1198].

Decretals

lawyer

Rome, Italy

1216

Fourth Compilation [1216]

Papal decretals came from Innocent III [1210 to 1215].

Golden Bull

edict

Hungary

1222

Andrew II of Hungary proclaimed Golden Bull to check nobles.

Honorius III

lawyer

Rome, Italy

1227

Decretals [1227]

He wrote about other papal decretals.

Franciscus Accursius [Accursius, Franciscus] or Francesco Accorso [Accorso, Francesco]

lawyer

Bologna, Italy

1230

Great Gloss [1230: described all Glossator commentaries on Justinian books]

He lived 1182 to 1260, was Azo's student, and was Glossator.

Glossators

lawyer

Europe

1230 to 1340

Glossators studied Justinian laws and taught law but typically did not relate law to contemporary life.

Inquisition

inquisition

France

1233

Inquisition under Pope Innocent III started against Albigenses sect in south France.

Decretum of Gratian

law summary

Rome, Italy

1234

Decrees of Gratian [1234: sanctified by Catholic Church]

Gratian taught canon law at University of Bologna and wrote canon law book [1140].

Sea Laws of Gotland

law

Wisley, Germany

1240

Sea Laws of Gotland or Visby Laws [1240: maritime customs based on Code of Oleron]

Gotland is largest island in Baltic Sea. Visby was a chartered Hanseatic town [1000]. Twenty tings sent elected judges to meetings {alting} {Gutnaltinget}.

Cortes of Leiria

legislature

Portugal

1254

Alfonso III of Portugal convened Cortes of Leiria, first legislature to have commoners.

Alfonso X or Alfonso the Wise or Alfonso el Sabio

king

Castile/Leon

1255

Songs to the Virgin Mary [1252 to 1284: songs]; Royal Lawbook [1255: local laws and information about Roman laws]

He lived 1221 to 1284 and was king of Castile and Leon [1252 to 1284].

Henri de Bracton [Bracton, Henri de]

lawyer

London, England

1268

On English Laws [1268: standardized English law for next 200 years]

He lived 1210 to 1268 and relied on common-law precedents. He said that people can petition king, who must act justly.

Commentators or Postglossators

lawyer

Perugia, Italy

1280 to 1450

Commentators combined Roman law, canon law, and Italian-city statutes. They theorized about conflict of laws. They applied Roman law to municipal, canon, feudal, customary, commercial, and criminal law cases.

Consulado del Mar [Mar, Consulado del] or Code of Barcelona

law

Barcelona, Spain

1283

Maritime customs were in use for five centuries.

Model Parliament

legislature

England

1295

King Edward I assembled clergymen and aristocrats but also added others.

deodand

law

England

1300

People no longer used objects that had contributed to injury {deodand}.

habeas corpus

law

England

1300

Leaders presented written causes to hold people, to courts.

Inns of Court

lawyer

London, United Kingdom

1300 to 1350

Lawyer guilds began. Apprentices learned English law in mock trials. Inns had Handbooks of English law. There have been up to 14 Inns of Court, but now are four: Lincoln's Inn, Gray's Inn, Inner Temple, and Middle Temple.

writ of prohibition

court

England

1300 to 1400

Chancery courts no longer forced new trial. Appeals asking for second trial by 24 knights ended.

Church and crown courts competed for jurisdiction. Clergy tried to keep right {benefit of clergy} to use church courts to settle disputes. Lay courts issued decrees {writ of prohibition} to stop church courts from taking over jurisdiction.

Crown courts began to hear cases submitted by written complaints {complaint, writ} {writ of complaint}, which stated complaint, plaintiff, and defendant. Writ use increased, and trial by combat and trial by ordeal decreased.

Assizes county courts heard cases not heard by crown courts.

Bartolus de Saxoferrato

lawyer

Perugia, Italy

1350

Theory of Statutes [1350: general law rules that reconciled conflicting legal systems]

He lived 1313 to 1357 and was Commentator. Laws of place in which action happened govern actions {territoriality, Bartolus de Saxoferrato}.

Hansa Code

law

Bremen, Germany/Lübeck, Germany

1358 to 1367

Hanseatic League (Hansa) developed maritime customs based on Sea Laws of Gotland and Lübeck laws. German merchants formed associations {Hansa}. German and Scandinavian merchants founded Hanseatic League [1150], including Lübeck, Westfalia, Saxony, and Gotland. It added Bremen and Livonia [1200 to 1220]. Lübeck and Hamburg united [1241], then Lübeck and Visby (Gotland) united [1280], starting Hansa towns. Towns were Saxon, Wendish, Prussian, and Livonian. Members met at Lubeck [1358]. Hansa united to war with Waldemar Atterdag of Denmark [1361]. Cologne Confederation [1367] had cities from Holy Roman Empire, Netherlands, and area controlled by Teutonic Knights.

Petrus Baldus de Ubaldis [Baldus de Ubaldis, Petrus]

lawyer

Perugia, Italy

1360 to 1390

Commentary on the Book of Fees [1360 to 1390]

He lived 1327 to 1406, was of the Baldeschi, and was Commentator.

Italian law schools

law school

Italy

1400 to 1500

Law schools began historical law study.

Bank of St. George

bank

Genoa, Italy

1407

Maritime law changed as bank issued first bills of exchange and first insurance [1407].

Aix-en-Provence

university

Aix-en-Provence, France

1409

Aix-en-Provence is in southeast France.

Council of Constance

conference

Constance, France

1417

Council ended Great Schism of Catholic Church. However, simony, indulgences, corruption, non-celibacy, poorly educated lower clergy, and emphasis on power and money continued.

John Fortescue [Fortescue, John]

judge

England

1463 to 1471

On Praiseworthy English Laws [1463]; Difference between an Absolute and Limited Monarchy [1471]

He lived 1394 to 1476 and was Chief Justice [1442 to 1461].

Thomas Littleton [Littleton, Thomas] or Thomas Lyttelton [Lyttelton, Thomas] or Thomas Lyttleton [Lyttleton, Thomas]

judge

London, England

1466 to 1470

Tenures [1470: real property law]

He lived 1422 to 1481 and was judge at Court of Common Pleas [1466].

Spanish Inquisition

inquisition

Spain

1478 to 1483

Inquisition started under Tomas de Torquemada. He enforced Catholic orthodoxy and censored books and art. Spain threw out Jews and Moors.

Lateran Council

conference

Rome, Italy

1485

Lateran Council under Pope Leo X (Giovanni de Medici) failed to approve reform.

English written pleadings

law

England

1500

Courts began to use English for written pleadings, which later became more formal and accurate.

French

court

France

1500 to 1600

Judges heard rational arguments and evaluated evidence presented by trained advocates.

Ulrich Zasius [Zasius, Ulrich] or Faber Stapulensis [Stapulensis, Faber]

lawyer

Netherlands/Freiberg, Germany

1506 to 1521

Statutes of the City of Freiburg [1506 to 1530]

He lived 1461 to 1536 and was international lawyer.

Inquisition

inquisition

Naples, Italy

1510

Inquisition ended in Naples.

Francisco de Vitoria [Vitoria, Francisco de]

lawyer

Salamanca, Spain

1510 to 1539

On Indians [1532]; On Law of War [1532]; Theological Reflections [1539: natural and international law]

He lived 1483 to 1546, was Dominican, and was at Salamanca. He wrote about natural and international law, especially as applied to American native peoples.

Andreas Alciatus of Milan [Alciatus of Milan, Andreas]/Viglius ab Aytta [Aytta, Viglius ab]

lawyer

Milan, Italy

1514

Commentary on the laws and canons of the Church of England [1514]

Alciatus lived 1492 to 1550, wrote about international law, and founded Bourges University. He tried to discover pure Roman law from commentaries and added good other laws.

