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About the Author: Henry Bratton' Life

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Abstract: This research is mainly talking about Henry Bracton's life and his legendary story, especially, his contribution to the country. What he had done gave a signal to the change of the country's reform in the long history. His personality is also very influent to those people who had been with him.

Keywords: Contribution; Country; History

1 His life

Few people know about Henry Bratton's early life. The exact date of his birth is unknown, but he is thought to have been born in England around 1210, during the reign of King John. He died in 1268, before the reign of Henry III ended. He lived through a very important period, including the ratification of the Magna Carta and the Battle of Evesham[1].

He is thought to have been born in Devon. There are two parishes, Bratton-Clovelly and Bratton-Fleming. Most authorities believe he was born in Bratton-Clovelly, so the correct form of his name is Bracton, not Bratton (as he is often called). It is said that he studied at Oxford University and got his doctorate in civil law and artillery law.

Bracton was appointed circuit judge in 1245 and was a judge for the Royal Family (" before the Monarch ") from 1247 to 1250. He held this office again from 1253 to 1257. From 1245, he served as judge until 1267, presiding before Eyre, Devon or other counties, or before King Henry III. He retired in 1257, but continued to serve on the Judicial Committee. In 1265, he became Chief Justice of England under Henry III.

Like many jurists of his time, Bracton was a member of the clergy. In 1263, he was appointed deacon of Barnstable. In the same year, he left Barnstable to become headmaster of Exeter Cathedral. He lived in Exeter until his death in 1268. Bracton was buried at an altar in Exeter Cathedral. There he established a permanent donation to his soul[2].

2 His work

He is famous for the famous book De Legibus et Consuetudinibus Angliae. The thought spark of the rule of law in the game between the rule of law and the royal power in the Medieval English intelligentsia -- "The king is under God and the law", was also widely spread in the western history through this great work.

On the law of England and the habits of such a king in the 13th century, civil action's high court, in court assize file case, on the basis of fusion Corpus Juris and continental law and Canon law theory of the essence, in the UK was the guidance of the judicial practice of pioneering work, masterpiece, has high reputation. Frederic William Maitland called it "the crown and flower of Medieval English jurisprudence" and William Searle Holdswort argues that Brakton's achievement was "unmatched in style or completeness of discourse" before William Blackstone completed his "Commentary" in the 18th century[3][4].

De Legibus was an instant success and became the pioneer of many other legal papers. It is generally regarded as the most important English law work before Sir William Blackstone in the 18th century. Some authorities believe that others wrote the book in the 1220s and 1230s, although Braxton was the last owner of the original manuscript, and it is likely that he supplemented it later.

3 Historical context

3.1 The signing of the Magna Carta

At the beginning of the 13th century, King John of England came to the throne and fought with the French king on the mainland, losing Normandy, Anjou, and other places one after another. In 1214, despite the opposition of his princes, John joined forces with the German emperors Otto and The Count of Flanders to attack France. John and his Allies were completely defeated in a decisive battle in Bouvines, France. John fled back to England. Under great pressure, John signed the Magna Carta at Runny Mede on June 15, 1215. It mainly reflects the characteristics of the feudal political system in Western Europe, that is, the king is only the "first among equals" of nobles, without more power.[5]

3.2 The battle of Evsham

The Battle of Evesham (4 August 1265) was one of the two major battles of the Second Earl's War in England in the 13th century. It took place on 4 August 1265, near the town of Evesham in Worcestershire. DE Montfort won control of the royal government at the

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Battle of Lewis, but found himself on the defensive after several close Allies defected and the imprisoned Prince Edward fled. He was forced to fight royalists at Evesham, facing an army twice as large as his own. The battle soon turned into a massacre, and DE Montfort himself was killed, his body incomplete. Although the battle effectively restored royal authority, sporadic resistance remained until the Declaration of Kenilworth was signed in 1267.

4 Summary & interpretation

My part 282-290 in Bracton mainly talks about action. Action can be defined by the right of pursuing in a judicial proceeding what is due to one (Bracton 282). Actions are produced by obligations, and obligations originated by either ex contractu or quasi ex contractu or ex maleficio or quasi ex maleficio. To figure out action, we should firstly see what an obligation is. As mother of action, obligations are a kind of legal bond that constrained people, and it contracted by words, writing, consent and conjunction (Bracton 283).

Sometimes a condition is determined by a condition. Conditions relating to the past or present either invalidate the obligation immediately or are never suspenseful. However uncertain we may be of these matters, those essentially certain events do not delay the obligation in any way. An act can also be the object of a rule, such as a rule to do something or not to do something. If a no-energy rule is proposed, it will be invalid unless a time rule is added to provide a possibility. (Bracton 285)[6]

In the stipulation part, firstly, it should be made absolutely or for a future day or subject to a condition. If not, then it will be invalid. An action can also be the object of a stipulation. A stipulation may be judicial or conventional, and the king's court would not interference. If several things are made the object of a stipulation, promisor ought to answer one by one. A dumb and a deaf cannot stipulate, because they can't get the edge. Crazy people are no better than babies because their decisions are not mature enough. (Bracton 286)

Rules and obligations are made so that everyone has access to what is in their interest. A person is bound by written documents. If a person states in writing that he owes a debt, he cannot deny it. Obligations are made not only by writing and writing, but also by consent, as in a contract for sale, lease, etc., which is based on mutual consent. In these contracts, each party has an obligation to the other. This is also true in consumer loans, written debt, and many other contracts. In the use of loans, deposits and other similar loans, although there is no mutual obligation at the beginning, such obligation may occur later due to the expenses incurred in connection with loans or deposits and the like. (Bracton 287)[7]

We have to recognize who we are and take responsibility for the obligation. We must also see how an obligation disappears. It can be eliminated by an exception or by an agreement. 1. To make an exception by force majeure, as when a person is declared innocent by a judgment. 2. Adoption of exceptions to the statute of limitations. Time is also a way of eliminating obligations through acquiescence and negligence. Obligations can also be destroyed by the death of one or both of the parties. An obligation is also discharged by acceptilation, which is called a fictitious payment. That is, to pretend that the other person's obligations have been fulfilled. An acceptilation may be a total obligation or a partial obligation. When an obligation is transferred from one person to another who undertakes it, the obligation is also fulfilled through substitution.[8]

Duty is extinguished by confusion. The above comments are true if the discharge of the obligation is a tangible thing contained in the obligation; Immaterial things, such as servitude or other immaterial rights, can be achieved by means of uniform, by daily habit and use. Obligations terminate in the same manner as a contract is entered into. One becomes effective in writing, one by mutual consent, and one by uniform. (Bracton 288, 289)[9][10]

Obligation also arises maliciously or quasi - from previous words and deeds. There are crimes as well as misdemeanors, such as blasphemy, murder, theft and robbery, trespass and disciplinary offences. For another thing, Everything wrongfully done may be called an injuria. Failure to observe cheating must be a violation. Therefore, we must consider the intent and purpose, as well as what has been done or said, in order to determine the next action and punishment. For remove intention, every act will be indifferent. Your intention determines your action. Unless there is an intention to harm, it does not constitute a crime. The duty of a lawgiver to the person he has committed shall not be extinguished by punishment, except by the death of both or the other party. No punishment shall exceed that of the transgressor, for no one shall be punished who has not been negligent. (Bracton 289,290)

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