

# COMMONWEALTH OF AUSTRALIA

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Family Name	
Given Names	
Student Number	
Teaching Period	Semester 2, 2016

<b>FINAL EXAMINATION</b>	<b>DURATION</b>				
<b>LWA110 – Legal History</b>	<table border="1"> <tr> <td>Reading Time:</td> <td><b>20</b> minutes</td> </tr> <tr> <td>Writing Time:</td> <td><b>180</b> minutes</td> </tr> </table>	Reading Time:	<b>20</b> minutes	Writing Time:	<b>180</b> minutes
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**INSTRUCTIONS TO CANDIDATES**

1. This examination paper contains **Ten (10) questions** from which candidates must answer **five (5) questions** of their choice.
2. Candidates **may choose**, and must answer, **any FIVE (5)** questions.
3. This examination accounts for fifty (50) assessment marks (50% of the unit assessment).
4. **Each question** is of equal **marking value of ten (10) marks** as set out immediately following each question.
5. Use only black or dark blue ink. Do not write in pencil.
6. Read ALL questions carefully.
7. Please ensure that your Name and Student Number are written clearly in the space provided at the top cover page of the examination answer booklet(s) and on this examination question paper.

**EXAM CONDITIONS**

**You may begin writing from the commencement of the examination session.** The reading time indicated above is provided as a guide only.

This is an OPEN BOOK examination

No calculators are permitted

Any handwritten material is permitted

Any hard copy, English dictionary is permitted (annotated allowed)

<b>ADDITIONAL AUTHORISED MATERIALS</b>	<b>EXAMINATION MATERIALS TO BE SUPPLIED</b>
Any printed material with the exception of CDU Library books	2 x 20 Page Book 2 x Scrap Paper

**THIS EXAMINATION IS PRINTED  
DOUBLE-SIDED.**

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## EXAMINATION QUESTION PAPER

### Candidates Must Choose and Answer Any Five (5) Questions

#### Question 1.

Explain, amplify and discuss this statement made by a learned author:

"Given the many vicissitudes of the tribes and peoples who inhabited Britain before the Normans, any search for the laws or customs of England before the emergence of the nation itself is bound to fail."

**(10 Marks)**

#### Question 2.

Give a description of the background of, and reasons for, this statement made by a learned author:

"Royal justice therefore steadily gained ground over the old "communal" institutions, not because of new constitutional theories, but because it suited both Crown and litigants that it should do so."

**(10 Marks)**

#### Question 3.

Define, explain, amplify and comment on the processes respectively called the Eyre and Assizes that were followed in Norman England, and subsequent times. How did those processes differ from the judicial institutions that prevailed prior to the invasion of 1066 AD?

**(10 Marks)**

#### Question 4.

"...the growing strength of the substantive law could also work injustice, because the judges preferred to suffer hardship in individual cases than to make exceptions to clear rules."

In particular, comment on the relevance of this observation to the evolution of equity.

**(10 Marks)**

### **Question 5.**

Explain and analyse, in terms of general civil liberties and human rights, the freedoms, status, privileges and obligations of the ordinary people who lived on the island of Britain (in the area now known as England) from and including Roman times through to the 14th century.

**(10 Marks)**

### **Question 6.**

Explain and analyse how and why the Royal Courts of Justice evolved in England after the Norman Conquest. In particular address these matters: What system of courts existed before the conquest? Did the Royal Courts replace that system? If so, by what process, on what authority, and for what reasons?

**(10 Marks)**

### **Question 7.**

Describe, explain and analyse the means by which the jury system became introduced into the law of the English speaking people. Where, how and when did it come from? How did it progress over the centuries?

**(10 Marks)**

### **Question 8.**

Describe, explain and analyse the concept in law of benefit of the clergy. Where, how and when did it come from? How did it progress over the centuries?

**(10 Marks)**

### **Question 9.**

Write an account of the achievements of Sir Edward Coke and his contributions to the legal and constitutional development of the English-speaking world.

**(10 Marks)**

### **Question 10.**

Write an account of the achievements of Lord Mansfield and his contributions to the development of the common law.

**(10 Marks)**

**End of Examination Question Paper**