Rule against Perpetuities

law

England

1540

Act ended perpetual land ownership.

Statute of Uses

law

England

1540

Act prohibited land use without land title. Chancery then allowed land trusts.

Statute of Wills

law

England

1540

Act allowed land disposition by will.

Inquisition

inquisition

Rome, Italy

1542

Inquisition moved to Holy Office, which decided faith, orthodoxy, and censorship matters.

First Council of Trent

council

Trent, Italy

1545 to 1563

Under Pope Paul IV, it reformed canon law, reformed church practices, and reorganized church. It condemned Pelagianism as heresy.

law merchant

law

England

1550

England established commercial law {law merchant}.

Second Council of Trent

conference

Trent, Italy

1550 to 1551

Under Pope Julius III, it reformed Roman Catholic practices.

Jacques Cujas [Cujas, Jacques] or Jacques de Cujas [Cujas, Jacques de] or Cujacius

lawyer

Paris, France

1550 to 1580

Criticisms and Observations [1550 to 1580]; Additional Commentary [1550 to 1580: on Digest and Code of Justinian, especially Ulpian and Paulus]

He lived 1520 to 1590 and helped establish Continental law and international law, using original sources. He studied law at Bourges University, was Alciati's pupil's student, and studied law's relations to history and literature.

Index

inquisition

Rome, Italy

1557

Inquisition listed banned books.

Third Council of Trent

conference

Trent, Italy

1562

Cardinal Charles Borromeo and Pope Pius IV reopened Council of Trent, which reformed clerical life and education and led Catholic Counter-Reformation.

Gabriel Van der Muyden [Muyden, Gabriel Van der] or Mudaeus

lawyer

Belgium

1570

He lived 1500 to 1560, was international lawyer, was Alciatus' pupil, and founded Louvain University.

Edmund Plowden [Plowden, Edmund] or Edward Plowden [Plowden, Edward]

judge

London, England

1571

Commentaries or Reports [1571: first modern law reports emphasized sense of laws]

He lived 1518 to 1585.

Jean Bodin [Bodin, Jean]

lawyer

Paris, France

1576

Six Books of the Republic [1576: about state sovereignty]

He lived 1530 to 1596 and belonged to Politiques. Family is basis of society. State is about material, not spiritual, things. State requires absolute sovereignty to prevent civil war.

French

law

Paris, France

1580

French Customary Laws [1580: codified north-France laws]

French customary laws and canon law used Roman laws of contracts, property, wills, successions, domestic relations, and judicial procedures.

Antoine Favre [Favre, Antoine] or Antonius Faber [Faber, Antonius]

lawyer

Netherlands/Lyon, France

1581 to 1607

Conjectures on Civil Law [1581: three books]; On Practical Errors and Law Interpretation [1598]; Codex Fabrianus [1607]

He lived 1557 to 1624 and was international lawyer.

Corpus Juris Canonici

law

Rome, Italy

1582 to 1917

Canon Law [1582: canon law new edition]

It included Decree of Gratian [1141 to 1150], Decretals of Pope Gregory IX [1234], Sext, Clementines, Extravagants of John XXII, Common Extravagants, and Liber Sextus (Sixth Book) of Boniface VIII.

Hugo Doneau [Doneau, Hugo] or Hugo Donellus [Donellus, Hugo] or Hugo D'Onneau [D'Onneau, Hugo] or Hugues Doneau [Doneau, Hugues]

lawyer

Leyden, Netherlands

1587

Commentaries on the Civil Law [1587]

He lived 1527 to 1591, was international lawyer, and studied law at Bourges University.

Albericus Gentilis [Gentilis, Albericus] or Albericius Gentilis [Gentilis, Albericius]

lawyer

London, England

1589

On the Laws of War [1589]

He lived 1552 to 1608 and emphasized that contemporary situations required new international law rules.

His ideas came into use in approximately 1900.

He established peace-treaty rules, neutrality rules, and war rules. He established justifications for war, especially self-defense.

Licenses for reprisal against another nation's vessels {letters of marque} are unlawful, because they lead to piracy.

Travelers in peacetime have freedom of passage, especially over seas.

Diplomatic personnel have immunity from prosecution, have right of passage, and have right of property and person protection. Rulers cannot reject embassies but can return particular ambassadors. All nations, no matter what governmental system or ruler, are in society of nations.

Epistemology

Rights and laws based on reason are true for all people at all times.

Edward Coke [Coke, Edward]

lawyer/judge

London, England

1592 to 1641

Treatise on Bail and Mainprize [1592: about depositing money to avoid jail while awaiting trial and ordering sheriffs to take bail]; Fines [1597: about penalties]; Beverley's Case [1603]; Book of Entries [1614: about writs and pleading]; Complete Copyholder [1630: about tenancy at will]; Institutes [1641: First volume was on common law, second was on ancient statutes, third was on criminal law, and fourth was on court jurisdiction]

He lived 1552 to 1644. He defended common law in Shelley's case, became Solicitor General of the Realm [1592], entered Parliament [1593], became Attorney General [1594], and later became Parliament Speaker. He became Chief Justice of Court of Common Pleas, the highest possible judge office, and became Chief Justice of the King's Bench under King James [1613 to 1616]. He refused to stay an action for the king, because it was against the law, and the king suspended him from Privy Council and then discharged him from office. He rejoined Privy Council [1617] and then entered Parliament again. He fought for constitutional rights and upheld Parliament against king [1620]. He became Baron Veculam and then Viscount St. Albans.

In Fuller case, he won common law courts right to issue prohibition writs. He blocked King James I from changing law, establishing that only Parliament was able to change law. He blocked King James's proclamation to stop using grain for starch, because Parliament had not proclaimed it. He worked against monopolies. He defended common law or civil law. He wrote about bail, mainprize, and copyhold estate.

He was always at legal and personal odds with Francis Bacon.

Psychology

Insane people do not know what they do and cannot have criminal intent. Insanity is not a defense if people know right from wrong {right-wrong test}. Drunkards, idiots, or fools can be insane at the time [1604].

Edward Poynings [Poynings, Edward]

law

Ireland

1594 to 1595

He lived 1459 to 1521. Poynings' Law gave all legislation for Ireland to England.

English jury

jury

England

1600

Juries judged after hearing evidence and used evidence rules, including prohibiting hearsay evidence and indirect knowledge.

free speech

law

England

1600

James I granted right of free speech to Parliament.

Europe maritime

law

Europe

1600 to 1700

National maritime law codes began, disunifying maritime law.

colonial

law

USA

1600 to 1750

English common law and equity combined in colonial law and later in state law.

Mayflower Compact

law

Plymouth, Massachusetts

1608

Agreement among Pilgrims set up government. Pilgrims were Separatists from Church of England that had left England to come to Plymouth Colony in New England.

Darnell's case or Darnell case

case

England

1610

It tested right to habeas-corpus writ and decreased this right.

John Selden [Selden, John]

lawyer

London, England

1610 to 1618

Judicial Combat [1610]; England's Philosopher [1610]; Reverse of the English Janus [1610: on constitution]; Titles of Honor [1614]; Fabulous Gods [1617: about Oriental gods]; History of Tithes [1618]; Territorial Waters [1618]

He lived 1584 to 1654, helped draft Petition of Right, tried to block royal authority, and was against freedom of seas.

House of Burgesses

legislature

Virginia

1619

First American legislature started in Virginia.

Hugo Grotius [Grotius, Hugo] or Huig de Groot [Groot, Huig de]

lawyer

Netherlands/Paris, France

1625 to 1645

On the Laws of War and Peace [1625]

He lived 1583 to 1645 and was the "father of international law". He described current international law, basing his ideas on natural law, reason, and Roman ius gentium.

