

Common Law ^[1]

Common Law

by John V. Orth, 2006

Common Law is the system of legal rules developed over the centuries by English judges in their decisions on cases. Being familiar to the early settlers of North Carolina, the common law was naturally applied during the [colonial period](#) ^[2]; a [statute of 1715](#) ^[3] required it. After [American independence](#) ^[4], legislation was passed making the common law the rule in the state unless specifically altered; the North Carolina [Supreme Court](#) ^[5] has consistently defined the "common law" referred to in this statute as that which was in force in England on 4 July 1776. This interpretation remains valid in the state. Undoubtedly, the best source for eighteenth-century common law is [Sir William Blackstone](#) ^[6]'s four-volume *Commentaries on the Laws of England* ^[7], first published between 1765 and 1769.

Additional Resources:

The Common Law in Colonial America: Volume II: The Middle Colonies, by William E. Nelson. View libraries carrying this book: https://www.worldcat.org/title/common-law-in-colonial-america-volume-2-the-middle-colonies-and-the-carolinas-1660-1730/oclc/931036317&referer=brief_results ^[8].

Common Law, NCGA: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_4/GS_4-1.html ^[3]

Subjects:

[Colonial period \(1600-1763\)](#) ^[9]

[Law and legal history](#) ^[10]

Authors:

[Orth, John V.](#) ^[11]

From:

[Encyclopedia of North Carolina, University of North Carolina Press.](#) ^[12]

1 January 2006 | Orth, John V.

Source URL: <https://www.ncpedia.org/common-law>

Links

^[1] <https://www.ncpedia.org/common-law> ^[2] <https://www.ncpedia.org/colonial-period-overview> ^[3] http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_4/GS_4-1.html ^[4] <https://www.ncpedia.org/american-revolution> ^[5] <https://www.ncpedia.org/supreme-court-north-carolina> ^[6] <http://www.britannica.com/EBchecked/topic/68589/Sir-William-Blackstone> ^[7] https://avalon.law.yale.edu/subject_menus/blackstone.asp ^[8] https://www.worldcat.org/title/common-law-in-colonial-america-volume-2-the-middle-colonies-and-the-carolinas-1660-1730/oclc/931036317&referer=brief_results ^[9] <https://www.ncpedia.org/category/subjects/colonial-period> ^[10] <https://www.ncpedia.org/category/subjects/laws> ^[11] <https://www.ncpedia.org/category/authors/orth-john-v> ^[12] <https://www.ncpedia.org/category/entry-source/encyclopedia->