

<<英美普通法读写教程>>

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## <<英美普通法读写教程>>

### 内容概要

《普通高等教育“十二五”重点规划教材：英美普通法读写教程》以英美法体系为对象，介绍了英美普通法的组织构成、法律来源及法律程序，以丰富的文献为基础，着重于案例的分析与法律文书的写作，旨在帮助读者提高阅读分析法律案例以及撰写法律文书的能力。

《普通高等教育“十二五”重点规划教材：英美普通法读写教程》作为“新核心大学英语”系列教程之一，既可供法律专业学生学习英美法使用，也适合非法科学生学习法律英语使用。

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### 作者简介

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主要研究和授课领域为比较法（民商、信托法）、国际金融法和法律英语。

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the source of authority for federal laws and the federal courts. Each state has authority over persons and activities within its boundaries. State governments, in turn, delegate some authority to local governments. Each of these governmental units may, within certain constraints, make law. Generally there are three branches of the government: the legislature, the administrative agencies, and the judiciary. Each of them makes a different kind of law. Legislatures create statutory law by passing bills, which become law when signed by the executive. Agencies create administrative law, consisting of rules and decisions issued by the agencies. Finally, the judiciary makes common law, sometimes informally referred to as judge-made law, which is found in court decisions. Federal statutory, administrative, and common law apply throughout the United States; a state's statutory, administrative, and common law apply only in that state. These sources form a hierarchy with constitutions at the top and judge-made laws at the bottom.

3.2.1 Constitutions  
Constitutions include the United States Constitution and constitutions of each state. Within a jurisdiction, the constitution is the highest authority; statutes, regulations, and common law must not conflict with the constitution. The most important source of law in the United States is the Constitution of the United States which separates the government into the three coordinated branches, grants certain enumerated powers to each of these branches, reserves certain powers to the states, and sets limits on the power of the federal and state governments to enact certain kinds of legislation or to engage in certain kinds of activities relating to their citizens. The United States Constitution sets the standards against which all federal and state law is ultimately measured, and it applies throughout the country. Each state in the United States has also adopted a constitution which sets out both the form and operation of government in that state and also places certain limits on its power. The state constitution applies only within that state's boundaries. Constitutions are normally reprinted in statutory compilations at both the federal and state levels.

3.2.2 Statutes  
Statutes are another important source of law in the United States. While the constitutions address broader, more fundamental, and timeless matters of government structure and power, statutes deal with particular problems as they arise. Statutes refer to the enactments of the legislative bodies including acts of Congress, statutes of federal and state legislatures, and ordinances of local governing bodies acting within the powers conferred on them by state legislatures. Statutes create categorical rules to address particular problems. Unless and until a statute is declared to be unconstitutional, it is controlling as to the subject it encompasses.

The U.S. statutory law is found in session laws and statutory codes. The statutes are arranged in a chronological order of their enactment in the session laws, while arranged according to subject matter in the statutory codes, for example, all criminal laws are grouped together regardless of the dates on which the individual criminal statutes were passed. At the federal level, the session laws are found in the series called Statutes At Large (abbreviated as "Sta. "); the codified version is found in the United States Code (U.S.C.) and in two commercially published editions, United States Code Annotated (U.S.C.A.) and United States Code Service (U.S.C.S.).

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