Ethics

Moral precepts are true even without God, are rational, and are social.

Law

International law depends on natural law, customs, and agreements. Natural law comes from man's social nature and needs, is absolute, is power and authority basis, and protects property and life rights. Law gives rights and justice by the ruled's consent.

Politics

People have natural rights, which government should guarantee. State is social contract. Aristocratic republic is best.

Petition of Right

law

England

1628

Initiated by Edward Coke, a law {Petition of Right} stated that taxes, imprisonment, and quartering of soldiers in homes needed due cause or Parliament consent. It did not allow billeting. It said that people had right to habeas-corpus writ. It stated that imprisonment required cause and opportunity to answer charge. It required Parliament consent to order anyone to pay money to state. It gave Parliament right of free speech. It reduced martial law punishments.

John Cotton [Cotton, John]

lawyer

Boston, Massachusetts

1630 to 1648

Divine Right to Occupy the Land [1630]; Democracy as Detrimental to Church and State [1636]; Model of Moses His Judicials [1636: about theocracy]; Way of the Churches of Christ in New England [1645]; Spiritual Milk for Babies [1646]; Way of Congregational Churches Cleared [1648]

He lived 1595 to 1652 and wrote about theocratic government by religious leaders.

Thomas Hooker [Hooker, Thomas]/John Haynes [Haynes, John]/Roger Ludlow [Ludlow, Roger]

lawyer

Connecticut

1639

They published the Fundamental Orders constitution. Thomas Hooker lived 1586 to 1647. John Haynes lived 1594 to 1654. Roger Ludlow lived 1590 to 1664. All were from England.

Nathaniel Ward [Ward, Nathaniel]

lawyer

Boston, Massachusetts

1641 to 1647

Body of Liberties [1641: about individual rights in theocracy]; Simple Covenants of Agawam [1647]

He lived 1578 to 1652. Puritans used his ideas in law codes.

Richard Zouche [Zouche, Richard]

lawyer

England

1649 to 1657

Exposition of Feudal Law and Procedure or Exposition of Law of War and Peace [1649: international law]; Solutions to Old and New Questions, Ways of Mediating Late Competent Justice [1657]

He lived 1590 to 1661. He discussed laws between nations {ius inter gentes} based on actual legal practices and founded positivist or historical school of international law.

James Harrington [Harrington, James]

writer

USA

1656

Commonwealth of Oceana [1656: power comes from property]

He lived 1611 to 1677.

House of Commons

legislature

England

1660

House of Lords and House of Commons formed during Stuart Restoration.

Samuel Puffendorf [Puffendorf, Samuel]

lawyer

Lund, Germany

1672

On Natural Law and Law of Nations [1672]

He lived 1632 to 1694.

Law

Laws define what to do or not do and prescribe punishment. Travelers have freedom of seas, except in territorial waters.

Politics

Man's natural duties, defined by natural law, are examples of state duties. Authority has legitimate power to limit freedom and punish people to make people secure or better. Authority can also be legitimate if people have consented. People have obligation to obey superiors. Social relations aid individual self-preservation. Theocracy is not good. Taking booty is sovereign's right, and it is then his property. Treaty or danger {necessity} can allow nations to prevent actions they normally allow.

Test Act

law

Ireland

1673

Act imposed laws on Irish Catholics.

Habeas Corpus Amendment

law

England

1679

Act increased right to habeas-corpus writ.

John Wise [Wise, John]

clergyman

USA

1680

He lived 1652 to 1725, wrote about democracy, and resisted English tax collectors.

John Holt [Holt, John]

judge

London, England

1681 to 1710

Ashby v. White and Others [1681 to 1710]; Case of John Paty and Others [1681 to 1710]

He lived 1642 to 1710. As Chief Justice [1681 to 1710], he added bailment law to English law, from Continental law.

English judges

court

England

1688

After Revolution, judges held office for life, as long as they maintained good conduct.

Christian Thomasius [Thomasius, Christian]

lawyer

Germany

1691 to 1705

Introduction to the Theory of Pure Reason [1691]; Fundamentals of Natural Law and Law of Nations [1705]

He lived 1655 to 1728, was international lawyer, and helped found natural law.

Act of Settlement

law

Great Britain/Ireland

1701

Act tried to stop Jacobites from making Stuart Catholic king. It designated Protestant Hanover king and limited king's power. It imposed laws on Irish Catholics.

Cornelius Van Bynkershoek [Bynkershoek, Cornelius Van]

lawyer

Leyden, Netherlands

1721 to 1737

Sovereignty of the Sea [1721]; Questions of Public Law [1737]

He lived 1673 to 1743 and emphasized actual law practice. He established neutral country protections, blockade rules, and contraband rules. One cannon shot, three miles, is territorial-waters limit. High seas are free to all. Ambassadors should have full protection. War declarations are unnecessary.

William Blackstone [Blackstone, William]

lawyer

England

1723

Commentaries on the Laws of England [1723: basis of USA law study before law schools]

He lived 1723 to 1780, was conservative aristocrat, opposed American freedom, and was protégé of Mansfield.

Molasses Act

law

USA

1733

Molasses Act passed by English Parliament placed duties on rum and molasses in American colonies, but England did not enforce it.

Robert Joseph Pothier [Pothier, Robert Joseph]

lawyer

France

1748 to 1752

Digest of Pandects of Justinian [1748 to 1752]

He lived 1699 to 1772 and combined Roman law, customary law, and natural law.

Billeting

law

USA

1750

Law passed by English Parliament allowed troop billeting in homes in American colonies.

Intolerable Acts

law

USA/England

1750

Intolerable Acts passed by English Parliament levied more taxes in American colonies.

Patrick Henry [Henry, Patrick]

lawyer/statesman

USA

1750 to 1765

He lived 1736 to 1799. In Maury case [1750], he successfully defended merchants against tobacco tax, which supported Anglican clergy. Virginia House of Burgesses had replaced tobacco tax with cash payment, but king vetoed payment. In 1765, he entered House of Burgesses and became leader. He said [1776], "Give me liberty or give me death." From 1789, he worked for Bill of Rights.

Albany Congress

conference

USA

1754

Benjamin Franklin suggested that colonies unite {Plan of Union} to fight American Indians.

William Murray, Lord Mansfield [Mansfield, William Murray, Lord]

judge

London, England

1756 to 1788

Somerset case [1772: against slavery in England]; On the Right to Tax America [1776]

He lived 1705 to 1793 and established modern English commercial law, using Roman and customary law. He was Chief Justice [1756 to 1788] and opposed American freedom.

Emmerich de Vattel [Vattel, Emmerich de]

lawyer

Germany

1758

Rights of People or Principles of Natural Law [1758: natural law]

He lived 1714 to 1767, was international lawyer, and believed in natural law. Nations are like moral persons, so ethics is a consideration in law.

Cesare Bonesana [Bonesana, Cesare] or Marchese di Beccaria [Beccaria, Marchese di]

philosopher

Beccaria, Italy

1764

Essay on Crimes and Punishments [1764: attacked penal and criminal systems]

He lived 1738 to 1794. Punishment should fit crime's seriousness and should exact vengeance. Judiciary should be separate from legislature.

James Otis [Otis, James]

lawyer

Boston, Massachusetts

1764

Rights of the British Colonies Asserted and Proved

He lived 1725 to 1783 and claimed that Americans were British citizens, that Parliament must conform to Constitution, and that taxation required representation. From 1761 to 1769, he led colonies until severe head injury. He tried to defend merchants from general search warrants {assistance, writ} {writ of assistance}.

Townshend Acts

law

USA

1767

Laws passed by English Parliament put customs duties on imports into American colonies.

English voting

law

England

1770

Only male property holders voted, so only one person in 30 voted.

