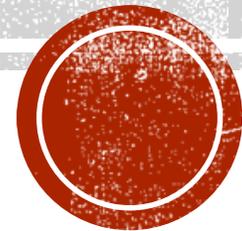


# THE DEVELOPMENT OF CANADIAN LAW



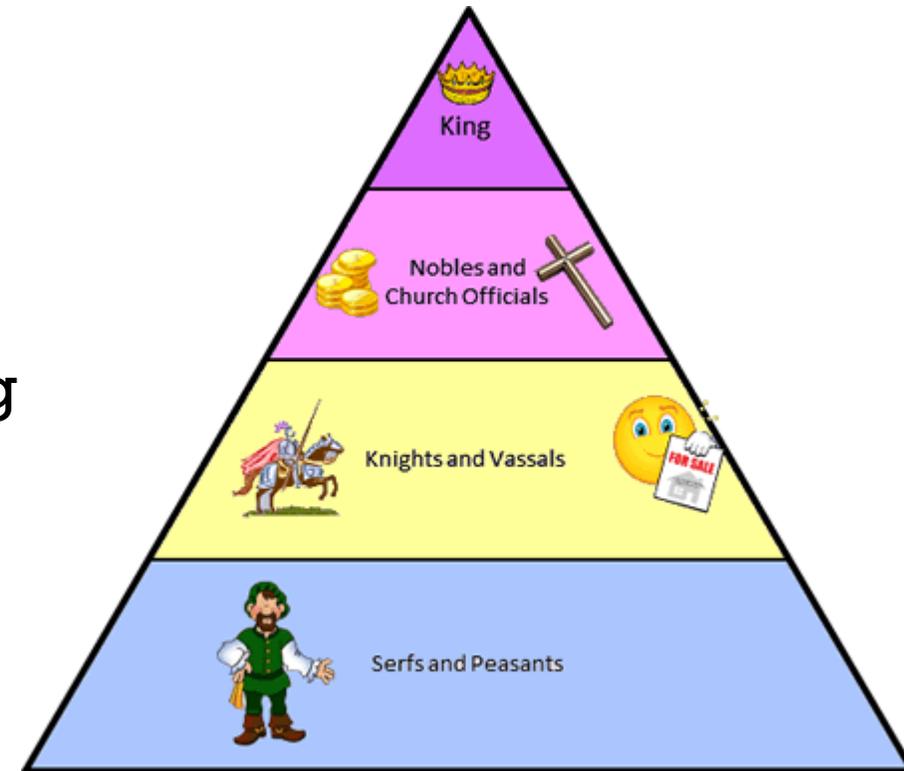
# THE DEVELOPMENT OF CANADIAN LAW

- Laws in Canada are based in France and England (Countries that colonized Canada)
- French law was codified and written down.
- English law was not until quite late in England's history.
  - Much of English laws are still not written down today.



# FEUDALISM

- In 1066 William, Duke of Normandy (in now France), invaded England and conquered it.
- As the king of England, William introduced a system of government called Feudalism.
- The king owned all the land and divided it among his lords and nobles. In return, the lords became the kings servants, and promised loyalty and military service. The lords had servants of their own who farmed the lands and gave part of their produce to the lords and churches.
- The Feudal system in England formed the basis for modern property law.



# COMMON LAW



- In England the King had appointed a number of judges to travel throughout England and hold hearings and trials for controversial or disputed cases.
- The judges met regularly in London to discuss cases and experiences.
- By the 13<sup>th</sup> century, the laws and punishments were similar for both criminal and civil cases.
- As judges developed regular punishments for specific crimes, these legal decisions became the basis of English common law. (Common to the whole of England)
- Because the legal system had become more just, it earned new respect.
- This common-law system was introduced to North America by the colonists who traveled here.



# PRECEDENT

- Common law is based upon an important principal known as the rule of precedent.
- A Precedent is something that has been done that can later serve as an example or rule for how other things should be done.
- Originally, these case decisions existed only in the judges head and were know as “unwritten law”
- Today, lawyers and judges refer to earlier decisions on cases that are identical or similar.



"Your Honor, I'd like to cite the precedent of 'Alien vs. Predator' ....



# CASE LAW

- As cases continued to increase, recording decisions became necessary.
- Many cases are recorded and published in paper and electronic copy.
- Common law is often referred to as case law.
- Each case is give an title, or citation, an can be searched for at law libraries.



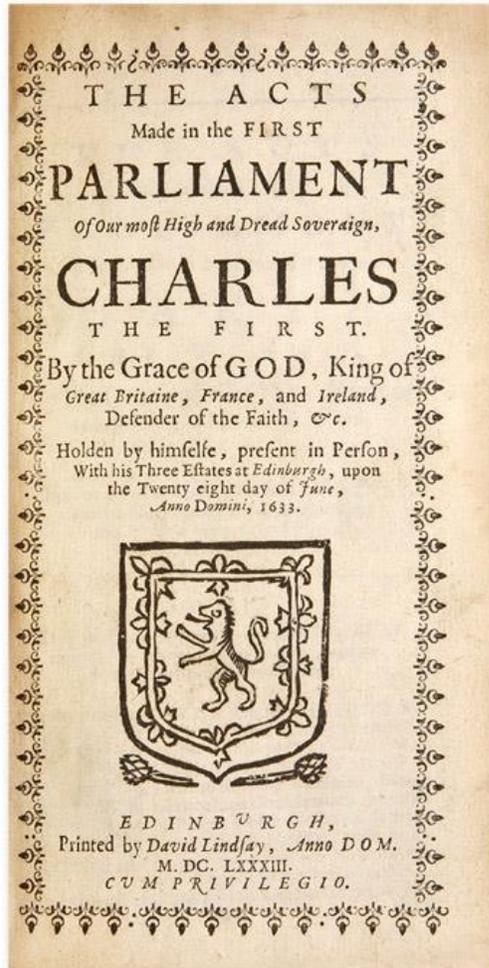
# THE RULE OF LAW



- During King John's reign he believed he was above the law, so the people forced him to sign the Magna Carta in 1215, this document recognized the principle of the rule of law.
- As a result, King John and all rulers after him had to obey the law.
- The Magna Carta also guaranteed the right of habeas corpus, which meant that any person would be seen in front of the courts if they were imprisoned without an explanation. The accused could be then released if held unlawfully, or tried by peers if charged.
- The rule of law brings order peoples lives by preventing use of violence or the abuse of human rights.



# PARLIAMENT REPLACES THE KING



- After a continual power struggle between the monarchy and parliament, the parliament eventually succeeded, and no future monarch could simply ignore Parliaments wishes.
- Over the next three centuries Parliament was increasingly seen as the institution that represented the people and their wishes, which was an important step in development of democracy.



# STATUTE LAW

- One of the most important functions of Parliament is to pass laws, or statutes.
- As society changes, common law and case law could not provide answers for every situation. So Parliament began to make new laws to deal with new situations.
- In addition, many common law decisions made by courts were codified by Parliament and became statute law.
- Members of public could now read the law and know what they said.

what are other  
words for  
statute law?



legislation, written law,  
codification, codified law,  
lawbook, legal code,  
statute book, law



 Thesaurus.plus

