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THAYER

A
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Preliminary Treatise On Evidence At Common Law

Scott C. Dulebohn



Preliminary Treatise On Evidence At Common Law:

A Preliminary Treatise on Evidence at the Common Law James Bradley Thayer, 1898 *The Law of Proof in Early Modern Equity* Michael R. T. Macnair, 2013-06-21 This volume is a systematic study of the rules of proof in English Courts of Equity between the later sixteenth and the early eighteenth century In this period the proof practices of the Courts of Equity were controversial as contemporary lawyers saw them as linked to the Civil Law and some perceived a threat to the Common Law tradition The reality of this linkage and threat has continued to be controversial among historians In addition this period saw the early stages of the development of the Common Law of Evidence which in modern law is a striking divergence from Civil Law systems The origins of the law of evidence have traditionally been linked to the need for judges to control the jury but this view has been subject to several recent critiques The Courts of Equity did not generally use jury trial This study considers Equity proof rules in their relationships to contemporary Civil and Canon Law proof conceptions medieval Common Law rules governing proof of facts and early Common Law evidence rules It concludes that Equity courts operated a variant of civilian proof concepts and mediated an influence of these concepts on the origins of the Common Law of Evidence These findings cast a new light on the debates on these origins and on the relationship between the Common Law and Civil Law traditions in early modern England

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functions of the jury and the court and by an investigation of certain important topics ordinarily but as it is believed improperly treated as belonging to the law of evidence to discriminate them from that part of the law and set them in their proper place In dealing with these matters the author has not spared time or labor and he trusts that his work may help to make clear the most difficult parts of what is ordinarily discussed in books on evidence About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books Find more at www.forgottenbooks.com This book is a reproduction of an important historical work Forgotten Books uses state of the art technology to digitally reconstruct the work preserving the original format whilst repairing imperfections present in the aged copy In rare cases an imperfection in the original such as a blemish or missing page may be replicated in our edition We do however repair the vast majority of imperfections successfully any imperfections that remain are intentionally left to preserve the state of such historical works **A**

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