Poor Laws/Statute of Artificers

law

England

1770

They regulated prices and fixed wages. All people had to work. They established houses of correction for people that refused to work. Poor houses for disabled began.

Intolerable Acts

law

Massachusetts/England

1773

Intolerable Acts passed by English Parliament reduced freedom in Massachusetts.

First Continental Congress

congress

USA

1774

First Continental Congress stated colony grievances against England, declared basic personal rights, and approved resolutions to alter commerce with England.

Second Continental Congress

congress

USA

1775 to 1783

Congress met throughout Revolutionary War, printed worthless money, and borrowed heavily.

Edmund Burke [Burke, Edmund]

lawyer/politician

Ireland/London, England

1775 to 1796

Conciliation with America [1775]; Nabob of Arcot's Debts [1785]; Reflections on the French Revolution [1790]; Appeal from the Old to the New Whigs [1791]; Letters on a Regicide Peace [1795]; Letter to a Noble Lord [1796]
He lived 1729 to 1797 and was conservative Whig. He believed in maintaining current institutions and social customs, deciding on evidence not theory, and being skeptical. He exposed East India Company injustices in India, during Hastings trial. He opposed French-Revolution Jacobites. He tried to improve policies about America and wanted to free Ireland. He wanted to free House of Commons from King George III.

Politics

Political power is to preserve order. Society coheres through habit, emotional bonds, conventions, loyalty, communal feeling, and tradition {conservatism, Burke}, not by reason, rights, or law. Institutions can reform by small steps, keeping essence, rather than change too much or quickly.

People should be dutiful, loyal to traditions, bound by social relations, and fitted into roles. Moral tradition is more important than rational morality. Individuals should be free and independent, to judge and choose for best advantage and to be responsible for their families. Human nature causes inequalities in society, but justice must prevail.

Government should use power legally. Government should only maintain security and order, because it often abuses power. Bureaucracy and interference reduce human energies. Institutions should fit culture. Institutions should be free and independent. Changes should be slow and subject to change, because human frailty can make everything worse.

Declaration of Independence

independence
Philadelphia, Pennsylvania
1776.0702

USA declared independence from Britain on July 2. Thomas Jefferson wrote Declaration, with Benjamin Franklin's help. John Hancock, Second Continental Congress president, signed his name in large letters.

Articles of Confederation

law
USA
1777 to 1781

Thomas Paine, Thomas Jefferson, James Madison, and Alexander Hamilton drafted Articles of Confederation, which Second Continental Congress adopted [1777]. Colonies ratified the Articles [1781]. States were sovereign. State legislatures selected and paid for delegates to Congress. In Congress, states had one vote each, and passing laws required nine votes. Federal government had no taxing power and no executive.

bankruptcy

law
England
1780
New bankruptcy laws began.

divorce

law
England
1780
New divorce laws and new rights for married women began.

English death penalty

law
England
1780
It reduced number of crimes carrying death penalty.

property

law
England
1780
Real-property law reform began.

Irish Parliament

legislature
Ireland
1782
Henry Grattan led legislature.

James Madison [Madison, James]/Alexander Hamilton [Hamilton, Alexander]/John Jay [Jay, John]

lawyer
USA
1783
Federalist Papers [1787 to 1788]
Madison lived 1751 to 1836. Hamilton lived 1755 to 1804. Jay lived 1745 to 1829. They wrote to gain support to ratify new Constitution.

Indian Reservation

reservation

USA

1784

First reservation created.

Annapolis

conference

Annapolis, Maryland

1786

Maryland and Virginia discussed waterway rights and invited other states to send delegates to Annapolis. Five states came. Delegates called for constitutional convention in Philadelphia.

William Patterson [Patterson, William]

lawyer

New Jersey

1787

He lived 1745 to 1806 and proposed New Jersey Plan for constitution at Constitutional Convention, which was similar to Articles of Confederation, but senators and executives had life terms, like limited elected monarchy.

Edmund Randolph [Randolph, Edmund]

lawyer

Virginia

1787

He lived 1753 to 1813 and proposed Virginia Plan for constitution at Constitutional Convention. Bicameral legislature has two parts. Executive or judiciary can veto state laws that violate Constitution.

Constitutional Convention

congress

Philadelphia, Pennsylvania

1787.05 to 1787.09

Madison, Franklin, and Washington led Constitutional Convention. Washington presided. Madison wrote the mostly adopted Virginia Plan. Paterson wrote New Jersey Plan. Madison was chief Bill of Rights writer and supporter and wrote Virginia Resolution for states' rights. James Monroe was against Federalists.

USA Constitution

constitution

USA

1789

The states ratified Constitution, Delaware first.

John Jay [Jay, John]

chief justice

USA

1789 to 1791

He lived 1745 to 1829 and was first USA Supreme Court Chief Justice. He signed Jay's Treaty [1791] between USA and Britain over freedom of navigation, trade restrictions in West Indies, and evacuation of British Northwest forts, but it did not stop naval impressment. He resigned to run for Governor of New York [1791].

Supreme Court

court

USA

1789 to 1795

First Supreme Court favored strong central government and judicial review of legislation, which is not in Constitution.

Oliver Ellsworth [Ellsworth, Oliver]

lawyer

USA

1789 to 1800

Judiciary Act of 1789

He lived 1745 to 1807. First Congress required one Chief Justice and five Associate Justices for Supreme Court. Supreme Court was to try cases involving state relations, ambassadors, ministers, and consuls and to hear appeals from lower courts. President appointed judges, with Senate's consent. Judges had life terms. Only trial in Senate, needing two-thirds majority, can remove judge {impeachment, judge}. Judiciary Act also established fifteen District Courts and two Circuit Courts, which were higher than District Courts but lower than Supreme Court. He lived 1745 to 1807 and became USA Supreme Court Chief Justice [1796 to 1800] after John Jay resigned to run for Governor of New York. He resigned in 1800.

French Constitution

constitution

France

1791

Constitution included Declaration of the Rights of Man. It blocked Mirabeau's plan to have constitutional monarchy, and king fled. After capture, he accepted constitution [1791].

Declaration of Pillnitz

edict

Pillnitz, Germany

1792

Act called on Europe to restore Louis XVI of France.

Chisholm vs. Georgia

case

USA

1793

Case allowed citizen of one state to sue another state in Supreme Court.

Fugitive Slave Act

law

USA

1793

Act required federal agents to recapture runaway slaves. Northern states that had passed personal liberty laws did not enforce it.

Codes of Prussia

law

Prussia

1794

Codes of Prussia depended on natural law.

John Taylor of Caroline [Taylor of Caroline, John]

lawyer

USA

1794 to 1823

Definition of Parties: Or the Political Effects of the Paper System Considered [1794]; Inquiry into the Principles and Policy of Government [1814]; New Views of the Constitution of the United States [1823]

He lived 1753 to 1824, had same ideas as Jefferson, and believed in farming communities with no aristocracy.

John Marshall [Marshall, John]

judge/chief justice

USA

1797 to 1820

Marbury v. Madison [1803]; Fletcher v. Peck [1816]; McCulloch v. Maryland [1819]; Dartmouth College v. Woodward [1819]; Cohens v. Virginia [1821]; Gibbons v. Ogden [1824]

He lived 1755 to 1835, was at Constitutional Convention, defended Jay Treaty, went on X.Y.Z. mission to France [1797], entered Congress, became Secretary of State [1800], and was USA Supreme Court Chief Justice [1801 to 1820]. He increased Supreme Court power by insisting on its right to judge constitutionality of all laws. He allowed expansion of federal powers in opposition to states' rights. He did not like Thomas Jefferson or his ideas and interpreted federal government power broadly.

