

## **Sixth lecture**

In the twelfth century, a group of judicial bodies emerged from this council, called the Royal Courts. These are exceptional courts, as they are specialized in examining and deciding specific disputes from which it is not permissible to deviate, they are:

- **Civil Court:** It is competent to decide disputes related to real estate, whether those related to assault on real property or those related to possession, as such disputes were decided by feudal courts based on the method of duel between the plaintiff and the defendant.

This jurisdiction was later assigned to the King's Court because this The latter is the original owner of all the land, and no one can dispute him over his land that belongs to him, With the issuance of the Magna Carta in the year 1215 by King John, the scope of jurisdiction of these courts expanded to include many issues related to protecting the right to property from any assault, With the issuance of the Magna Carta in the year 1215 by King John, the scope of jurisdiction of these courts expanded to include many issues related to protecting the right to property from any assault.

- **The Financial Court:** It is responsible for adjudicating all cases related to the resources of the royal treasury, such as tax disputes and debts owed to the Crown, and its sessions are chaired by the Minister of the Treasury.
- **The Criminal Court:** Its sessions are personally presided over by the King, which is responsible for adjudicating everything that was considered by the King's Special Council.

In addition to these exceptional courts, there are general state courts, which include district courts and feudal courts, which used to decide disputes based on local customs.

The British kings took the initiative to expand the powers of the royal courts and withdraw many of them from other courts. Thus, they began to look into the cases brought by their owners to redress injustice on their behalf. If a person approached the king asking him to provide relief from a dangerous aggressor, the king would issue a

written order that included ordering the defendant to appear before the council. If he responds and appears before the council, the king rules according to his conscience, and it becomes clear to him that he is the eye of justice, as he wants to establish security and justice within his kingdom, and this without taking into account the prevailing ancient customs that litigants are alienated from, and if he refuses to appear, the king orders him to be brought forcibly and he is tried on the basis of the charge of disobeying the king's order. And failure to comply with it.

With the passage of time, the King ceded accepting the petitions received by him to one of his advisors to accept them and issue written orders regarding them, whereby disputes between litigants were decided in the King's name.

However, the restricted jurisdiction of the royal courts to hear certain lawsuits and disputes and not others make it difficult for litigants to resort to these courts despite their strong desire to do so, especially since these courts, in order to decide disputes before them, follow more advanced means of proof, as they used to rule based on evidence and everything that helps.

To reveal the truth, such as obliging witnesses to attend, in addition to ensuring the implementation of the rulings issued by it, because it draws its authority from the person with authority and influence, which is the king, this prompted the litigants to resort to some formal tricks in order to be able to file their lawsuit before these courts. The creditor whose debtor refused to pay his debt was basing his claim on the fact that he owed tax to the king's treasury, but he was unable to pay his debt to the latter due to the original debtor's refusal to pay him.

In his religion, which would allow for the jurisdiction of the Financial Court to be established as it is competent to adjudicate all disputes related to treasury resources. As a result, the jurisdiction of the Royal Courts expanded, and they decided on all cases, regardless of their type, subject, or even nature, whether related to the interests of individuals or the interests of the state. This is the main reason behind the law in England not being divided into general and private, as there is one law that applies to... All issues are common law.

In order to carry out their duties and decide people's disputes, the royal courts moved between different parts of England, seeking the help of specialists in the prevailing customs in each region in order to resolve disputes. They applied what was consistent with the conscience of the king who sought to achieve justice, and accordingly excluded what contradicted this doctrine.

The situation continued in this state until the thirteenth century, when these courts were based in the city of London, and were known as the "Westminster Courts" in reference to the neighborhood in which they held their sessions. Their jurisdiction expanded to adjudicate and consider all disputes without restriction and whatever It

was its nature, and based on that, general and comprehensive rules were determined from its provisions known as the “Common Law”.

The exaggeration in issuing royal and written orders by the king’s advisors led to the stagnation of the Common Law. This is due, on the first hand, to achieving the king’s desire to establish a unified judicial system and establish a general law, and on the second hand, to the fact that the advisor receives a financial sum for every order he issues. The judges of the royal courts did not collect their wages from the king’s treasury, but from the litigants themselves.

The great positives and advantages introduced by the royal courts led to a large number of litigants resorting to these courts, and in return they were reluctant to submit their cases to the feudal courts, which resulted in a reduction in the influence of the feudal lords and a decline in their resources, which led them to protest to King Henry III, who issued a response to that. The First Edict of Westminster in 1253 included an order to the Chancellor to stop issuing any order except in accordance with a decision issued by the King in his Privy Council.

In the year 1285, King Edward I issued a decree called “Westminster II,” which reduced the severity of the first decree of Westminster, as it authorized the chancellor to issue orders in cases if they were similar to cases in which orders had previously been issued before the date of this decree’s issuance, which caused the development of the Common Law has stopped.

The role of judicial procedures in dealing with the stagnation of the Common Law: One of the first results of the implementation of the Second Westminster Decree was the failure of the royal courts to decide on new disputes unless they were similar to previous cases. Here, judicial procedures intervened strongly, as the jurists turned to technical means that facilitated them.

Drawing similarities between previous cases and new cases presented for consideration and adjudication, which made jurists pay great attention to judicial procedures beyond their interest in the origin of the right in the lawsuit,- Their effort focused on searching for means and techniques that show the similarity between a case that was previously decided based on an order issued by the advisor and a new case for which no order was issued, relying in this on the method of measuring or balancing between cases, as they rely in this on the set of judicial rulings that were It is collected annually and is called the Year Book, which inevitably reflects the role of procedures in establishing judicial precedent, as it has become an essential source of English law.