

Vocabulary for Week I -

Look up the following words, terms, phrases, etc., in an *unabridged* law dictionary and read the full definitions. Write the relevant definition into your notes. (Some of the proper names and Latin phrases may not appear in a law dictionary in which case you may need to identify them by looking in another dictionary or your favorite online encyclopedia.)

declaration
certiorari
verdict
possess
ferae naturae
occupancy
possession
ownership
title
demurrer
trespass
trespass *quare clausum fregit*
trespass *de bonis asportatis*
trespass on the case
trover
replevin
ejectment
ratione soli
Justinian's Institutes
Corpus juris secundum
Fleta

Bracton
Puffendorf
Bynkershock
Barbeyrac
Blackstone
natural law
positive law
hostem humani generis
de mortuis nil nisi bonum
digest
pandects
tempora mutantur
municipal
seisin

FLETA [Fleta] , treatise of unknown authorship on the English common law, written in the late 13th cent. Its name is derived from the belief that it was written in the old Fleet Prison. The book is almost entirely based upon the work of Henry de [Bracton](#) . The name is sometimes spelled Fleda.

BRACTON, HENRY DE [Bracton, Henry de] d. 1268, English writer on law. He was the author of *De legibus et consuetudinibus Angliae* [on the laws and customs of England], a broad, philosophic treatise that is often called the most important work on English law before that of Sir William [Blackstone](#) . Sir Edward [Coke](#) and others used the work in their legal arguments against the king in the English civil war.

Pufendorf, Samuel or Puffendorf, Freiherr von (1632–94) Jurist whose main contribution was to international law. Born near Chemnitz, Saxony, he studied law at Leipzig and Jena, and taught at Heidelberg and Lund. He was imprisoned by the Danes because of his contact with the Swedish ambassador, whose sons he tutored in Copenhagen. While in prison he wrote The Elements of Universal Jurisprudence (1660). His main work, written at Lund, was On Natural Law and the Law of Nations (1670). He also wrote On the Duty of Man and of the Citizen (1671), and On the Relation between Church ...

Jean Barbeyrac ([March 15, 1674](#) ? [March 3, 1744](#)) was a [French jurist](#).

Born at [Béziers](#) in [Lower Languedoc](#), the nephew of [Charles Barbeyrac](#), a distinguished [physician](#) of [Montpellier](#). He moved with his family into [Switzerland](#) after the [revocation of the Edict of Nantes](#). After spending some time at [Geneva](#) and [Frankfurt am Main](#), he became professor of belles-lettres in the French school of Berlin. Then, in [1711](#), he was called to the professorship of [history](#) and [civil law](#) at [Lausanne](#), and finally settled as professor of public law at [Groningen](#). He was an advocat of the "dignitas et utilitas juris ac historiarum et utriusque amica conjunctio".

His fame rests chiefly on the preface and notes to his translation of [Pufendorf](#)'s treatise *De Jure Naturae et Gentium*. In fundamental principles he follows almost entirely [Locke](#) and [Pufendorf](#); but he works out with great skill the theory of moral obligation, referring it to the command or will of God. He indicates the distinction, developed more fully by [Thomasius](#) and [Kant](#), between the legal and the moral qualities of action. The principles of international law he reduces to those of the law of nature, and combats, in so doing, many of the positions taken up by Grotius. He rejects the notion that sovereignty in any way resembles property, and makes even marriage a

matter of civil contract. Barbeyrac also translated [Grotius's](#) *De Jure Belli et Pacis*, Cumberland's *De Legibus Naturae*, and Pufendorf's smaller treatise *De Officio Hominis et Civis*.

Among his own productions are a treatise, *De la morale des pères*, a history of ancient treaties contained in the *Supplément au grand corps diplomatique*, and the curious *Traité du jeu* ([1709](#)), in which he defends the morality of games of chance.