Lord Stowell [Stowell, Lord] or William Scott [Scott, William]

judge

England

1798 to 1827

Dalrymple v. Dalrymple [1798 to 1827]; Evans v. Evans [1798 to 1827]

He lived 1745 to 1836 and was High Court of the Admiralty judge [1798 to 1827].

In Dalrymple case, he decided that law of marriage location, not court location, decided validity.

He determined legality of capturing prize vessels at sea.

Domicile in peace is not necessarily the same as domicile in war. In war, neutral persons can be enemies. During war, citizen in enemy country is enemy.

Act of Union

law

Ireland

1800

England and Scotland union added Ireland, by Act of Union, after Wolf Tone of Ireland rebelled.

bankruptcy

law

USA

1800

USA allowed bankruptcy.

corporation

law

USA

1800

USA allowed corporations.

property

law

USA

1800

USA reformed property and estate laws.

mandamus

law

USA

1801

Judiciary Act of 1801

Act allowed Supreme Court to issue writs {mandamus} ordering officials to do legal acts.

Marbury vs. Madison

case

USA

1803

In case of Marbury vs. Madison, Chief Justice John Marshall held that courts could not issue writs ordering officials to do legal acts, because it was unconstitutional. This was the first case in which USA Supreme Court ruled on law constitutionality. Dred Scott case was the next.

Friedrich Karl von Savigny [Savigny, Friedrich Karl von]

lawyer

Germany

1803 to 1842

Law of Possession [1803]; System of Present Day Roman Law [1840 to 1849]; History of Roman Law in the Middle Ages [1815 to 1831]

He lived 1779 to 1861, was international lawyer, and started Historical School [1810 to 1842]. He emphasized Roman law and customs as the law basis. He first recreated classical law, contrasted Roman law to natural law, and tried to show how law had evolved.

Jean Jacques Regis Cambaceres [Cambaceres, Jean Jacques Regis]

lawyer

France

1804

Napoleonic Code [1804]

He lived 1753 to 1824 and helped make Code Napoleon [1804] about private law.

Code Napoléon

law

France

1804

Code Napoleon has Civil Code, Criminal Code, Civil Procedure, and Criminal Procedure and is basis of Continental law.

Codes of France

law

France

1804

Codes of France depended on natural law.

Slave Trade Act

law

England

1807

Wilburforce's efforts ended slave trading in British Empire.

Supreme Court

court

USA

1807

Number of judges on USA Supreme Court increased from six to seven.

voting law 1

law

USA

1809

Maryland gave vote to all male adults. New York and Massachusetts soon followed.

Fletcher vs. Peck

case

USA

1810

John Marshall, USA Supreme Court Chief Justice, declared a Georgia-legislature act unconstitutional. This was the first case in which USA Supreme Court ruled on state-law constitutionality.

Franz von Zeiller [Zeiller, Franz von]

lawyer

Vienna, Austria

1810

Austrian Civil Code [1810]

Martini lived 1726 to 1800. Zeiller lived 1751 to 1828. Maria Theresa of Holy Roman Empire asked for code of private law based on Roman law [1753]. Codex Thesarianus [1866] was long and ambiguous.

Codes of Austria

law

Austria

1811

Austrian law code depended on natural law.

James Kent [Kent, James]

lawyer

USA

1814 to 1824

Commentaries on American Law [1814]

He lived 1763 to 1847, was conservative Chancellor of New York State, and founded American equity system.

Karl Joseph Anton Mittermaier [Mittermaier, Karl Joseph Anton]

lawyer

Landshut, Germany

1815 to 1824

Critique of a Scientific Treatment of German Private Law [1815]; Foundations of Intent in German Private Law [1824]

He lived 1787 to 1867. His writings about criminal procedure resulted in German-law reforms.

Daniel Webster [Webster, Daniel]

lawyer/senator

USA

1816 to 1850

Dartmouth College v. Woodward [1819]; Gibbons v. Ogden [1821]; McCulloch v. Maryland [1824]; Webster-Ashburton Treaty [1842]

He lived 1782 to 1852, believed in Alexander Hamilton's ideas, was Whig, and argued Dartmouth College case about contracts and McCulloch vs. Maryland case about states' rights. He backed Compromise of 1850 to preserve union.

Trustees of Dartmouth College vs. Woodward [Dartmouth College vs. Woodward, Trustees of]

case

USA

1819

John Marshall, USA Supreme Court Chief Justice, declared New-Hampshire act that altered Dartmouth's charter unconstitutional, because it changed contract.

McCulloch vs. Maryland

case

USA

1819

John Marshall, USA Supreme Court Chief Justice, declared Maryland had no right to tax notes of National-Bank Baltimore branch or to tax federal government parts. He asserted that Congress had right to establish National Bank [created 1791]. This decision curbed states' rights and limited state sovereignty.

Pan-Americanism

doctrine

USA

1820

Henry Clay promulgated act.

Spanish Inquisition

inquisition

Spain

1820

Spanish Inquisition ended in Spain.

Henry Clay [Clay, Henry] or Great Pacificator or Great Compromiser

lawyer

USA

1820 to 1850

Missouri Compromise [1820]; Compromise of 1850 [1850]

He lived 1797 to 1852 and believed in Alexander Hamilton's ideas. He favored strong central government, high tariffs for business protection, Bank of USA, Missouri Compromise, and Compromise of 1850.

Emancipation Act

law

Britain

1821

Donald O'Connell in Ireland and Robert Peel in England led agreement that allowed Catholics in Britain and Ireland to be free and repealed Test Act.

Missouri Compromise

law

USA

1821

Act established slave and free areas, admitted Missouri and Maine to union, allowed both slave and free states to enter Union, and opened Utah Territory and New Mexico Territory to slavery.

Monroe Doctrine

law

USA

1823 to 1826

USA did not allow Europe to conquer or make colonies in Americas [1823]. Act prohibited foreign intervention in Americas [1826], but USA expanded into South America, causing resentment.

Gibbons vs. Ogden

case

USA

1824

John Marshall, USA Supreme Court Chief Justice, established that the federal government had exclusive, not just concurrent, power to regulate interstate commerce and that states can only regulate interstate commerce under federal law.

Brown vs. Maryland

case

USA

1826

John Marshall, USA Supreme Court Chief Justice, declared that Maryland not tax goods in state that held by importer just as received, because interstate commerce was under federal control.

New York

code

USA

1827

New York State codified laws. Most states then adopted law codes.

Francis Leiber [Leiber, Francis]

lawyer

Germany/USA

1829 to 1863

Encyclopaedia Americana [1829 to 1833: translated from Brockhaus encyclopedia]; Manual of Political Ethics [1838];

Essays on Property and Labor [1841]; On Civil Liberty and Self-Government [1853]; Instructions for the Government of Armies of the United States in the Field or General Order No. 100 [1863]

He lived 1800 to 1872 and established war rules for USA Civil War.

Catholic Emancipation Act

law

England

1830

Duke of Wellington, Prime Minister, passed it.

income

tax

USA

1830

Income taxes began in some states.

Indian Removal Act

law

USA

1830

Cherokee and four other tribes had to move from east to Indian Territory in Oklahoma.

Cherokee Nation vs. Georgia

case

USA

1831

Supreme Court denied right of American natives to sue states or set up nations.

John Austin [Austin, John]

lawyer

London, England

1832

Province of Jurisprudence Determined [1832]

He lived 1790 to 1859 and founded science of law in England. Laws are sovereign's commands, with threat of punishment. Subjects must obey. Permission from sovereign or obligation cancellation grants rights.

debt

law

USA

1832

Congress ended imprisonment for debt.

Great Reform Act

law

England

1832

Act increased voters by 50%.

Worcester vs. Georgia

case

USA

1832

Supreme Court allowed American natives to use their own law and land.

