

MODULE 1:

Legal Concepts – Law, Custom, Justice, Right, Duty, Wrong, Remedy, Fact, Person, Offence, State, Plaint, Complaints, Suit, Affidavit, Judgment, Appeal, Review, Revision, Reference, Writ, Stay Order, Injunction, Adjournment, Cause of Action, Issue, Charge, Bail, Ex-Parte, Discharge, Acquittal, Conviction, Legal heirs, Legal Representative, Power of Attorney, International Law, Arbitration, Jurisdiction, Amicus Curiae.

1. "Law":

Blackstone defines a term law-

"Law in its general and comprehensive sense, signifies a rule of action, and is applied indiscriminately to all kinds of actions, whether animate or inanimate, rational or irrational"

Salmond explains law-

"Law consists of the rules recognized and acted on in court of justice" The term 'law' is used in two senses, in the abstract sense, and in the concrete sense strict sense, it means, the system of law, as for instance-law of contract, law of defamation, etc. In its' concrete sense, it means Statute, Act, Ordinance or other exercise of legislative authority.

Several jurists and theorists have attempted to define the term "law". They have propounded their theories According to Natural Law theory,

"Law is the dictates of Reason". It consists of principles of right and wrong, just and unjust, moral and immoral. These principles can be discovered by the 'Reason of mankind. It is also known as "Divine law" being the order of God imposed upon men. It is the God made law. According to Thomas Aquinas, "Law is the command of higher God".

According to the Imperative theory of law propounded by Austin (Definition given by Austin), "Law is the command issued by the sovereign power".

According to the theory of Legal Realism, "Law is the decision of the Courts"

According to Prof. Hart, "Law is the system of rules"

Customary law-

Law based on custom is known as "Customary Law"

2) "Custom":

Custom means, a habitual behavior or course of conduct or practice followed by the people from long period.

Law, based on custom is known as customary law. In fact, custom is one of the most important sources of law.

Custom is a tradition of the people that governs a human conduct. Custom is the rule of conduct or action voluntarily and uniformly observed by the people. It consists of a rule of conduct approved and accepted by the community for generations.

It is the usage observed and followed by the people and recognised by the Court on the compliance of certain conditions.

Essentials of a valid custom:

In order to get recognition of law (recognition by Court),

1. The custom must be ancient;
2. The custom must be continuous;
3. The custom must be certain;
4. The custom must be reasonable;
5. The custom must be moral;
6. The custom should not be opposed to the statutory law; and
7. The custom should not be opposed to public policy.

Legal Language Notes

James Smith McMaster



Legal Language Notes:

United States Legal Language and Culture Teresa Brostoff, Ann Sinsheimer, 2013-05-30 In Legal English experienced educators and professors Teresa Kissane Brostoff and Ann Sinsheimer answer the needs of law students unfamiliar with the use of English in legal settings They introduce the student into a new world of study of the law by carefully guiding them through the vital skills and techniques they will need to feel comfortable and proficient in English speaking and American legal culture

English As a Legal Language Christine Rossini, 1998-09-18 English as a Legal Language is a lawyer's plain language guide to English legal terminology Anyone who finds it difficult to express legal terms in English simply looks under the general heading to find the relevant terms and their usage This book can also be used to find explanations of words from a translating dictionary Further it is structured as a thesaurus organized according to topic with an alphabetical index More and more lawyers need the English language But attempts to convert the language to meet one's own purpose often result in misconceptions English legal language has its roots in the Anglo American legal tradition and the non native speaking lawyer may have difficulty understanding a word choice in English without also seeing how it fits into legal thinking and relates to other words in the subject area as a whole English as a Legal Language offers a comparative lexicon of US and UK legal systems with references to European legal systems Special features of this work include The vocabulary of an entire area of law in each section A verb section which provides guidance on substantives adjectives adverbs phrases usage as well as sample sentences and clues about typical mistakes and An index which gives an alphabetical rendition of the topically ordered definitions essential for words that have multiple definitions All lawyers working in English and especially continental European lawyers will find this book indispensable in their practices The book is also of prime interest to business people accountants translators legal secretaries and students It will enable all practitioners and academics to express complex ideas in English to understand the intricacies of English as a legal language and to avoid the potential mishaps when language barriers prevent a true meeting of minds

Law Notes Albert Gibson, Robert McLean, 1904
Law Notes, 1919 *Investigating English Legal Genres in Academic and Professional Contexts* Girolamo Tessuto, 2013-01-11 This volume contributes to the latest studies in legal discourse studies by presenting a descriptive and interpretive analysis of English legal genres used in academic and professional writing contexts The results of corpora driven data are discussed through meta discourse genre and other theoretical perspectives and offer insights into the ways the writers discursive practices and meanings shape their membership of the legal community and discipline The volume attempts to show these id

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and his engagement with political and particularly legal thought and language in his major works demonstrating by thorough lexical analysis and illustrative readings how Spenser figured the nation both descriptively and prescriptively Legal Interpretation Kent Greenawalt,2010-11-24 In Legal Interpretation Kent Greenawalt focuses on the complex and multi faceted topic of textual interpretation of the law All law needs to be interpreted and there are many ways to do it He explores the ways in which interpretive strategies from other disciplines the philosophy of language literary and musical interpretation religious interpretation and general interpretive theory can augment and enrich methods of legal interpretation Over the course of the book Greenawalt suggests how such forms of interpretation are analogous to legal interpretation and points to those cases in which interpretation must rest on the distinctive aspects of legal theory such as is the case with private documents **Tacitus, Histories book i, ed. with intr., notes [&c.] by G.A. Davies** Publius Cornelius Tacitus,1896 McMaster's Commercial Cases.Current Business Law from the Decisions of the Highest Courts of the Several States James Smith McMaster,1907 Notes and Queries William John Thoms,1891 *Science* John Michels (Journalist),1885 Vols for 1911 13 contain the Proceedings of the Helminothological Society of Washington ISSN 0018 0120 1st 15th meeting A Text-book on Commercial Law Salter Storrs Clark,1892 The Southern Law Review ,1879 **Reports of Cases Adjudged and Determined in the Supreme Court of Judicature and Court for the Trial of Impeachments and Correction of Errors of the State of New York** Edwin Burrirt Smith,New York (State). Supreme Court,Ernest Hitchcock,1885 **Bouvier's Law Dictionary and Concise Encyclopedia** John Bouvier,1914 **Decennial Edition of the American Digest** ,1918

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