



# The Making of the Common Law

*Paul Brand*

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## **The Making of the Common Law Paul Brand**

The history of the Common Law is not just a history of legal doctrine. It is also the history of the courts where that doctrine was shaped and of the lawyers, judges and clerks who ran the courts and made and applied legal rules in particular cases. This book, which brings together both published and unpublished essays, reflects this broader understanding of legal history. It complements the author's *The Origins of the English Legal Profession*.

Paul Brand describes the early history of the legal profession in both England and Ireland and uncovers fresh evidence on the beginnings of professional education. He reevaluates the significance of major changes in the organisation of the English courts in Henry II's reign and the transformation of the English judiciary which took place during the second half of the thirteenth century, periods of key importance in the shaping of the English legal system. Other essays review the contribution made to legal literature by Ralph de Hengham, the best known royal judge of the reign of Edward I, and shed new light on the life and times of Thomas Weyland, 'chief justice and felon'. An essay on the twelfth-century origins of English land law provides a critical introduction to the work of S.F.C. Milsom for the non-specialist.

Different mechanisms of legal change at work in the thirteenth century are examined in studies of the drafting of legislation, on the modification of Common Law remedies for unjust distraint of tenants by their lords and on the introduction of controls on alienations in mortmain.

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