Slavery Act

law

England

1832 to 1834

Britain ended slavery in empire.

John C. Calhoun [Calhoun, John C.]

lawyer/senator/vice-president

South Carolina

1832 to 1850

On the Clay Compromise Measures [1850]

He lived 1782 to 1850 and believed in balanced powers and states' rights. In a tariff case {tariff of abominations}, he supported state right to declare federal law unconstitutional {nullification, Calhoun}. Vice-president and senator championed states' rights of veto and secession.

Joseph Story [Story, Joseph]

lawyer

Boston, Massachusetts

1833 to 1834

Commentaries on the Constitution of the United States [1833]; Commentaries on the Conflict of Laws [1834]

He lived 1779 to 1845 and wrote about bailments [1832], equity jurisprudence [1835 to 1836], equity pleadings [1838], agency [1839], partnership [1841], bills of exchange [1843], and promissory notes [1845].

Roger B. Taney [Taney, Roger B.]

chief justice

USA

1836 to 1864

He lived 1777 to 1864 and became USA Supreme Court Chief Justice [1836 to 1864].

Supreme Court

court

USA

1837

Number of judges increased from seven to nine.

Isaac Ray [Ray, Isaac]

lawyer

USA

1838

Treatise on Medical Jurisprudence of Insanity [1838]

He lived 1807 to 1881 and developed Doe-Ray insanity tests. Insanity is a fact for juries to decide.

McNaughton Rules or M'Naghten Rules

law

England/USA

1843 to 1957

Judges of House of Lords allowed defense of insanity against responsibility for crime [1843]. Insanity is mental disease that causes defect of reason, which causes defendant either not to know act's nature and quality or to know what he was doing but not that it was wrong.

Admiralty Law

law

USA

1845 to 1860

Admiralty Law changed to include all navigable water. Federal jurisdiction extended to all tidal waters.

commerce

law

USA

1845 to 1860

Public interest laws regulating railroads, canals, and banks began.

judges

law

USA

1845 to 1860

Judicial terms shortened. People elected judges, rather than having appointed judges.

normal school

school

USA

1845 to 1860

States began to pay for public education and trained teachers in special schools.

property

law

USA

1845 to 1860

Women received more property rights.

reformatories

prison

USA

1845 to 1860

Reformatories began for minors.

right to sue

law

USA

1845 to 1860

Third-party beneficiary had right to sue.

voting

law

USA

1845 to 1860

Law ended voting and office-holding restrictions based on religion or property.

Corn Law Repeal

law

England

1846

Act repealed Corn Laws, allowing free trade.

Savoy-Piedmont

constitution

Italy

1848.02

Constitution modified kingdom.

Tuscany

constitution

Tuscany

1848.02

Constitution modified kingdom.

Austria

constitution

Austria

1848.04 to 1848.10

Austria wrote constitution after revolt in Vienna. In October, Windischgratz ended revolt in Vienna.

Compromise of 1850

law

USA

1850

Act allowed both slave and free states to enter Union. California became a free state, and Utah and New Mexico became territories.

Reform Laws

law

England

1850

Laws gave right to vote to all citizens. Lord Shaftesbury introduced laws to stop women and children from working in coal mines, to have ten-hour workdays, and to create insane asylums.

Rudolf von Jhering [Jhering, Rudolf von]

lawyer

Germany

1852 to 1889

Spirit of Roman Law [1852 to 1878]; Struggle for Justice [1872]; Instrument of Law or Law as a Means to an End [1877 to 1883]; Jurisprudence in Jest and in Earnest [1884]; Intent to Possess [1889]

He lived 1818 to 1892 and was an international lawyer and Roman-law scholar.

Kansas-Nebraska Act

law

USA

1854

Congress repealed Missouri Compromise, opening whole Louisiana Territory to slavery if territory voted for slavery. Texas, Indian Territory (Oklahoma), Missouri, Kentucky, Virginia, and all southern states were already slave states.

Theodor Mommsen [Mommsen, Theodor]

lawyer/historian

Berlin, Germany

1855 to 1885

History of Rome [1855 and 1885]

He lived 1817 to 1903 and was an international lawyer and Roman-law historian.

Declaration of Paris

law

Paris, France

1856

Act was first international law code. It described naval war rules, ended privateering, established contraband rules, and established blockade rules. Most sea-faring nations signed.

Dred Scott vs. Sandford

case

USA

1857

USA Supreme Court ruled that slaves were always slaves, unless bought out, that Scott was not a citizen, though he had lived free for several years, and that Missouri Compromise was unconstitutional. Ruling increased tension between north and south USA.

Civil Service

law

England

1860

Britain's Civil Service formed.

Henry Maine [Maine, Henry]

lawyer

London, England

1861

Ancient Law [1861: law history]

He lived 1822 to 1888 and studied change from status system to contract system.

Oliver Wendell Holmes, Jr. [Holmes, Jr., Oliver Wendell]

chief justice/inventor

USA

1862 to 1932

stereoscope [1862]; Common Law [1881]

He lived 1841 to 1935. As USA Supreme Court Chief Justice [1902 to 1932], he emphasized human rights over property rights.

Homestead Act

law

USA

1862 to 1976

It entitled people to 160 acres of undeveloped land, to build homes. It replaced Preemption Act [1941]. It ended, except in Alaska, with Federal Land Policy and Management Act [1976]. Alaska ended homesteading [1986].

Supreme Court

court

USA

1863

Number of judges increased from nine to ten.

Geneva Convention

law

Geneva, Switzerland

1864

Act established rules for wounded soldiers. Nine states signed.

13th Amendment

constitution

USA

1865

Amendment abolished slavery.

Amnesty Proclamation

law

USA

1865

Act allowed South to organize itself, so North's military withdrew.

Black Codes

law

USA

1865

After Civil War, southern states prohibited intermarrying, required special labor contracts, apprenticed blacks under 18 without self-sufficient parents, imprisoned or apprenticed unemployed blacks over 18, and prohibited blacks from carrying firearms or knives.

Freedman's Bureau

department

USA

1865

Department helped freed slaves and war refugees.

Civil Rights Act

law

USA

1866

All Negroes became citizens.

Supreme Court

court

USA

1866

Number of judges decreased from ten to seven.

Reconstruction Acts

law

USA

1867

Laws placed military governments in Southern states. Congress had no southerners.

Reform Act

law

England

1867

Act changed Penal Laws.

Tour of Office Act

law

USA

1867

Act required President to obtain Senate's consent to remove officials appointed with Senate consent.

Declaration of St. Petersburg [St. Petersburg, Declaration of]

law

St. Petersburg, Russia

1868

Act established rules about explosive or inflammable projectiles.

Japanese

law

Japan

1868 to 1912

During Meiji period, Japan modernized law based on French and German law.

Supreme Court

court

USA

1869

Number of judges increased from seven to nine.

Land Act

law

England

1870

Act resolved some Irish Land Question problems. Charles Parnell and Michael Davitt led Home Rule party in Parliament and encouraged violence in Ireland.

Vatican Council

council

Rome, Italy

1870

Council stated that Pope was infallible on Roman Catholic Church matters.

Henry George [George, Henry]

lawyer

USA

1870 to 1877

Our Land and Land Policy [1870]; Progress and Poverty [1877]

He lived 1839 to 1897, was against laissez-faire, and favored taxing only real estate.

Brussels Conference

conference

Brussels, Belgium

1874

Conference used war rules of Francis Lieber for USA Civil War and proclaimed Declaration of Brussels. It prohibited pillage and bombardment of open towns and established occupation rules and prisoner-treatment rules. Britain did not ratify it, and it failed. Later, nations adopted its ideas.

Civil Rights Act

law

USA

1875

Act tried to end discrimination against blacks.

Judicature Acts

law

England

1875

Laws joined common law and equity.

common law courts

court

England

1876

Courts used equity, so equity prevailed over common law.

railway workers

strike

USA

1877

Baltimore & Ohio Railroad workers reacted to pay cuts that followed Panic of 1873. Then national railroad workers also struck. Pittsburgh and Chicago had rioting, and workers seized St. Louis and Toledo, until federal troops intervened.

Knights of Labor

labor union

USA

1880

First labor union in USA began.

Land Act

law

England

1881

Act gave Irish farmers good rent, fixed tenure, and land-sale control.

Chinese Exclusion Act

law

USA

1882

Act ended right of Chinese to come to USA.

Indian Territory

territory

Oklahoma/Arkansas

1882 to 1907

After Indian Removal Act [1830], Indian Intercourse Act [1834] established a territory. Cherokee, Chickasaw, Choctaw, Creek, and Seminole, the Five Civilized Tribes, of the South moved there along Trail of Tears and built Tulsa, Ardmore, Tahlequah, and Muskogee. Delaware, Cheyenne, and Apache also relocated there. Oklahoma Territory began [1890] in west Oklahoma. Indian Territory ended when Oklahoma became state [1907].

Civil Rights

case

USA

1883

Supreme Court declared Civil Rights Act unconstitutional, because it was about social, rather than legal, rights.

Civil Service Act

law

USA

1883

Act based government service more on competency than patronage.

Ex Parte Yarborough

case

USA

1884

USA Supreme Court allowed black people to seek relief from hindrance of voting rights.

Nixon vs. Herndon or Texas White Primary Case

case

USA

1885

USA Supreme Court established right of blacks to vote in primary elections.

First Home Rule Bill

law

England

1886

Ireland had home rule.

Dawes General Allotment Act

law

USA

1887

Act put American natives under legal protection and permanently gave families several hundred acres [increased in 1904].

labor-management

law

USA

1888

Federal commission mediated labor-management disputes.

Japan constitution

constitution

Japan

1889

Constitution formed a parliament.

Sioux Act

law

USA

1889

Lakota reservations delineated.

Classic vs. U.S.

case

USA

1890

USA Supreme Court established right of blacks to vote in primary elections.

Smith vs. Allwright

case

USA

1890

USA Supreme Court established right of blacks to vote in primary elections.

voting

law

Wyoming

1890

Women gained right to vote.

union

law

USA

1890 to 1920

Old rule in common law was to enjoin combinations that restrained trade. Court injunctions stopped picketing and boycotting.

York-Antwerp Rules

law

York, England/Antwerp, Belgium

1890 to 1950

Laws were about insurance losses [1890 and 1950].

Second Home Rule Bill

law

England

1893

Ireland gained increased home rule from England.

initiative

law

USA

1897 to 1898

initiative [1897]

States allowed citizens to gather signatures to put statutes directly before voters {initiative}|. Nebraska was the first locally, and South Carolina the first statewide.

referendum

law

USA

1897 to 1898

referendum [1897]

States allowed citizens to gather signatures to allow voters to judge statute {referendum}|. Nebraska was the first locally, and South Carolina the first statewide.

Open Door Policy

law

USA

1900

Act guaranteed equal trading rights for all nations in China.

Second Peace Conference

conference

The Hague, Netherlands

1900

Conference revised war rules by the Hague Declarations.

Wyndham Act

law

England

1903

Act allowed land purchases by tenants.

common carrier

law

USA

1906

Common carriers became responsible for injuries to employees, even if there was no negligence.

Hepburn Act

law

USA

1906

Act expanded Interstate Commerce Commission (ICC) power.

railway workers

law

USA

1906

Congress limited work hours of trainmen and telegraphers.

Roscoe Pound [Pound, Roscoe]

lawyer

USA

1906 to 1936

Causes of Popular Dissatisfaction with the Administration of Justice [1906]; Theory of Interests [1921]

He lived 1870 to 1964 and was dean of Harvard Law School [1916 to 1936]. He wrote about patterns of living together of actual people. Law must determine between conflicting interests. Law is tool for social engineering.

child labor

law

USA

1906 to 1950

Child labor laws were held unconstitutional, until 1950's.

Australian

ballot

USA

1908

By 1908, all states used secret ballot {Australian ballot}.

Declaration of London

law

London, United Kingdom

1908

Act established blockade, contraband, and naval war rules, but England did not ratify it.

Gentleman's Agreement

law

USA

1908

Act provided that Japan only issue emigration papers to USA-citizen relatives or to people who manage businesses.

minimum wage law

law

USA

1908

Congress passed law for minimum wage for women in industry, but Supreme Court declared it unconstitutional.

Muller vs. Oregon

case

USA

1908

USA Supreme Court, under Brandeis, said that law that prohibited women from working more than ten hours a day was constitutional.

recall

law

USA

1908

recall [1908]

Oregon and then other states allowed citizens to gather signatures to allow voters to remove official from office {recall from office}|.

Amended Land Purchase Act

law

England

1909

Act allowed land purchases by tenants.

Mann-Elkins Act

law

USA

1910

Act expanded Interstate Commerce Commission (ICC) power.

workmen's compensation

law

USA

1910

All states had workmen's compensation laws by 1910.

Charles Evans Hughes [Hughes, Charles Evans]

judge

USA

1910 to 1941

Supreme Court of the United States [1928]

He lived 1862 to 1948 and was USA Supreme Court Associate Justice [1910 to 1916 and 1930 to 1941].

Third Home Rule Bill

law

England

1912

Ireland gained increased home rule.

Department of Labor

department

USA

1913

It prepares workers for new and better jobs and protects workers. It includes Bureau of Labor Statistics.

Adamson Act

law

USA

1916

Act limited railway workers to eight work hours a day.

Louis D. Brandeis [Brandeis, Louis D.]

judge

USA

1916 to 1939

Erie Railroad Co. v. Tompkins [1938]

He lived 1856 to 1941 and was liberal USA Supreme Court Associate Justice [1916 to 1941] concerned about social justice. Constitution allows experimentation. Justices need to use what public thinks its interest is, not just law or policy.

Balfour Declaration

law

England

1917

Act pledged to form Jewish state in Palestine. 100,000 Jews then lived in Palestine.

Benedict XIV

pope

Rome, Italy

1917

Constitutions [1740 to 1758]

He lived 1675 to 1758.

Codex Juris Canonici or Code of Canon Law

law

Rome, Italy

1917

Codex Juris Canonici or Code of Canon Law [1917: new canon law code for church members]

Law, under Pope Benedict XV, replaced Corpus Juris Canonici [1582] of Pope Gregory XIII.

Espionage Act

law

USA

1917

Act suppressed dissent.

Immigration Law

law

USA

1917

Act required literacy test and set quotas.

Sedition Act

law

USA

1918

Act suppressed dissent.

16th Amendment

constitution

USA

1919 to 1933

Amendment prohibited alcohol sale, starting Prohibition. Organized crime started to make and sell alcohol. Democratic Party split over issue.

18th Amendment

constitution

USA

1920

Amendment gave women right to vote. Some women voted in England in 1918, and all in 1939. Women voted in France in 1946.

Clayton Anti-Trust Act

law

USA

1920

Act was against monopolies.

Fourth Home Rule Bill

law

England

1920

Northern Ireland became part of Great Britain.

Industrial Rehabilitation Act

law

USA

1920

Act protected injured workers.

Seamen's Act

law

USA

1920

Act exempted labor from anti-trust law. Senator LaFollette wrote it.

World Court or Permanent Court of International Justice

court

Switzerland

1920

League of Nations established court.

Duplex Printing Press Co. v. Deering

case

USA

1921

USA Supreme Court allowed injunctions against unions.

Immigration Law

law

USA

1921

Act required literacy test and set quotas.

Sheppard-Tower Act

law

USA

1921

Act gave federal aid for childbirth care.

Truax vs. Corrigan

case

USA

1921

USA Supreme Court allowed injunctions against unions.

Act of Congress

law
USA
1924
Native Americans became citizens.

Hague Rules

law
Brussels, Belgium
1924
Hague Rules [1924]
International maritime code developed.

Immigration Act

law
USA
1924
Act revised immigration quotas.

Clarence Darrow [Darrow, Clarence]

lawyer
USA
1924 to 1934
He lived 1857 to 1938 and defended at Leopold-Loeb trial [1924], Scopes "monkey trial" [1925], and Massie trial [1934].

Learned Hand

judge
USA
1924 to 1951
I Am an American Day Speech [1944]
He lived 1872 to 1961.

Scopes Trial or Scopes Monkey Trial

trial
USA
1925
Trial prosecuted teaching evolution in schools. Clarence Darrow defended Scopes. William Jennings Bryan helped prosecute.

Aristide Briand [Briand, Aristide]/Frank B. Kellogg [Kellogg, Frank B.]

law
Paris, France
1928
Briand-Kellogg Pact or Pact of Paris [1928]
Open to all nations, it prohibited war and forced peaceful settlements to be sought.

Benjamin Cardozo [Cardozo, Benjamin]

judge
USA
1932 to 1938
Nature of the Judicial Process [1921]
He lived 1870 to 1938 and was Supreme Court Associate Justice [1932 to 1938].

Banking Act

law
USA

1933

Act reformed banking. Gold standard ended.

Emergency Housing Division

department

USA

1933

Housing Corporation helped build houses.

Emergency Relief Act

law

USA

1933

Act set up aid to unemployed and purchased surpluses.

National Industrial Recovery Act

law

USA

1933

Act formed industry trade associations, to establish fair-trade laws. It set up collective bargaining, minimum wage, maximum hours, and import controls. Supreme Court declared it unconstitutional.

Norris-LaGuardia Act

law

USA

1933

Act prohibited injunctions against unions.

Public Works Administration

department

USA

1933

Department was for dams and other projects.

Resettlement Administration

department

USA

1933

Department was for rural housing.

Social Security Act

law

USA

1933

Act granted retirement and disability benefits.

Unemployment Relief Act/Civilian Conservation Corps

law

USA

1933

Act created Civilian Conservation Corps.

Wagner-Connally Labor Relations Act or Wagner Act

law

USA

1933

Act compelled collective bargaining, stopped employer tampering with union, and formed Labor Relations Board. It allowed labor leaders to talk to workers but not employers. It did not put controls on entrenched union leadership and did not require public incorporation or accounting.

Civil Works Administration

department

USA

1933 to 1934

Agency employed construction workers to build public buildings and bridges.

Agricultural Adjustment Act

law

USA

1933 to 1935

Act established price supports for food products and paid for reducing supplies. Supreme Court declared it unconstitutional [1935].

Civilian Conservation Corps

law

USA

1933 to 1942

Agency did outdoor work in camps by employing young men, who had to send money home to their families.

Indian Reorganization Act

law

USA

1934

All tribes became self-governing.

Securities Act/Securities and Exchange Act

law

USA

1934

Act created Securities and Exchange Commission and required information disclosure. Sarbanes-Oxley Act [2002] added to it.

kidnapping

law

USA

1936

Men kidnapped Charles Lindbergh's son and killed him, leading to federal laws against kidnapping.

Walsh-Healy Government Contracts Act

law

USA

1936

Act set wage and hours controls for government contract work.

Hugo Black [Black, Hugo]

judge

USA

1937 to 1971

Adamson v. California [1947]; Dennis v. United States [1951]; Engel v. Vitale [1962]; Gideon v. Wainwright [1963]
He lived 1886 to 1971 and was USA Supreme Court Associate Justice [1937 to 1971].

Food, Drug, and Cosmetic Act

law
USA
1938

It revised the 1906 Food and Drugs Act. Food and Drug Administration Modernization Act [1997] updates law.

Felix Frankfurter [Frankfurter, Felix]

judge
Austria/USA
1939 to 1962

He lived 1882 to 1965 and was USA Supreme Court Associate Justice [1939 to 1962].

Lend-Lease Act

law
USA
1941

Act lent and leased equipment to Allies.

Truman Proclamation

law
USA
1945

Act gave USA sovereignty over continental shelf and fisheries.

Nuremburg

trial
Nuremburg, Germany
1946

Nuremburg Nazi-war-criminal trials changed international law. They used laws passed after the acts {ex post facto law} {nullum crimen nulla poena sine lege}. They had no precedents. Aggressive war is crime. Aggressive-nation leaders are responsible for war, because people have duties to conscience that are higher than duties to state.

England nationalization

law
England
1947

England nationalized many industries under Labor Party.

Taft-Hartley Act

law
USA
1948

Act replaced Wagner Act labor laws.

Universal Declaration of Human Rights

law
Earth
1948
United Nations declared it.

Hoover Commission

commission
USA
1949
Herbert Hoover headed commission to study executive branch.

Administrative Procedures Act

law
USA
1950

Act established uniform laws for dealing with government agencies.

arbitration

law
USA
1950

Arbitration laws began.

declamatory judgment

law
USA
1950

Law allowed suit settlement by giving facts {declamatory judgment} but making no final judgment.

minors

law
USA
1950

Minors began to have special courts.

small claims

court
USA
1950

Small claims courts began.

Grenville Clark [Clark, Grenville]

attorney
USA

1950 to 1958

Plan for Peace [1950]; World Peace through World Law [1958: with Louis Sohn]

He lived 1882 to 1967.

Checkers Speech

speech
USA
1952

Richard Nixon spoke about involvement in the Alger Hiss case against Whittaker Chambers, because he investigated Communists.

Earl Warren [Warren, Earl]

chief justice
USA
1953 to 1969

He lived 1891 to 1974 and was USA Supreme Court Chief Justice [1953 to 1969]. USA Supreme Court ended legal segregation, forced one man-one vote legislatures, and defended rights of accused people.

diminished responsibility

law
England/USA
1957

Currently, English law allows defense of lower accountability {diminished responsibility} for crime. Accused was not in control of his mind and so was not responsible for his or her physical acts. Diminished responsibility includes

irresistible impulses and mental states different from those of ordinary human beings. Defense must prove diminished responsibility. Successful defense requires verdict of culpable homicide, instead of murder.

Uniform Commercial Code

law

USA

1960

Act is business law in all states, except for Louisiana.

Civil Rights Act

law

USA

1965

Act discontinued segregation.

American Indian Civil Rights Act

law

USA

1968

Act is Title II of Civil Rights Act of 1968. USA has more than 550 Native-American nations.

Hague-Visby Rules

law

Wisley, Germany

1968

Hague-Visby Rules or Brussels Protocol of Amendments to the Hague Rules [1968: Visby Amendments added to Hague Rules]

It increased limitation amounts in general and for containers. Visby is largest city on Gotland Island, which belongs to Sweden.

Code of Professional Responsibility

law

USA

1969

Code of Professional Responsibility [1969]

Code of Professional Responsibility requires lawyers to keep all conversations between lawyer and client confidential and has other duties.

Warren Burger [Burger, Warren]

chief justice

USA

1969 to 1986

He lived 1907 to 1995 and was USA Supreme Court Chief Justice [1969 to 1986].

William Rehnquist [Rehnquist, William]

judge

USA

1978 to 2005

He lived 1924 to 2005 and was USA Supreme Court Justice [1972 to 1986] and Chief Justice [1986 to 2005].

American lawyers

lawyer

USA

1990

Lawyers in USA number 350,000, with two-thirds in private practice.